

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 667
Committee Substitute Favorable 5/6/09
Senate Commerce Committee Substitute Adopted 7/14/09

Short Title: 2009 Viticulture/Enology Act.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO SELL UNFORTIFIED WINE AT A NON-CAMPUS LOCATION, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS, AND TO AMEND THE DEFINITION OF SPORTS CLUB TO INCLUDE CERTAIN EQUESTRIAN CENTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-103 is amended by adding a new subdivision to read:

"(5a) The manufacture, possession, and consumption of alcoholic beverages for the purpose of conducting scientific, chemical, pharmaceutical, mechanical, industrial, and educational research in connection with teaching, research, or extension programs conducted by, or under the supervision of, an instructor at an accredited community college, public or private college or university, or an extension agent in connection with educational programs and activities offered by the North Carolina Cooperative Extension Service."

SECTION 2. G.S. 18B-1114.4(a) reads as rewritten:

"(a) Authorization. – The holder of a viticulture/enology course authorization may:

- (1) Manufacture wine from grapes grown on the school's campus or the school's contracted or leased property for the purpose of providing instruction and education on the making of unfortified wines.
- (2) Possess wines manufactured during the viticulture/enology program for the purpose of conducting wine-tasting seminars and classes for students who are 21 years of age or older.
- (3) Sell wines produced during the course to wholesalers or to retailers upon obtaining a wine wholesaler permit under G.S. 18B-1107, except that the permittee may not receive shipments of wines from other producers.
- (4) Sell wines produced during the course, upon obtaining a permit under G.S. 18B-1001(4)."



1 **SECTION 3.** G.S. 18B-1001(4) reads as rewritten:

2 "(4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified wine
3 permit authorizes the retail sale of unfortified wine in the manufacturer's
4 original container for consumption off the premises and it authorizes the
5 holder of the permit to ship unfortified wine in closed containers to
6 individual purchasers inside and outside the State. The permit may be issued
7 for retail businesses. The permit may be issued to the holder of a
8 viticulture/enology course authorization under G.S. 18B-1114.4. A school
9 obtaining a permit under this subdivision is authorized to sell wines
10 manufactured during its viticulture/enology program at one non-campus
11 location in a county where the permittee holds and offers classes on a regular
12 full-time basis in a facility owned by the permittee. The permit may also be
13 issued for a winery or a wine producer for sale of its own unfortified ~~wine.~~
14 wine during hours when the winery or wine producer's premises is open to
15 the public, subject to any local ordinance adopted pursuant to
16 G.S. 18B-1004(d) concerning hours for the retail sale of unfortified wine. A
17 winery obtaining a permit under this subdivision is authorized to sell wine
18 manufactured by the winery at one additional location in the county under
19 the same conditions specified in G.S. 18B-1101(5) for the sale of wine at the
20 winery; provided, however, that no other alcohol sales shall be authorized at
21 the additional location. Orders received by a winery by telephone, Internet,
22 mail, facsimile, or other off-premises means of communication shall be
23 shipped pursuant to a wine shipper permit and not pursuant to this
24 subdivision."

25 **SECTION 4.** G.S. 18B-1000(8) reads as rewritten:

26 "(8) Sports club. – An establishment that meets either of the following
27 requirements:
28 a. The establishment is substantially engaged in the business of
29 providing equine boarding, training, and coaching services, and the
30 establishment offers on-site dining, lodging, and meeting facilities
31 and hosts horse trials and other events sanctioned or endorsed by the
32 United States Equestrian Federation, Inc.; or
33 b. The establishment is substantially engaged in the business of
34 providing an 18-hole golf course, two or more tennis courts, or both.
35 The sports club can either be open to the general public or to members and
36 their guests. To qualify as a sports club, an establishment's gross receipts for
37 club activities shall be greater than its gross receipts for alcoholic beverages.
38 This provision does not prohibit a sports club from operating a restaurant.
39 Receipts for food shall be included in with the club activity fee."

40 **SECTION 5.** This act is effective when it becomes law.