

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 90
Committee Substitute Favorable 3/17/11

Short Title: Confectioners may use up to 5% Alcohol By Vol.

(Public)

Sponsors:

Referred to:

February 15, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH
3 CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 106-129(3) reads as rewritten:

6 "(3) If it is confectionery, and:

- 7 a. Has partially or completely imbedded therein any nonnutritive
8 object: Provided, that this clause shall not apply in the case of any
9 nonnutritive object if, in the judgment of the Board of Agriculture as
10 provided by regulations, such object is of practical functional value
11 to the confectionery product and would not render the product
12 injurious or hazardous to health; or
13 b. Bears or contains ~~any alcohol other than alcohol not in excess of one~~
14 ~~half of one per centum (0.5%) by volume derived solely from the use~~
15 ~~of flavoring extracts; or more than five percent (5%) alcohol by~~
16 volume. Confectionery that contains more than five-tenths of one
17 percent (0.5%) alcohol by volume shall conspicuously bear a label
18 indicating alcohol content; or
19 c. Bears or contains any nonnutritive substance: Provided, that this
20 clause shall not apply to a safe nonnutritive substance which is in or
21 on confectionery by reason of its use for some practical functional
22 purpose in the manufacture, packaging, or storing of such
23 confectionery if the use of the substance does not promote deception
24 of the consumer or otherwise result in adulteration or misbranding in
25 violation of any provision of this Article; and provided further, that
26 the Board may, for the purpose of avoiding or resolving uncertainty
27 as to the application of this clause, issue regulations allowing or
28 prohibiting the use of particular nonnutritive substances."

29 **SECTION 2.** This act is effective when it becomes law.



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