

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE DRS25009-ML-49 (01/28)

Short Title: Liquor Sales - Permitted Distilleries.

(Public)

Sponsors: Senator Gunn (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW DISTILLERY PERMIT HOLDERS TO SELL SPIRITUOUS LIQUOR  
3 DISTILLED ON PREMISES TO VISITORS OF THE DISTILLERY FOR  
4 CONSUMPTION OFF THE PREMISES AND TO EXPAND THE LIST OF PLACES AT  
5 WHICH FREE SPIRITUOUS LIQUOR TASTINGS MAY BE HELD.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 18B-1105(a) reads as rewritten:

8 "(a) Authorized Acts. – The holder of a distillery permit ~~may~~ may do any of the  
9 following:

- 10 (1) Manufacture, purchase, import, possess and transport ingredients and  
11 equipment used in the distillation of spirituous ~~liquor~~ liquor.
- 12 (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to  
13 exporters and local boards within the State, and, subject to the laws of other  
14 jurisdictions, at wholesale or retail to private or public agencies or  
15 establishments of other states or ~~nations~~ nations.
- 16 (3) Transport into or out of the distillery the maximum amount of liquor allowed  
17 under federal law, if the transportation is related to the distilling process.
- 18 (4) Sell spirituous liquor distilled at the distillery in closed containers to visitors  
19 of the distillery for consumption off the premises. Sales pursuant to this  
20 subdivision are allowed only in an area where the establishment of an ABC  
21 store has been approved pursuant to G.S. 18B-602(g). Spirituous liquor sold  
22 at a distillery pursuant to this subdivision shall be sold at the price set by the  
23 Commission for the corresponding North Carolina code item, including all  
24 applicable excise taxes, bottles charges, and sales taxes. All excise taxes,  
25 bottle charges, and sales taxes shall be remitted to the Department of  
26 Revenue. In addition to any other labeling requirements set by law,  
27 spirituous liquor sold pursuant to this subdivision shall have affixed to its  
28 bottle a sticker that shall bear the words "North Carolina Distillery Tour  
29 Commemorative Spirit." Consumers purchasing spirituous liquor under this  
30 subdivision shall be limited to purchasing, per calendar year, no more than  
31 one of any North Carolina code item listed for sale in the State. Retail sales  
32 of spirituous liquor pursuant to this subdivision shall be subject to the hours  
33 and days of sales provision in G.S. 18B-802. The authorization of this  
34 subdivision applies to a distillery that manufactures less than 100,000 proof  
35 gallons per year. The Commission shall adopt rules regulating the retail sale  
36 of spirituous liquor under this subdivision."



1           **SECTION 2.** G.S. 18B-1001(19) reads as rewritten:

2           "(19) Spirituous liquor tasting permit. – The holder of any distillery permit  
3           authorized by G.S. 18B-1105 may conduct a consumer tasting event on the  
4           premises of the ~~distillery~~distillery, or at trade shows, conventions, shopping  
5           malls, beverage festivals, street festivals, holiday festivals, agricultural  
6           festivals, balloon races, local fundraisers, and other similar events approved  
7           by the Commission, subject to the following conditions:

- 8           a. Any person pouring spirituous liquor at a tasting shall be an  
9           employee of the distillery owned by the permit holder and at least 21  
10          years of age.  
11          b. The person pouring the spirituous liquor shall be responsible for  
12          checking the identification of patrons being served at the tasting.  
13          c. Each consumer is limited to tasting samples of 0.25 ounce of each  
14          spirituous liquor which total no more than 1.5 ounces of spirituous  
15          liquor in any calendar day.  
16          d. The consumer shall not be charged for any spirituous liquor tasting  
17          sample.  
18          e. The spirituous liquor used in the consumer tasting event shall be  
19          distilled at the distillery ~~where the event is being held~~owned by the  
20          permit holder conducting the event.  
21          f. A consumer tasting event shall not be allowed when the sale of  
22          spirituous liquor is otherwise prohibited.  
23          g. Tasting samples are not to be offered to, or allowed to be consumed  
24          by, any person under the legal age for consuming spirituous liquor.

25          The distillery permit holder shall be solely liable for any violations of this  
26          Chapter occurring in connection with the tasting. The Commission shall  
27          adopt rules to assure that the tastings are limited to samplings and not a  
28          subterfuge for the unlawful sale or distribution of spirituous liquor and that  
29          the tastings are not used by industry members for unlawful inducements to  
30          retail permit holders."

31           **SECTION 3.** G.S. 18B-301(f)(1) reads as rewritten:

32           "(f) Unlawful Possession or Use. – As illustration, but not limitation, of the general  
33           prohibition stated in G.S. 18B-102(a), it shall be unlawful for:

- 34           (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages  
35           or to offer such beverages to another ~~person~~person at any of the following  
36           places:  
37           a. On the premises of an ABC ~~store~~, ~~or~~store.  
38           b. Upon any property used or occupied by a local ~~board~~, ~~or~~board.  
39           c. ~~On~~Except as authorized by G.S. 18B-1001(19), on any public road,  
40           street, highway, or sidewalk."

41           **SECTION 4.** This act is effective when it becomes law.