

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 904

Short Title: Allow Sale of Low Alcohol Beverage Coolers. (Public)

Sponsors: Representatives Saine, Hanig, and Turner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

May 11, 2021

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE SALE OF LOW ALCOHOL BEVERAGE COOLERS,
OTHERWISE KNOWN AS READY-TO-DRINK COCKTAILS, AT CERTAIN
ESTABLISHMENTS IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

...

(7) "Fortified wine" means (i) any wine, of more than sixteen percent (16%) and no more than twenty-four percent (24%) alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States or (ii) a low alcohol beverage cooler.

...

(8b) Low alcohol beverage cooler. – A drink containing at least one-half of one percent (0.5%), and no more than nine and one-half percent (9.5%), alcohol by volume, and consisting of spirituous liquor mixed with any or all of the following: nonalcoholic beverages, flavoring, or coloring. A low alcohol beverage cooler may contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives, and other similar products manufactured by fermenting fruit or fruit juices.

...

(10) "Mixed beverage" means either of the following:

- a. A drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.
- b. A premixed cocktail served from a closed package containing only one serving.

This term does not include low alcohol beverage coolers.

...

(14) "Spirituous liquor" or "liquor" means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed



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1 containers for beverage use regardless of their dilution. This term does not
2 include low alcohol beverage coolers.

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4 **SECTION 2.** G.S. 18B-303 reads as rewritten:

5 "**§ 18B-303. Amounts of alcoholic beverages that may be purchased.**

6 (a) Purchases Allowed. – Without a permit, a person may purchase alcoholic beverages
7 at one ~~time~~time as follows:

8 (1) Not more than 80 liters of malt beverages, except draft malt beverages in kegs
9 for off-premises consumption. For purchase of a keg or kegs of malt beverages
10 for off-premises consumption, the permit required by G.S. 18B-403.1(a) must
11 first be ~~obtained~~obtained.

12 (2) Any amount of draft malt beverages by a permittee in kegs for on-premise
13 ~~consumption~~consumption.

14 (3) Not more than 50 liters of unfortified ~~wine~~wine.

15 (4) Not more than eight liters of either fortified wine or spirituous liquor, or eight
16 liters of the two combined.

17 (a1) Low Alcohol Beverage Coolers. – Low alcohol beverage coolers shall be sold only
18 in packages of four to 12 single-serve containers with each container no more than 16 ounces in
19 size. Except as otherwise provided in this subsection, low alcohol beverage coolers shall be
20 treated as fortified wine for purposes of this section.

21"

22 **SECTION 3.** G.S. 18B-306(a) reads as rewritten:

23 "(a) Authority. – An individual may make, possess, and transport wines and malt
24 beverages for the individual's own use, the use of the individual's family and guests, or the use at
25 organized affairs, exhibitions, or competitions. The authority set forth in this subsection does not
26 apply to low alcohol beverage coolers. For purposes of this section, the term "organized affairs,
27 exhibitions, or competitions" includes homemaker's contests, tastings, and judgments."

28 **SECTION 4.** G.S. 18B-1105(a) reads as rewritten:

29 "(a) The holder of a distillery permit may do any of the following:

30 (1) Manufacture, purchase, import, possess and transport ingredients and
31 equipment used in (i) the distillation of spirituous ~~liquor~~liquor or (ii) the
32 manufacturing of low alcohol beverage coolers.

33 (2) Sell, deliver and ship spirituous liquor and low alcohol beverage coolers in
34 closed containers at wholesale to exporters and local boards within the State,
35 and, subject to the laws of other jurisdictions, at wholesale or retail to private
36 or public agencies or establishments of other states or nations.

37"

38 **SECTION 5.** The Alcoholic Beverage Control Commission shall adopt rules, or
39 amend its rules, consistent with the provisions of this act. The Commission may use the procedure
40 set forth in G.S. 150B-21.1 to adopt or amend any rules as required under this subsection.

41 **SECTION 6.** This act becomes effective October 1, 2021.