

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1500
Committee Substitute Favorable 5/4/05

Short Title: Wine-Tasting Changes.

(Public)

Sponsors:

Referred to:

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REQUIREMENTS TO HOLD A WINE-TASTING
3 PERMIT AND TO AMEND THE LAW CONCERNING COMMUNITY
4 COLLEGE VITICULTURE/ENOLOGY PROGRAMS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 18B-1001(15) reads as rewritten:

7 "(15) Wine-Tasting Permit. – A wine-tasting permit authorizes wine tastings
8 on ~~the a premises conducted and supervised by the permittee.~~ holding
9 a retail permit, by the retail permit holder or his employee. A wine
10 tasting consists of the offering of a sample of one or more unfortified
11 wine products, in amounts of no more than one ounce for each sample,
12 without charge, to customers of the business. Any person pouring wine
13 at a wine tasting shall be at least 21 years of age.

14 a. Representatives of the winery, which produced the wine, ~~or~~ the
15 wine ~~producer~~ producer, a wholesaler, or a wholesaler's
16 employee may assist with the ~~tastings in a manner consistent~~
17 with existing law. ~~tasting.~~ Assisting with a wine tasting
18 includes, but is not limited to:

19 1. Pouring samples for customers.

20 2. Checking the identification of patrons being served at the
21 wine tasting.

22 b. When a representative of the winery which produced the wine,
23 the wine producer, a wine wholesaler, or a wine wholesaler's
24 employee assists in a wine tasting conducted by a retail permit
25 holder:

26 1. The retail permit holder shall designate an employee to
27 actively supervise the wine tasting.

28 2. A retail permit holder's employee shall not supervise
29 more than three wine-tasting areas.

1 3. No more than six wines may be tasted at any one tasting
2 area.

3 4. The wine tasting shall not last longer than four hours
4 from the time designated as the starting time by the retail
5 permit holder.

6 c. The retail permit holder shall be solely liable for any violations
7 of law occurring in connection with the wine tasting.

8 The Commission shall adopt rules to assure that the tastings are limited
9 to samplings and not a subterfuge for the unlawful sale or distribution
10 of wine, and that the tastings are not used by industry members for
11 unlawful inducements to retail permit holders, and do not violate
12 existing rules. Except for purposes of this subsection, the holder of a
13 wine-tasting permit shall not be construed to hold a permit for the
14 on-premises sale or consumption of alcoholic beverages. Any food
15 business is eligible for a wine-tasting permit."

16 **SECTION 2.** G.S. 18B-1114.4 reads as rewritten:

17 "**§ 18B-1114.4. Viticulture/Enology course authorization.**

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

20 (1) Manufacture wine from grapes grown on the school's campus or the
21 school's contracted or leased property for the purpose of providing
22 instruction and education on the making of unfortified wines.

23 (2) Possess wines manufactured during the viticulture/enology program
24 for the purpose of conducting wine-tasting seminars and classes for
25 students who are 21 years of age or older.

26 (3) Sell wines produced during the course to wholesalers or to retailers
27 upon obtaining a wine wholesaler permit under G.S. 18B-1107, except
28 that the permittee may not receive shipments of wines from other
29 producers.

30 (b) Limitation. – Authorization for a viticulture/enology course shall be granted
31 by the Commission only for a community college or college that offers a
32 viticulture/enology program as a part of its curriculum offerings for students of the
33 school. ~~No retail sales of wine shall be made by the students, instructor, or school.~~
34 Wines may be manufactured only from grapes grown in a viticulture/enology course
35 ~~vineyard, not to exceed five acres, vineyard~~ that is located on the school's campus or the
36 school's contracted or leased property.

37 (c) The holder of a viticulture/enology course authorization may ~~manufacture~~
38 ~~wines from grapes grown by others until June 30, 2004. Otherwise, wine may be~~
39 ~~manufactured only as provided in subsection (b) of this section.~~ obtain a winery special
40 event permit under G.S. 18B-1114.1, and where the permit is valid may participate in
41 approved events and sell at retail at those events any wine produced incident to the
42 operation of the viticulture/enology program. The amount of wine sold pursuant to this
43 subsection is limited to 250 liters annually, and net proceeds from sale of the wine shall
44 be retained by the school and used for support of the viticulture/enology program.

1 (d) The holder of a viticulture/enology course authorization shall not be
2 considered a winery for the purposes of this Chapter or Chapter 105 of the General
3 Statutes."

4 **SECTION 3.** This act is effective when it becomes law.