

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 719

Short Title: Fortified Flavored Malt Beverages Act. (Public)

Sponsors: Representatives Luebke, Jordan, and Jones (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Alcoholic Beverage Control, if favorable, Judiciary I.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE THE SALE OF FORTIFIED FLAVORED MALT BEVERAGES.
3 The General Assembly of North Carolina enacts:

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

5 "**§ 18B-101. Definitions.**

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

7 ...

8 (6b) "Fortified flavored malt beverage" means a malt beverage that meets all of
9 the following requirements:

- 10 a. Contains at least nine percent (9%) alcohol by volume and no more
11 than fifteen percent (15%) alcohol by volume.
12 b. Is treated by processing, filtration, or another method of manufacture
13 that is not generally recognized as a traditional process in the
14 production of a beer as described in 27 C.F.R. § 25.55.
15 c. Contains an added flavor or other ingredient containing alcohol other
16 than a hop extract.
17 d. The manufacturer is required to file a formula for approval with the
18 United States Alcohol and Tobacco Trade and Tax Bureau pursuant
19 to 27 C.F.R. § 25.55.
20 e. The manufacturer is not a craft brewery or microbrewery. For
21 purposes of this sub-subdivision, the terms "craft brewery" and
22 "microbrewery" mean a brewery that sells, to consumers at the
23 brewery, to wholesalers, to retailers, and to exporters, fewer than
24 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced
25 by it per year.

26 ...

27 (9) "Malt beverage" means beer, lager, fortified flavored malt beverage, malt
28 liquor, ale, porter, and any other brewed or fermented beverage except
29 unfortified or fortified wine as defined by this Chapter, containing at least
30 one-half of one percent (0.5%), and not more than fifteen percent (15%),
31 alcohol by volume. Any malt beverage containing more than six percent
32 (6%) alcohol by volume shall bear a label clearly indicating the alcohol
33 content of the malt beverage.

34"

35 **SECTION 2.** G.S. 18B-800 reads as rewritten:



1 "§ 18B-800. Sale of alcoholic beverages in ABC stores.

2 (a) Spirituous Liquor. – Except as provided in Article 10 of this Chapter, spirituous
3 liquor may be sold only in ABC stores operated by local boards.

4 (a1) Fortified Flavored Malt Beverages. – Notwithstanding any other provision of law,
5 fortified flavored malt beverages may be sold only in ABC stores operated by local boards.

6 (b) Fortified Wine. – In addition to spirituous ~~liquor~~, liquor and fortified flavored malt
7 beverages, ABC stores may sell fortified wine. ABC stores may also sell wine products,
8 irrespective of alcohol content by volume, which were classified as fortified wine by the ABC
9 Commission prior to July 7, 2004.

10"

11 **SECTION 3.** G.S. 18B-804 is amended by adding a new subsection to read:

12 "(e) Sale Price of Fortified Flavored Malt Beverage. – The sale price of fortified flavored
13 malt beverages shall include the tax levied on beer by G.S. 105-113.80(a) as well as State and
14 local sales taxes."

15 **SECTION 4.** This act becomes effective October 1, 2015.