

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 71

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Short Title: Chocolatiers may use up to 5% Alcohol By Vol. (Public)

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Sponsors: Senators Kinnaird; Atwater, Graham, Jenkins, Jones, Robinson, Vaughan, and White.

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Referred to: Commerce.

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February 16, 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~~more than five percent  
14 alcohol by volume including alcohol not in excess of one half of one  
15 per centum (0.5%) by volume derived solely from the use of  
16 flavoring extracts; or
- 17 c. Bears or contains any nonnutritive substance: Provided, that this  
18 clause shall not apply to a safe nonnutritive substance which is in or  
19 on confectionery by reason of its use for some practical functional  
20 purpose in the manufacture, packaging, or storing of such  
21 confectionery if the use of the substance does not promote deception  
22 of the consumer or otherwise result in adulteration or misbranding in  
23 violation of any provision of this Article; and provided further, that  
24 the Board may, for the purpose of avoiding or resolving uncertainty  
25 as to the application of this clause, issue regulations allowing or  
26 prohibiting the use of particular nonnutritive substances."

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

