

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-26
HOUSE BILL 90**

AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 106-129(3) reads as rewritten:

- "(3) If it is confectionery, and:
- a. Has partially or completely imbedded therein any nonnutritive object: Provided, that this clause shall not apply in the case of any nonnutritive object if, in the judgment of the Board of Agriculture as provided by regulations, such object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health; or
 - b. Bears or contains ~~any alcohol other than alcohol not in excess of one half of one percentum (0.5%) by volume derived solely from the use of flavoring extracts; or more than five percent (5%) alcohol by volume.~~ Confectionery that contains more than five-tenths of one percent (0.5%) alcohol by volume shall conspicuously bear a label indicating alcohol content; or
 - c. Bears or contains any nonnutritive substance: Provided, that this clause shall not apply to a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of this Article; and provided further, that the Board may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue regulations allowing or prohibiting the use of particular nonnutritive substances."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 31st day of March, 2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 10:22 a.m. this 7th day of April, 2011