

## Session 116 - (2005-2006)

**H 3638 General Bill, By Cotty, Edge, Clemmons, Barfield, Altman, Bales, Battle, Bingham, J. Brown, Ceips, Chellis, Clark, Cobb-Hunter, Cooper, Delleney, Govan, Hagood, Hardwick, Hayes, Huggins, Leach, Limehouse, Martin, Miller, J.H. Neal, Pinson, E.H. Pitts, M.A. Pitts, Rivers, Scarborough, Sinclair, Skelton, F.N. Smith, G.R. Smith, Toole, Townsend, Vick, Whipper, Whitmire, Witherspoon, Scott and Mahaffey**

**Similar (S 0165, S 0526, H 3676)**

**Summary:** Alcoholic liquor sold by the drink

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-6-1635 SO AS TO PROVIDE THAT ALCOHOLIC LIQUOR SOLD BY THE DRINK MUST BE PURCHASED ONLY FROM SPECIFICALLY LICENSED PERSONS; BY ADDING SECTION 61-6-1636 SO AS TO PROVIDE THAT CLASS A FEDERALLY LICENSED DISTRIBUTORS AND CLASS B LIQUOR STORES MAY DELIVER ALCOHOLIC LIQUORS ONLY TO ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION AND TO PROVIDE AN EXCEPTION; BY ADDING SECTION 61-6-1637 SO AS TO PROHIBIT A PERSON OR HIS AGENT LICENSED UNDER ARTICLE 5, CHAPTER 6, TITLE 61 FROM SUBSTITUTING ANOTHER BRAND OF ALCOHOLIC LIQUOR IN PLACE OF THE BRAND SPECIFIED BY THE CUSTOMER, TO PROVIDE EXCEPTIONS, AND TO PROVIDE A PENALTY; BY ADDING 61-6-1638 SO AS TO REQUIRE ALL BILLS OR INVOICES FOR DELIVERIES OF ALCOHOLIC LIQUORS TO RETAIL ESTABLISHMENTS LICENSED FOR ON-PREMISES CONSUMPTION OF ALCOHOLIC LIQUORS MUST CLEARLY STATE THE TRANSPORTATION CHARGE OR DELIVERY FEE; BY ADDING SECTION 61-6-1650 SO AS TO PROHIBIT A LICENSEE OR HIS AGENT FROM KNOWINGLY OR WILFULLY REFILLING OR REUSING A BOTTLE OF LAWFULLY PURCHASED ALCOHOLIC LIQUORS OR OTHERWISE TAMPER WITH THE CONTENTS OF THE BOTTLE; TO AMEND SECTION 6-27-40, AS AMENDED, RELATING TO DISTRIBUTIONS FROM THE LOCAL GOVERNMENT FUND, SO AS TO FURTHER PROVIDE FOR THE AMOUNT OF THE DISTRIBUTION TO COUNTIES THAT MUST BE USED FOR ALCOHOL EDUCATION AND ALCOHOLISM AND DRUG REHABILITATION; TO AMEND SECTION 12-33-245, RELATING TO THE TWENTY-FIVE CENTS TAX ON EACH CONTAINER OF ALCOHOLIC LIQUOR SOLD IN MINIBOTTLES, SO AS TO IMPOSE INSTEAD AN EXCISE TAX ON THE GROSS PROCEEDS OF SALES OF ALCOHOLIC LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION IN LICENSED ESTABLISHMENTS, TO REQUIRE THOSE ENTITIES THAT ARE ALLOCATED AND RECEIVE MINIBOTTLE TAX REVENUES IN 2004-05 MUST RECEIVE THE SAME AMOUNT OF REVENUES FROM THE COMBINATION OF MINIBOTTLE TAX REVENUES AND LIQUOR BY THE DRINK REVENUES, AND TO PROVIDE A PROCEDURE FOR REBATING TAXES TO ESTABLISHMENTS RETURNING UNUSED MINIBOTTLES; TO AMEND SECTION 61-6-20, RELATING TO THE DEFINITIONS USED IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO PROVIDE A DEFINITION OF "ALCOHOLIC LIQUOR BY THE DRINK" THAT INCLUDES MINIBOTTLES AND OTHER CONTAINERS REGARDLESS OF SIZE; TO AMEND SECTION 61-6-700, RELATING TO ESTABLISHMENTS WHICH USE ALCOHOLIC BEVERAGES SOLELY IN THE PREPARATION OF FOODS TO BE SERVED BY THE ESTABLISHMENTS, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES; TO AMEND 61-6-1300, RELATING TO RESTRICTIONS ON WHOLESALERS OF ALCOHOLIC LIQUORS, SO AS TO PROHIBIT A MANUFACTURER, DISTILLER, IMPORTER, OR WHOLESALER FROM OFFERING CERTAIN EQUIPMENT OR DISCOUNTS TO RETAILERS AND PROHIBIT RETAILERS FROM ACCEPTING THIS EQUIPMENT, AND PROVIDE THAT DISCOUNTS TO ALL CUSTOMERS MUST BE BASED ON THE TYPE OF PRODUCT AND APPEAR ON SALES RECORDS AND MUST BE UNIFORMLY OFFERED; TO AMEND SECTION 61-6-1500, AS AMENDED, RELATING TO THE PROHIBITION ON THE RETAIL DEALER OF MINIBOTTLES, SO AS TO DELETE THE REQUIREMENT TO MINIBOTTLES; TO AMEND SECTION 61-6-1600, AS AMENDED, RELATING TO NONPROFIT ORGANIZATIONS BEING LICENSED TO SELL ALCOHOLIC LIQUORS IN MINIBOTTLES, SO AS TO ALSO AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK; TO AMEND SECTION 61-6-1610, AS AMENDED, RELATING TO BUSINESS ESTABLISHMENTS LICENSED TO SELL ALCOHOLIC LIQUORS IN MINIBOTTLES, SO AS TO ALSO AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 61-6-1620, RELATING TO RESTRICTIONS ON MINIBOTTLE LICENSEES, SO AS TO DELETE THE RESTRICTIONS AND TO AUTHORIZE THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUORS IN CONTAINERS OTHER THAN MINIBOTTLES ON LICENSED PREMISES; TO AMEND SECTION 61-6-1825, RELATING TO THE PROCEDURES TO PROTEST THE ISSUANCE OR RENEWAL OF A MINIBOTTLE LICENSE, SO AS TO DELETE THE TERM "MINIBOTTLE" AND TO MAKE THE PROCEDURES APPLY TO ANY BIENNIAL LICENSE FOR ON-PREMISES CONSUMPTION; TO AMEND SECTION 61-6-2000, AND SECTION 61-6-2005, AS AMENDED, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE LICENSE AUTHORIZES THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK; TO AMEND SECTION 61-6-2010, AS AMENDED, RELATING TO TEMPORARY PERMITS AUTHORIZED THROUGH A REFERENDUM, SO AS TO REMOVE THE REFERENCES TO ALCOHOLIC

LIQUORS "IN SEALED CONTAINERS OF TWO OUNCES OR LESS"; TO AMEND SECTION 61-6-2200, RELATING TO THE AGE OF THE SERVER OF ALCOHOLIC LIQUORS IN ON-PREMISES ESTABLISHMENTS, SO AS TO PROVIDE THE SERVER, WHO IS EIGHTEEN YEARS OF AGE OR OLDER, ALSO MAY SERVE ALCOHOLIC LIQUORS BY THE DRINK; TO AMEND SECTION 61-6-2400, RELATING TO THE TAXABLE MINIBOTTLE, SO AS TO DELETE A REFERENCE TO "MINIBOTTLE" AND REPLACE IT WITH "LIQUOR SOLD BY THE DRINK"; AND TO AMEND SECTION 61-6-2600, RELATING TO THE PENALTIES FOR VIOLATING ARTICLE 5, CHAPTER 6, TITLE 61, CONCERNING THE REGULATION OF ALCOHOLIC LIQUORS IN MINIBOTTLES, SO AS TO REMOVE THE REFERENCE TO MINIBOTTLES AND TO PROVIDE THAT A PERSON WHO ACTS TO AVOID THE PAYMENT OF THE EXCISE TAX IMPOSED ON THE SERVING OF ALCOHOLIC BEVERAGES BY THE DRINK IS SUBJECT TO THE PENALTIES OF THIS SECTION.

**02/24/05 House Introduced and read first time HJ-9**  
**02/24/05 House Referred to Committee on Ways and Means HJ-12**  
**04/13/05 House Committee report: Favorable with amendment Ways and Means HJ-15**  
**04/19/05 House Member(s) request name added as sponsor: Scott**  
**04/19/05 House Requests for debate-Rep(s). Cotty, Perry, Funderburk, Coates, McGee, Loftis, JR Smith, Sinclair, Ceips, Herbkersman, Clyburn, Jefferson, Parks, and GR Smith HJ-127**  
**04/26/05 House Member(s) request name added as sponsor: Mahaffey**  
**04/27/05 House Amended HJ-174**  
**04/27/05 House Read second time HJ-225**  
**04/27/05 House Roll call Yeas-101 Nays-8 HJ-225**  
**04/28/05 House Read third time and sent to Senate HJ-28**  
**05/03/05 Senate Introduced and read first time SJ-20**  
**05/03/05 Senate Referred to Committee on Judiciary SJ-20**  
**05/09/05 Senate Referred to Subcommittee: Elliott (ch), Ford, Knotts, Sheheen**