**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3487**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Herbkersman

Document Path: l:\council\bills\dka\3060jh15.docx

Introduced in the House on February 3, 2015

Currently residing in the House Committee on **Judiciary**

Summary: Wine

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/3/2015 House Introduced and read first time ([House Journal‑page 23](file:///h:\HJ%20Archive\2015\02-03-15.docx))

2/3/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 23](file:///h:\HJ%20Archive\2015\02-03-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3487&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/3/2015](file:///p:\pprever\2015-16\3487_20150203.docx)

**A** **BILL**

TO AMEND SECTION 12‑21‑1010, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS OF BEER AND WINE, SO AS TO PROVIDE THAT THE TERM “WHOLESALER” DOES NOT INCLUDE A PERSON WHO PRODUCES WINE IN THE STATE FROM FRUITS, BERRIES, OR OTHER AGRICULTURAL PRODUCTS GROWN WITHIN THE STATE BY OR FOR THE MANUFACTURER; TO AMEND SECTION 61‑4‑730, AS AMENDED, RELATING TO SALES BY PERMITTED WINERIES, SO AS TO PROVIDE THAT THE PERCENTAGE OF JUICE BE FROM FRUITS, BERRIES, OR OTHER AGRICULTURAL PRODUCTS; AND TO AMEND SECTION 61‑4‑750, RELATING TO ADULTERATED WINE, SO AS TO EXCLUDE FRUITS, BERRIES, OR OTHER AGRICULTURAL PRODUCTS FROM THE LIST OF PROHIBITED PRODUCTS IN THE PRODUCTION OF WINE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 12‑21‑1010 of the 1976 Code is amended to read:

“Section 12‑21‑1010. When used in this article ~~the following words and terms shall have the following meanings~~:

(1) ~~The word~~ ‘Wholesaler’ means ~~any~~ a person who makes the first sale within this State or who sells or distributes any quantity of beer or wine to ~~any other~~ another person for resale, but the term ~~shall~~ does not include ~~any~~ a person who produces wine in the State from fruits, berries, or other agricultural products grown within the State by or for the manufacturer~~;~~.

(2) ~~The word~~ ‘Retailer’ means ~~any~~ a person who sells or distributes any quantity of beer or wine to a consumer~~;~~.

(3) ~~The word~~ ‘Beer’ has the meanings provided pursuant to Section 61‑4‑10(1) and (2)~~;~~.

(4) ~~The word~~ ‘Wine’ means all wines containing not more than twenty‑one percent of alcohol by volume~~; and~~.

(5) ~~(Reserved);~~

~~(6)~~ ~~The word~~ ‘Producer’ means a brewery or winery or a manufacturer or bottler or an importer into the United States of beer or wine, or both.”

SECTION 2. Section 61‑4‑730 of the 1976 Code, as last amended by Act 121 of 2012, is further amended to read:

“Section 61‑4‑730. (A) Permitted wineries that produce and sell wine produced on its premises with at least sixty percent of the juice from ~~fruit~~ fruits, ~~and~~ berries, or other agricultural products that are grown in this State may sell the wine at retail, wholesale, or both, and deliver or ship the wine to licensed retailers in this State or to consumer homes in and outside the State. Wine must be delivered between 7:00 a.m. and 7:00 p.m.

(B) Permitted wineries that produce and sell wine produced on their premises with less than sixty percent of the juice from ~~fruit~~ fruits, ~~and~~ berries, or other agricultural products that are grown in this State may retail from the winery and ship the wine directly to consumer homes in and outside the State, but these wineries are not wholesalers of the wine. These wineries shall use a licensed South Carolina wholesaler to deliver or ship the wine to licensed retailers in this State.

(C) The South Carolina Department of Agriculture shall periodically inspect the records of permitted wineries for verification of the percentage of juice from ~~fruit~~ fruits, ~~and~~ berries, or other agricultural products grown in this State used in the manufacturing of the wineries’ products. Within ten days of conducting an inspection, the South Carolina Department of Agriculture shall report its findings to the South Carolina Department of Revenue. If a winery is found to be in violation of this statute, the owner of the winery is subject to penalties pursuant to Section 61‑4‑780.”

SECTION 3. Section 61‑4‑750 of the 1976 Code is amended to read:

“Section 61‑4‑750. The importation into, offering for sale, or sale in this State of a product as ‘wine’ to which any substance has been added, except as authorized by federal law and regulations and except pure ~~fruit~~ fruits, ~~or vegetable~~ berries, or other agricultural products derived from the same kind of ~~fruit~~ fruits, ~~or vegetable~~ berries, or other agricultural products from ~~the~~ ~~juice of~~ which the wine was fermented, is prohibited and is a misdemeanor.”

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑