**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4512**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\cc\16090sa22.docx

Introduced in the House on January 11, 2022

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

Summary: Alcohol Purchase Age

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/10/2021 House Prefiled

11/10/2021 House Referred to Committee on **Judiciary**

1/11/2022 House Introduced and read first time ([House Journal‑page 40](file:///h:\hj\20220111.docx))

1/11/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 40](file:///h:\hj\20220111.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4512&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/9/2021](file:///p:\pprever\2021-22\4512_20211109.docx)

**A** **BILL**

TO AMEND SECTION 17‑22‑520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALCOHOL EDUCATION PROGRAM ELIGIBILITY; SECTION 61‑4‑50, RELATING TO ALCOHOL SALES TO UNDERAGE PERSONS; SECTION 61‑4‑70, RELATING TO POSTING CERTAIN SIGNS; SECTION 61‑4‑90, RELATING TO THE TRANSFER OF BEER OR WINE FOR AN UNDERAGE PERSON’S CONSUMPTION; SECTION 61‑4‑100, RELATING TO CERTAIN CRIMINAL CHARGES; SECTION 61‑4‑360, RELATING TO SAMPLES OF WINE; SECTION 61‑4‑520, RELATING TO RETAIL PERMITS; SECTION 61‑4‑580, RELATING TO CERTAIN PROHIBITED ACTS; SECTION 61‑4‑745, RELATING TO THE TRANSPORTATION OF CERTAIN ALCOHOL; SECTION 61‑4‑747, RELATING TO CERTAIN SHIPMENTS OF ALCOHOL; SECTION 61‑4‑748, RELATING TO CERTAIN SATELLITE LOCATION CERTIFICATES; SECTION 61‑4‑960, RELATING TO BEER TASTINGS; SECTION 61‑4‑1515, AS AMENDED, RELATING TO BREWERIES; SECTION 61‑4‑1920, RELATING TO KEGS; AND SECTION 63‑19‑2440, RELATING TO THE PURCHASE OF BEER AND WINE, ALL SO AS TO CHANGE THE APPLICABLE AGE FROM TWENTY‑ONE TO EIGHTEEN.

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

SECTION 1. Section 17‑22‑520(C)(1) of the 1976 Code is amended to read:

“(1) purchase or possession of beer or wine by a person under the age of ~~twenty‑one~~ eighteen pursuant to Section 63‑19‑2440;”

SECTION 2. Section 61‑4‑50(A) of the 1976 Code is amended to read:

“(A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under ~~twenty‑one~~ eighteen years of age. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.”

SECTION 3. Section 61‑4‑70 of the 1976 Code is amended to read:

“Section 61‑4‑70. A person engaged in the business of selling at retail beer or wine must post in each location for which he has obtained a permit a sign with the following words printed thereon: ‘The possession of beer, wine, or alcoholic liquors, by a person under ~~twenty‑one~~ eighteen years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing beer, wine, or liquor’. The department must prescribe by regulation the size of the lettering and the location of the sign on the seller’s premises.

A retail seller of beer or wine who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

A person found guilty of a violation of Section 61‑6‑1530 and this section may not be sentenced under both sections for the same offense.”

SECTION 4. Section 61‑4‑90 of the 1976 Code is amended to read:

“Section 61‑4‑90. (A) It is unlawful for a person to transfer or give to a person under the age of ~~twenty‑one~~ eighteen years for the purpose of consumption of beer or wine in the State, unless the person under the age of ~~twenty‑one~~ eighteen is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(B) A person found guilty of a violation of Section 61‑6‑4070 and this section may not be sentenced under both sections for the same offense.

(C) The provisions of this section do not apply to a:

(1) spouse over the age of ~~twenty‑one~~ eighteen giving beer or wine to his spouse under the age of ~~twenty‑one~~ eighteen in their home;

(2) parent or guardian over the age of ~~twenty‑one~~ eighteen giving beer or wine to his children or wards under the age of ~~twenty‑one~~ eighteen in their home; or

(3) person giving beer or wine to another person under the age of ~~twenty‑one~~ eighteen in conjunction with a religious ceremony or purpose if the beer or wine was lawfully purchased.

(D) A person eighteen years of age and over lawfully employed to serve or remove beer, wine, or alcoholic beverages in establishments licensed to sell these beverages are not considered to be in unlawful possession of the beverages during the course and scope of their duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least twenty‑one years of age.

(E) This section does not apply to an employee lawfully engaged in the sale or delivery of these beverages in an unopened container.

(F) The provisions of this section do not apply to a student who:

(1) is eighteen years of age or older;

(2) is enrolled in an accredited college or university and a student in a culinary course that has been approved through review by the State Commission on Higher Education;

(3) is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

(4) tastes a beverage pursuant to item (3) only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must remain at all times in the possession and control of an authorized instructor of the college or university who must be ~~twenty‑one~~ eighteen years of age or older. Nothing in this subsection may be construed to allow a student under the age of ~~twenty‑one~~ eighteen to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student’s required curriculum and the beverage is used only for instructional purposes during classes conducted pursuant to the curriculum.”

SECTION 5. Section 61‑4‑100(D) of the 1976 Code is amended to read:

“(D) Notwithstanding the provisions of subsections (A) and (B), a person under the age of ~~twenty‑one~~ eighteen may be recruited and authorized by a law enforcement agency to test an establishment’s compliance with laws relating to the unlawful transfer or sale of beer or wine to a minor. The testing must be under the direct supervision of a law enforcement agency, and the agency must have the person’s parental consent. If the requirements of this subsection are met, a person may be charged with a violation of Section 61‑4‑50 without the requirement that the minor also be charged.”

SECTION 6. Section 61‑4‑360 of the 1976 Code, as added by Act 161 of 2020, is amended to read:

“Section 61‑4‑360. Notwithstanding any other provision of law, a producer or wholesaler may furnish or give a sample of wine to a retailer who has not purchased the brand from a producer or wholesaler in the past three hundred sixty‑five days. For each retail establishment, a producer or wholesaler may not give more than three liters of any brand of wine annually. If a particular product is not available in a size within the quantity limitations of this section, a producer or wholesaler may furnish to a retailer the next larger size. Samples must be clearly marked ‘Sample—Not for resale’. Nothing in this section allows for any sample to be sold or provided to any employees under the age of ~~twenty‑one~~ eighteen or to a retailer’s customers. The producer or wholesaler shall remove all bottles at the conclusion of the sampling. For purposes of this section, the term ‘brand’ is defined as provided under 27 C.F.R. Section 6.11.”

SECTION 7. Section 61‑4‑520(4) of the 1976 Code is amended to read:

“(4) The applicant is ~~twenty‑one~~ eighteen years of age or older.”

SECTION 8. Section 61‑4‑580(A)(1) of the 1976 Code is amended to read:

“(1) sell beer or wine to a person under ~~twenty‑one~~ eighteen years of age;”

SECTION 9. Section 61‑4‑745 of the 1976 Code is amended to read:

“Section 61‑4‑745. (A) Subject to the provisions of Section 61‑4‑747, a person who is at least ~~twenty‑one~~ eighteen years of age and who is a legal resident of this State, may cause to be shipped or transported from a manufacturer of wine up to twenty‑four bottles of wine each month for his own consumption or use, and not for resale, into and out of this State without the necessity of acquiring any permits or licenses or other forms of public or private authorization except for the payment of appropriate taxes.

(B) All containers of wine shipped directly to a resident in this State must be labeled conspicuously with the words ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE ~~21~~ 18 OR OLDER REQUIRED FOR DELIVERY’.”

SECTION 10. Section 61‑4‑747(A) and (C)(2) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, rule, or regulation to the contrary, a manufacturer of wine located within this State or outside this State that holds a wine producer and blenders basic permit issued in accordance with the Federal Alcohol Administration Act and obtains an out‑of‑state shipper’s license, as provided in this section, may ship up to twenty‑four bottles of wine each month directly to a resident of this State who is at least ~~twenty‑one~~ eighteen years of age for such resident’s personal use and not for resale.

(2) ensure that all containers of wine shipped directly to a resident in this State are labeled conspicuously with the words ‘CONTAINS ALCOHOL: SIGNATURE OF PERSON AGE ~~21~~ 18 OR OLDER REQUIRED FOR DELIVERY’;”

SECTION 11. Section 61‑4‑748(A)(14) of the 1976 Code, as added by Act 60 of 2021, is amended to read:

“(14) tastings and sales shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of ~~twenty‑one~~ eighteen.”

SECTION 12. Section 61‑4‑960(A)(10) of the 1976 Code is amended to read:

“(10) a sample shall not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of ~~twenty‑one~~ eighteen years. A person tasting a sample may not be allowed to loiter on the store premises;”

SECTION 13. Section 61‑4‑1515(A)(2) and (8) of the 1976 Code is amended to read:

“(2) sales shall not be offered or made to, or allowed to be offered, made to, or consumed by an intoxicated person or a person who is under the age of ~~twenty‑one~~ eighteen;

(8) a brewery must provide department or DAODAS approved alcohol enforcement training for the employees who serve beer on the permitted premises to consumers for on‑premises consumption, so as to prevent and prohibit unlawful sales, transfer, transport, or consumption of beer by persons who are under the age of ~~twenty‑one~~ eighteen or who are intoxicated; and”

SECTION 14. Section 61‑4‑1920(A)(2) of the 1976 Code is amended to read:

“(2) requiring the purchaser to sign a statement attesting to the accuracy of the purchaser’s information, acknowledging that, unless otherwise permitted by law, it is unlawful to transfer beer to a person under the age of ~~twenty‑one~~ eighteen, and that, unless otherwise permitted by law, the beer in the keg will not be consumed by a person under the age of ~~twenty‑one~~ eighteen; and”

SECTION 15. Section 63‑19‑2440 of the 1976 Code is amended to read:

“Section 63‑19‑2440. (A) It is unlawful for a person under the age of ~~twenty‑one~~ eighteen to purchase, attempt to purchase, consume, or knowingly possess beer, ale, porter, wine, or other similar malt or fermented beverage. Possession is prima facie evidence that it was knowingly possessed. Notwithstanding another provision of law, if the law enforcement officer has probable cause to believe that a person is under age ~~twenty‑one~~ eighteen and has consumed alcohol, the law enforcement officer or the person may request that the person submit to any available alcohol screening test using a device approved by the State Law Enforcement Division. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or must be imprisoned for not more than thirty days, or both.

(B) A person who violates the provisions of this section also is required to successfully complete a DAODAS approved alcohol prevention education or intervention program. The program must be a minimum of eight hours and the cost to the person may not exceed one hundred fifty dollars.

(C) A person eighteen years of age and over lawfully employed to serve or remove beer, wine, or alcoholic beverages in establishments licensed to sell these beverages is not considered to be in unlawful possession of the beverages during the course and scope of his duties as an employee. The provisions of this subsection do not affect the requirement that a bartender must be at least ~~twenty‑one~~ eighteen years of age.

(D) This section does not apply to an employee lawfully engaged in the sale or delivery of these beverages in an unopened container.

(E) The provisions of this section do not apply to a student who:

(1) is eighteen years of age or older;

(2) is enrolled in an accredited college or university and a student in a culinary course that has been approved through review by the State Commission on Higher Education;

(3) is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and

(4) tastes a beverage pursuant to item (3) only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must remain at all times in the possession and control of an authorized instructor of the college or university who must be ~~twenty‑one~~ eighteen years of age or older. Nothing in this subsection may be construed to allow a student under the age of ~~twenty‑one~~ eighteen to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student’s required curriculum and the beverage is used only for instructional purposes during classes conducted pursuant to the curriculum.

(F) The provisions of this section do not apply to a person under the age of ~~twenty‑one~~ eighteen who is recruited and authorized by a law enforcement agency to test an establishment’s compliance with laws relating to the unlawful transfer or sale of beer or wine to a minor. The testing must be under the direct supervision of a law enforcement agency, and the agency must have the person’s parental consent.”

SECTION 16. This act takes effect upon approval by the Governor and first applies on January 1, 2023.

‑‑‑‑XX‑‑‑‑