~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 21, 2012

**S. 1065**

Introduced by Senators L. Martin, Hayes and Fair

S. Printed 3/21/12--S.

Read the first time January 10, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1065) to amend Section 61‑2‑180 of the 1976 Code, relating to bingo, raffles, and other special events, to clarify that this section does not authorize the, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, lines 25‑41, and page 2, lines 1‑14, by striking those lines in their entirety and inserting the following:

/ SECTION 1. Section 61‑2‑180 of the 1976 Code is amended to read:

“Section 61‑2‑180. ~~Notwithstanding any other provision of law, a~~ A person or organization licensed by the department under this title may hold and advertise special events such as bingo~~, raffles, and~~ or other similar activities intended to raise money for charitable purposes. This section does not affect the requirements for obtaining a bingo license from the department. A special event or activity that is authorized pursuant to this section is not an exception or limitation to Section 12-21-2710 or other provisions of the South Carolina Code of Laws in which gambling or games of chance are unlawful and prohibited.”

SECTION 2. Section 61‑4‑580 of the 1976 Code is amended to read:

“Section 61‑4‑580. No holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may knowingly commit any of the following acts upon the licensed premises covered by the holder’s permit:

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

(2) sell beer or wine to an intoxicated person;

(3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:

(a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

(b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize; and

(c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation; and

(d) this subsection is not an exception or limitation to Section 12‑21‑2710 or other provisions of the South Carolina Code of Laws in which gambling or games of chance are unlawful and prohibited.

(4) permit lewd, immoral, or improper entertainment, conduct, or practices. This includes, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;

(5) permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State; or

(6) sell, offer for sale, or possess any beverage or alcoholic liquors the sale or possession of which is prohibited on the licensed premises under the law of this State; or

(7) conduct, operate, organize, promote, advertise, run, or participate in a ‘drinking contest’ or ‘drinking game’. For purposes of this item, ‘drinking contest’ or ‘drinking game’ includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form. ‘Drinking contest’ or ‘drinking game’ does not include a contest, game, event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. Selling beer or wine in the regular course of business is not considered a violation of this section.

A violation of any provision of this section is a ground for the revocation or suspension of the holder’s permit.” /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

LARRY A. MARTIN ROBERT FORD

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Revenue indicates there is no fiscal impact to the department with the adoption of this bill.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 61‑2‑180 OF THE 1976 CODE, RELATING TO BINGO, RAFFLES, AND OTHER SPECIAL EVENTS, TO CLARIFY THAT THIS SECTION DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12‑21‑2710; AND TO AMEND SECTION 61‑4‑580, RELATING TO GAME PROMOTIONS ALLOWED BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, TO CLARIFY THAT THIS ITEM DOES NOT AUTHORIZE THE USE OF ANY DEVICE PROHIBITED BY SECTION 12‑21‑2710.

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

SECTION 1. Section 61‑2‑180 of the 1976 Code is amended to read:

“Section 61‑2‑180. Notwithstanding any other provision of law, a person or organization licensed by the department under this title may hold and advertise special events such as bingo, raffles, and other similar activities intended to raise money for charitable purposes. This section does not affect the requirements for obtaining a bingo license from the department. This section does not authorize the use of any device prohibited by Section 12‑21‑2710.”

SECTION 2. Section 61‑4‑580(3) of the 1976 Code is amended to read:

“(3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:

(a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

(b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize; ~~and~~

(c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation~~.~~; and

(d) this item does not authorize the use of any device prohibited by Section 12‑21‑2710;”

SECTION 3. This act takes effect upon approval by the Governor.

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