**A** **BILL**

TO AMEND CHAPTER 2, TITLE 61 OF THE 1976 CODE, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING SECTION 61-2-115, TO PROVIDE THAT ALL ALCOHOLIC BEVERAGES SOLD AT RETAIL TO CONSUMERS WITHIN THE STATE MUST FIRST COME TO REST AND THAT THE PHYSICAL TRANSFER OF ALCOHOLIC BEVERAGES TO CONSUMERS MUST OCCUR ON A RETAILER’S LICENSED PREMISES, TO PROVIDE THAT ALL ALCOHOLIC BEVERAGES THAT DO NOT COME TO REST ARE CONTRABAND AND MAY BE SEIZED BY THE DIVISION, TO PROVIDE THAT ALCOHOLIC BEVERAGES THAT COME TO REST BY THREE O’CLOCK P.M. MAY BE MADE AVAILABLE FOR SALE TO RETAILERS THE NEXT CALENDAR DAY, TO PROVIDE FOR PENALTIES, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61-2-115. (A) For purposes of this section:

(1) ‘Alcoholic beverages’ means all nonalcoholic and nonintoxicating beverages, as defined in Section 61-4-10, and all alcoholic liquors, as defined in Section 61-6-20.

(2) ‘Come to rest’ means the process whereby alcoholic beverages are unloaded from a delivering vehicle and stored on the warehouse floor of a wholesaler’s licensed premises.

(3) ‘Wholesaler’s licensed premises’ means a physical location within the State for which a wholesaler maintains a license from the department to store alcoholic beverages for sale to licensed retailers and other licensed wholesalers.

(4) ‘Retailer’s licensed premises’ means a physical location within the State for which a retailer maintains a license from the department to store alcoholic beverages for sale to consumers.

(B) All alcoholic beverages sold at retail to consumers within the State must first come to rest, and physical transfer of alcoholic beverages to consumers must occur on a retailer’s licensed premises. All alcoholic beverages that do not come to rest are contraband and may be seized by the division, wherever located, and sold as provided in Section 61-6-4310, except that the proceeds of such sale shall be distributed equally between the department and the division for enforcement and prosecution pursuant to this section. Alcoholic beverages that come to rest by three o’clock p.m. may be made available for sale to retailers the next calendar day.

(C) Notwithstanding any other provision of law, a wholesaler or retailer that sells alcoholic beverages in violation of this section must be fined not less than five thousand dollars for a first offense, not less than ten thousand dollars for a second offense within any three-year span, and not less than twenty thousand dollars for a third offense within any three-year span. The department must permanently revoke the license of a wholesaler or retailer for a fourth offense within any three-year span. Each shipment constitutes a separate offense.

(D) All fines collected pursuant to this section shall be distributed equally between the department and the division for enforcement and prosecution pursuant to this section.

(E) This section shall not apply to retail sales made pursuant to Section 61-4-747 or lawful retail sales by in-state breweries and wineries of the alcoholic beverages produced and sold on their licensed premises directly to consumers for consumption.

(F) Nothing in this section shall be construed to prohibit the department or the division from enforcement of any other applicable provision in this title.”

SECTION 2. This act takes effect upon approval by the Governor.

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