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CHAPTER 10

Alcohol

ARTICLE 1

Sale by Wholesale Druggists; Monthly Statement

**SECTION 61‑10‑10.** Sales by wholesale druggists.

A wholesale druggist may lawfully sell, in wholesale quantities only, pure alcohol for medical purposes only or grain alcohol to be used by chemists or bacteriologists actually engaged in scientific work to retail druggists and to public or charitable hospitals or to medical or pharmaceutical colleges. A wholesale druggist must at the end of each month in which one of these sales has been made file with the clerk of the court of the county in which he does business a statement in writing under oath giving the name of the purchaser, the price paid, the date of sale, and the quantity and character of the alcohol sold. If the wholesale druggist making the sale is not a resident of this State, the statement must be filed in the office of the clerk of the court of the county in which the purchaser resides.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑20.** Sales by retail druggists.

A retail druggist whose place of business is located in a municipality of this State and who is a registered or licensed pharmacist or who regularly employs a registered or licensed pharmacist may sell, in the manner set out in this article and upon filing a bond in the sum of five thousand dollars to be approved by the clerk of the court of the county in which the druggist does business, conditioned for a faithful observance of the provisions of this article, pure alcohol for medical purposes only and grain alcohol to chemists and bacteriologists actually engaged in scientific work and for these purposes only. Nothing contained in this article prohibits the druggist from using alcohol in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of a special tax required of liquor dealers by the federal government nor prohibits the druggist from compounding or selling medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia and National Formulary which contain no more alcohol than is necessary to extract the medicinal properties of the drugs contained in these preparations and no more alcohol than is necessary to hold the medicinal agents in solution and which are manufactured and sold as medicines and not as beverages.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑30.** Retail sales for medicinal purposes.

No sale of pure alcohol for medicinal purposes may be made by a retail druggist except upon the prescription of a regular practicing physician of this State who, before writing the prescription, makes an actual examination of the person for whom the prescription is issued.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑40.** Prescriptions.

No prescription may be filled except on the day it is issued or the following day. No more than one‑half pint of alcohol may be sold and delivered on one prescription. When a prescription is filled, it may not be refilled. No druggist who is also a practicing physician may fill his own prescription for pure alcohol nor shall the prescription be filled at a drugstore in which the physician is financially interested. The delivery of the alcohol sold by prescription must be made directly to the person for whom the prescription is issued, to the physician, or to a person authorized by the physician; or in case of a minor, to his parent, guardian, physician, or a person authorized by the physician.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑50.** Form of prescriptions.

A prescription issued pursuant to this article must be substantially in the following form: “State of South Carolina ‑ County. To ‑ druggist. I, ‑, a regular licensed and practicing physician under the laws of this State, do hereby certify that I have examined ‑, a patient in my charge, and I do hereby prescribe for the use of the patient ‑ alcohol. I further certify that the use of this alcohol is, in my judgment, absolutely necessary to alleviate or cure the illness or disease from which the patient is now suffering and that I am not interested in the drugstore to which this prescription is directed nor in the profits on the drugs herein prescribed.

Dated ‑‑. ‑‑‑ M. D.”

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑60.** Retail sales for artistic, scientific, or mechanical purposes.

A retail druggist whose place of business is located in a municipality of the State may sell alcohol in quantities not greater than five gallons to be used in the arts or for scientific or mechanical purposes and the druggist may sell, in like quantities, to chemists and bacteriologists engaged in scientific work and for these purposes only.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑70.** Written statement of purpose.

A person desiring to purchase alcohol for any purpose set forth in Section 61‑10‑60 must sign a written printed statement giving his name, residence, occupation, the purpose for which he intends to use the alcohol, and a certification that the alcohol is purchased in good faith for this purpose only.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑80.** Records retention.

The druggist must retain prescriptions for alcohol and the statements required by Section 61‑10‑70 for inspection as required by law for the retention of the prescription of narcotics and other drugs.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑90.** Penalties.

A druggist or physician who violates the provisions of this article must, in addition to the punishment provided in this article, have his license revoked for not more than one year for each offense.

HISTORY: 1996 Act No. 415, Section 1.

ARTICLE 3

Other Regulations

**SECTION 61‑10‑210.** Manufacture from wood products or molasses.

A person may manufacture ethyl and methyl alcohol from sawdust, slabs or any other wood substance, or from molasses.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑220.** Bonds.

A person who engages in the manufacture of alcohol under the provisions of this article must enter into a bond to the State in the sum of ten thousand dollars, with surety, to be approved by the Governor, conditioned for the faithful observance of and compliance with the provisions of this article. When any provision of this article is violated, the Attorney General and the circuit solicitors, may sue in any county in this State for the penalty of the bond for the benefit of the State.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑230.** Sales or shipment of undenatured ethyl alcohol.

(A) A person engaged in the manufacture of ethyl alcohol as provided in Section 61‑10‑210:

(1) may not sell it in this State unless it is denatured;

(2) may ship ethyl alcohol undenatured to points outside this State for use in manufacturing and in the sciences and arts, but only in the manner provided in this subsection. This alcohol may be carried from a warehouse authorized under the provisions of this article and delivered to a common carrier and immediately shipped to its destination outside this State. This alcohol may also be transported to another bonded warehouse outside this State when the shipment is made under bond, as required by federal revenue laws.

(B) It is prima facie evidence of the violation of the provisions of this article if ethyl alcohol so manufactured and not denatured is found in this State and not in the custody of a United States revenue officer or not in course of shipment to another state. However, a reasonable time must be allowed for conveying the alcohol directly from a warehouse to a common interstate carrier.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑240.** Beverage or medicinal purposes.

No alcohol manufactured under the provisions of this article may be used as a beverage or for medicinal purposes.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑250.** Storage in warehouses.

A person who manufactures alcohol under the provisions of this article must, while the alcohol remains in this State, store and keep it in a general United States bonded warehouse or in another warehouse and file with the Secretary of State a declaration setting forth the exact location, description, and dimension of each warehouse used and to be used for this purpose. It is unlawful to store or keep alcohol manufactured under the provisions of this article in a place other than that described in the declaration.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑260.** Records.

A person who manufactures alcohol under the provisions of this article must keep a record which shows the quantity of alcohol manufactured, the quantity transported or shipped, and to whom and where the alcohol was shipped. This record is subject to the inspection of any attorney representing this State.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑270.** Property forfeitures.

(A) If a person who manufactures alcohol under the provisions of this article sells it for or consents to its use as a beverage, either in or outside this State, ethyl alcohol so manufactured, or violates the provisions of this article, he must forfeit to the State all property in this State connected with and incident to the manufacture of the alcohol. The Attorney General and the solicitors must institute an action in a court of competent jurisdiction in any county of this State which the Attorney General or solicitor selects for determining whether the provisions of this article have been violated and whether the property has been thereby forfeited to the State.

(B) Property forfeited under the provisions of this section must be delivered to the Department of Administration.

HISTORY: 1996 Act No. 415, Section 1.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

**SECTION 61‑10‑280.** Alcoholic ingredient in soft drinks.

A person who manufactures in this State ginger ale or similar soft drinks in which there is an alcoholic ingredient not exceeding one‑third of one percent may import alcohol into this State or order and receive alcohol from another state in quantities not exceeding ten gallons, for which no permit is required. However, the person must first file with the clerk of court of the county in which his manufacturing plant is located a bond with an approved surety company as surety in the sum of one thousand dollars, to be forfeited to the State upon the proof of misuse of the alcohol or disposition of it otherwise than as provided in this section for the manufacture of the product. The solicitor, in his discretion, may bring action upon the bond upon information or belief.

HISTORY: 1996 Act No. 415, Section 1.

**SECTION 61‑10‑290.** Sale of wood or denatured alcohol.

Nothing in this article prohibits the sale of wood or denatured alcohol.

HISTORY: 1996 Act No. 415, Section 1.