

Session 115 - (2003-2004)

S 0531 General Bill, By Senate Judiciary

Summary: Alcoholic beverages; references to minibottles deleted, licensing, definitions, provisions, etc.

A BILL TO AMEND SECTION 12-21-1610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON THE IMPORTATION OF BEER OR WINE FOR SALE OR PERSONAL USE, SO AS TO DELETE THE RESTRICTION ON THE IMPORTATION OF BEER AND WINE WITHIN THE STATE FOR PERSONAL USE AND CONSUMPTION; TO AMEND SECTION 12-33-245, RELATING TO THE MINIBOTTLE TAX, SO AS TO PROVIDE FOR AN EXCISE TAX ON THE GROSS PROCEEDS OF THE SALE OF ALCOHOLIC LIQUOR BY THE DRINK; TO ADD SECTION 61-4-745, SO AS TO PROVIDE THAT A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE MAY CAUSE TO BE SHIPPED OR TRANSPORTED UP TO TWENTY-FOUR BOTTLES OF WINE PER ORDER FOR THE PERSON'S OWN CONSUMPTION OR USE IF THE APPROPRIATE TAXES ARE PAID ON THE SALE; TO AMEND SECTION 61-6-20, RELATING TO THE DEFINITIONS USED IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO PROVIDE A DEFINITION OF "ALCOHOLIC LIQUOR BY THE DRINK"; TO AMEND SECTION 61-6-700, RELATING TO ESTABLISHMENTS WHICH USE ALCOHOLIC BEVERAGES ONLY IN THE PREPARATION OF FOODS TO BE SERVED BY THE ESTABLISHMENTS, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES; TO AMEND SECTION 61-6-1500, RELATING TO RESTRICTIONS ON RETAIL DEALERS, SO AS TO ELIMINATE THE PROHIBITION AGAINST SELLING MINIBOTTLES TO PERSONS OTHER THAN THOSE PERSONS LICENSED BY THE DEPARTMENT OF REVENUE; TO AMEND SECTIONS 61-6-1600 AND 61-6-1610, RELATING TO NONPROFIT ORGANIZATIONS AND BUSINESS ESTABLISHMENTS BEING LICENSED TO SELL ALCOHOLIC LIQUORS IN MINIBOTTLES, SO AS TO DELETE THE REQUIREMENT TO SELL ALCOHOLIC LIQUORS IN MINIBOTTLES, TO AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 61-6-1620, RELATING TO RESTRICTIONS ON MINIBOTTLE LICENSEES, SO AS TO DELETE THE RESTRICTIONS AND TO AUTHORIZE THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUORS IN CONTAINERS OTHER THAN MINIBOTTLES ON LICENSED PREMISES; TO AMEND SECTION 61-6-1630, RELATING TO PURCHASES FROM LICENSED RETAIL DEALERS, SO AS TO ELIMINATE THE PROHIBITION AGAINST A RETAIL DEALER FROM SELLING MINIBOTTLES TO PERSONS OTHER THAN THOSE PERSONS LICENSED BY THE DEPARTMENT OF REVENUE TO SELL ALCOHOLIC LIQUORS FOR ON-PREMISES CONSUMPTION; TO ADD SECTION 61-6-1640, SO AS TO PROHIBIT A PERSON LICENSED UNDER ARTICLE 5 OF CHAPTER 6 OF TITLE 61 FROM SUBSTITUTING ANY OTHER BRAND OF ALCOHOLIC LIQUOR IN PLACE OF THE BRAND SPECIFIED BY THE CUSTOMER UNLESS THE CUSTOMER IS ADVISED THAT THE DESIRED BRAND IS NOT AVAILABLE AND THE CUSTOMER APPROVES OF THE SUBSTITUTION, AND TO PROVIDE A PENALTY FOR VIOLATION OF THIS SECTION; TO ADD SECTION 61-6-1650, SO AS TO PROHIBIT A LICENSEE FROM REFILLING OR REUSING ANY BOTTLE OF LAWFULLY PURCHASED ALCOHOLIC LIQUORS AND TO PROVIDE A PENALTY; TO AMEND SECTION 61-6-1825, RELATING TO THE PROCEDURES TO PROTEST THE ISSUANCE OR RENEWAL OF A MINIBOTTLE LICENSE, SO AS TO DELETE THE TERM "MINIBOTTLE" AND TO MAKE THE PROCEDURES APPLY TO ANY BIENNIAL LICENSE FOR ON-PREMISES CONSUMPTION; TO AMEND SECTION 61-6-2000, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE LICENSE AUTHORIZES THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK; TO AMEND SECTION 61-6-2005, RELATING TO TEMPORARY PERMITS, SO AS TO DELETE REFERENCES TO "SEALED CONTAINERS OF TWO OUNCES OF LESS"; TO AMEND SECTION 61-6-2010, AS AMENDED, RELATING TO TEMPORARY PERMITS AUTHORIZED THROUGH A REFERENDUM, SO AS TO DELETE THE REFERENCES TO ALCOHOLIC LIQUORS "IN SEALED CONTAINERS OF TWO OUNCES OR LESS"; TO AMEND SECTION 61-6-2200, RELATING TO THE AGE OF THE SERVER OF ALCOHOLIC LIQUORS IN ON-PREMISES ESTABLISHMENTS, SO AS TO PROVIDE A SERVER WHO IS EIGHTEEN YEARS OF AGE OR OLDER MAY SERVE ALCOHOLIC LIQUORS BY THE DRINK AND TO DELETE THE REFERENCE TO MINIBOTTLES; TO AMEND SECTIONS 61-6-2400 AND 61-6-2420, BOTH RELATING TO TAXATION OF ALCOHOLIC LIQUORS AND RESTAURANTS, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES; AND TO AMEND SECTION 61-6-2600, RELATING TO THE PENALTIES FOR VIOLATING ARTICLE 5, CHAPTER 6, TITLE 61 CONCERNING THE REGULATION OF ALCOHOLIC LIQUORS IN MINIBOTTLES, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES, AND TO PROVIDE THAT A PERSON WHO ACTS TO AVOID THE PAYMENT OF THE EXCISE TAX ON THE SERVING OF ALCOHOLIC BEVERAGES BY THE DRINK IS SUBJECT TO THE PENALTIES OF THIS SECTION.

03/27/03 Senate Introduced, read first time, placed on calendar without reference SJ-28

03/31/03 Scrivener's error corrected

04/02/03 Scrivener's error corrected

02/03/04 Senate Special order SJ-27

02/18/04	Senate	By unanimous consent, debate to be resumed on 2/19 after call of uncontested calendar SJ-22
02/19/04	Senate	Read second time SJ-21
02/19/04	Senate	Ordered to third reading with notice of amendments SJ-21
02/24/04	Senate	Special order SJ-16
02/25/04	Senate	Amended SJ-33
02/25/04	Senate	Read third time and sent to House SJ-33
02/26/04		Scrivener's error corrected
03/02/04	House	Introduced and read first time HJ-4
03/02/04	House	Referred to Committee on Ways and Means HJ-6