~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE WITH AMENDMENT

May 18, 2011

**H. 3621**

Introduced by Reps. Bannister, Rutherford, Herbkersman, Weeks, J.E. Smith and Viers

S. Printed 5/18/11--S.

Read the first time March 3, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3621) to amend Section 61‑6‑1035, Code of Laws of South Carolina, 1976, relating to the sampling of wines, so as to permit retailers to conduct tastings, etc., respectfully

**REPORT:**

Has polled the Bill out with amendment, to wit:

Amend the bill, as and if amended, by striking lines 19 through 21 on page 2 and inserting the following:

/ (12) All product samples used for tastings must be purchased by the retailer from a South Carolina licensed wholesaler as required by Section 61-6-100(3). /

Renumber sections to conform.

Amend title to conform.

**A** **BILL**

TO AMEND SECTION 61‑6‑1035, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SAMPLING OF WINES, SO AS TO PERMIT RETAILERS TO CONDUCT TASTINGS.

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

SECTION 1. Section 61‑6‑1035 of the 1976 Code is amended to read:

“Section 61‑6‑1035. Notwithstanding the provisions of Section 61‑6‑1500, the sampling of wines containing over sixteen percent by volume of alcohol, cordials, and other distilled spirits sold in a retail alcoholic liquor store is authorized if the sampling is conducted as follows:

(1) No sample may be offered from more than four products at ~~any~~ one time.

(2) The sample is limited to products from no more than one wholesaler at one time.

(3) No more than one bottle of each of the four products to be sampled may be opened.

~~(3)~~(4) The sampling must be held in a designated tasting area of the retail liquor store and all open bottles must be visible at all times. All open bottles must be removed at the conclusion of the tasting.

~~(4)~~(5) Samples must be less than one‑half ounce for each product sampled.

~~(5)~~(6) No person may be served more than one sample of each product.

~~(6)~~(7) No sampling may be offered for longer than four hours.

~~(7)~~(8) At least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. The letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings.

~~(8)~~(9) No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty‑one years. This person must not be allowed to loiter on the store premises.

~~(9)~~(10) The tastings must be conducted by the manufacturer, retailer, or an agent of the manufacturer or retailer, and must not be conducted by a wholesaler, ~~retailer, or~~ an employee of a wholesaler ~~or retailer~~, or an agent of a wholesaler.

~~(10)~~(11) No retail alcoholic liquor store may offer more than one sampling per day.

(12) All product samples used for tastings must be purchased by the retailer from a South Carolina Licensed Wholesaler as required by 61-6-100 (3).

(13) All associated costs for the tasting must be paid for by the manufacturer, the retailer, or its agent, conducting the tasting.”

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

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