~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

January 31, 2012

**H. 3630**

Introduced by Reps. Bedingfield, Loftis, Hardwick and McLeod

S. Printed 1/31/12--S.

Read the first time May 24, 2011.

**A** **BILL**

TO AMEND SECTION 61‑4‑720, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SALE OF WINE BY A LICENSED WINERY LOCATED IN SOUTH CAROLINA, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE; AND TO AMEND SECTION 61‑4‑730, RELATING TO THE SALE OF WINE BY PERMITTED WINERIES, SO AS TO ELIMINATE THE REQUIREMENT THAT A MAJORITY OF THE JUICE USED IN THE WINE BE DERIVED FROM FRUIT OR BERRIES GROWN IN THIS STATE.

Amend Title To Conform

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

SECTION 1. Section 61‑4‑720 of the 1976 Code is amended to read:

“Section 61‑4‑720. Notwithstanding another provision of law, a licensed winery located in this State is authorized to sell wine on the winery premises and deliver or ship this wine to consumer homes in or outside the State so long as the wine is produced on its premises ~~with a majority of the juice from fruit and berries which are grown in this State with~~ and contains an alcoholic content of sixteen percent or less ~~on the winery premises and deliver or ship this wine to consumer homes in or outside the State~~. These wineries are authorized to provide, with or without cost, wine taste samples to prospective customers.

SECTION 2. Section 61‑4‑730 of the 1976 Code is amended to read:

“Section 61-4-730. (A) Permitted wineries which produce and sell wine produced on its premises with ~~a majority~~ at least sixty percent of the juice from fruit and berries which are grown in this State may sell the wine at retail, wholesale, or both, and deliver or ship the wine to licensed retailers in this State or to ~~the purchaser~~ consumer homes in and outside the State. Wine must be delivered between 7:00 a.m. and 7:00 p.m.

(B) Permitted wineries that produce and sell wine produced on their premises with less than sixty percent of the juice from fruit and berries which are grown in this State may retail from the winery and ship the wine directly to consumer homes in and outside the State, but these wineries are not wholesalers of the wine. These wineries shall use a licensed South Carolina wholesaler to deliver or ship the wine to licensed retailers in this State.

(C) The South Carolina Department of Agriculture shall periodically inspect the records of permitted wineries for verification of the percentage of juice from fruit and berries grown in this State used in the manufacturing of the wineries’ products. Within ten days of conducting an inspection, the South Carolina Department of Agriculture shall report its findings to the South Carolina Department of Revenue. If a winery is found to be in violation of this statute, the owner of the winery is subject to the penalties set forth in Section 61-4-780.”

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

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