**South Carolina General Assembly**

120th Session, 2013-2014

**A253, R300, H4399**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

Document Path: l:\council\bills\bh\26036dg14.docx

Introduced in the House on January 14, 2014

Introduced in the Senate on May 1, 2014

Last Amended on May 28, 2014

Passed by the General Assembly on June 3, 2014

Governor's Action: June 6, 2014, Signed

Summary: Alcohol permits

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/10/2013 House Prefiled

 12/10/2013 House Referred to Committee on **Judiciary**

 1/14/2014 House Introduced and read first time ([House Journal‑page 60](file:///H%3A%5CHJ%20Archive%5C2014%5C01-14-14.docx))

 1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 60](file:///H%3A%5CHJ%20Archive%5C2014%5C01-14-14.docx))

 4/10/2014 House Recalled from Committee on **Judiciary** ([House Journal‑page 110](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/30/2014 House Read second time ([House Journal‑page 93](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 4/30/2014 House Roll call Yeas‑73 Nays‑38 ([House Journal‑page 93](file:///H%3A%5CHJ%20Archive%5C2014%5C04-30-14.docx))

 5/1/2014 House Read third time and sent to Senate ([House Journal‑page 29](file:///H%3A%5CHJ%20Archive%5C2014%5C05-01-14.docx))

 5/1/2014 Senate Introduced and read first time ([Senate Journal‑page 12](file:///H%3A%5CSJ%20Archive%5C2014%5C05-01-14.docx))

 5/1/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///H%3A%5CSJ%20Archive%5C2014%5C05-01-14.docx))

 5/8/2014 Senate Referred to Subcommittee: Rankin (ch), Hutto, Bennett

 5/21/2014 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 17](file:///H%3A%5CSJ%20Archive%5C2014%5C05-21-14.docx))

 5/28/2014 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 61](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/28/2014 Senate Read second time ([Senate Journal‑page 61](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/28/2014 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 61](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/29/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 48](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 6/3/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 71](file:///H%3A%5CHJ%20Archive%5C2014%5C06-03-14.docx))

 6/3/2014 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 71](file:///H%3A%5CHJ%20Archive%5C2014%5C06-03-14.docx))

 6/5/2014 Ratified R 300

 6/6/2014 Signed By Governor

 6/13/2014 Effective date See Act for Effective Date

 6/19/2014 Act No. 253

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p%3A%5Cpprever%5C2013-14%5C4399_20131210.docx)

[4/10/2014](file:///p%3A%5Cpprever%5C2013-14%5C4399_20140410.docx)

[5/21/2014](file:///p%3A%5Cpprever%5C2013-14%5C4399_20140521.docx)

[5/28/2014](file:///p%3A%5Cpprever%5C2013-14%5C4399_20140528.docx)

(A253, R300, H4399)

**AN ACT TO AMEND SECTION 61‑6‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN ALCOHOL PERMITS IN THE PROXIMITY OF SCHOOLS, PLAYGROUNDS, AND CHURCHES, SO AS TO ALLOW THE ISSUANCE OF A LICENSE FOR THE ON‑PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IF ALL PLAYGROUNDS AND CHURCHES IN THE PROXIMITY AFFIRMATIVELY STATE THAT THEY DO NOT OBJECT TO THE ISSUANCE; AND BY ADDING SECTION 61-6-4157 SO AS TO PROHIBIT CERTAIN TRANSACTIONS INVOLVING POWDERED ALCOHOL, TO PROHIBIT THE HOLDER OF CERTAIN LICENSES FROM USING POWDERED ALCOHOL AS AN ALCOHOLIC BEVERAGE, TO PROVIDE PENALTIES, AND TO PROVIDE EXCEPTIONS.**

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

**Authority to issue on-premises alcohol licenses in proximity of certain locations if statement of no objection**

SECTION 1. Section 61‑6‑120 of the 1976 Code is amended to read:

 “Section 61‑6‑120. (A) The department shall not grant or issue any license provided for in this article, Article 5, or Article 7 of this chapter, if the place of business is within three hundred feet of any church, school, or playground situated within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground, which, as used herein, shall be defined as follows:

 (1) ‘church’, an establishment, other than a private dwelling, where religious services are usually conducted;

 (2) ‘school’, an establishment, other than a private dwelling where the usual processes of education are usually conducted; and

 (3) ‘playground’, a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.

 The above restrictions do not apply to the renewal of licenses and they do not apply to new applications for locations which are licensed at the time the new application is filed with the department.

 (B) An applicant for license renewal or for a new license at an existing location shall pay a five dollar certification fee to determine if the exemptions provided for in subsection (A) apply.

 (C)(1) Notwithstanding the provisions of subsection (A), the department may issue a license so long as the provisions of subsection (A) are met in regards to schools, and so long as any playground or church located within the parameters affirmatively states that it does not object to the issuance of a license. This subsection only applies to a permit for on‑premises consumption of alcoholic liquor.

 (2) Any applicant seeking to utilize the provisions of this subsection must provide a statement from the decision‑making body of the owner of the playground or from the decision‑making body of the local church stating that it does not object to the issuance of the specific license sought. If more than one playground or church is located within the parameters set forth in subsection (A), the applicant must provide the statement from all playgrounds and churches.

 (3) The department may promulgate regulations necessary to implement the provisions of this subsection.”

**Powdered Alcohol**

SECTION 2. A. Article 13, Chapter 6, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑6‑4157. (A) As used in this section, ‘powdered alcohol’ is alcohol prepared or sold in a powder form for either direct use or reconstitution.

 (B)(1) It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol.

 (2) It is unlawful for a holder of a license pursuant to the provisions of this chapter for on‑premises or off‑premises consumption of alcoholic liquors to use powdered alcohol as an alcoholic beverage.

 (3) Any person or license holder that violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

 (a) for a first offense, by a fine of not more than three hundred dollars or imprisonment for not more than thirty days, or both;

 (b) for a second offense, by a fine of not more than seven hundred fifty dollars or imprisonment for not more than six months, or both;

 (c) for a third or subsequent offense, by a fine of not more than three thousand dollars or imprisonment for not more than two years, or both.

 (C) This section does not apply to the use of powdered alcohol for commercial uses or bona fide research purposes by a:

 (1) health care provider that operates primarily for the purpose of conducting scientific research;

 (2) state institution;

 (3) private college or university; or

 (4) pharmaceutical or biotechnology company.”

B. The provisions of this SECTION are repealed effective one year following the effective date of this act.

**Time effective**

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

Ratified the 5th day of June, 2014.

Approved the 6th day of June, 2014.

\_\_\_\_\_\_\_\_\_\_