~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

April 10, 2014

**H. 4399**

Introduced by Rep. Cobb‑Hunter

S. Printed 4/10/14--H.

Read the first time January 14, 2014.

**A** **BILL**

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.

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

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 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.”

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

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