**A** **BILL**

TO AMEND CHAPTER 4, TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS CONCERNING BEER AND WINE, BY ADDING SECTION 61‑4‑105, AND TO AMEND CHAPTER 6, TITLE 61, RELATING TO THE REGULATION OF RETAILERS OF ALCOHOLIC LIQUORS, BY ADDING SECTION 61‑6‑1535, SO AS TO PROVIDE MITIGATING FACTORS FOR CONSIDERATION BEFORE SUSPENSION OR REVOCATION OF PERMIT OR LICENSE.

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

SECTION 1. Chapter 4, Title 61 of the 1976 Code is amended by adding:

“Section 61‑4‑105. Notwithstanding any other provision of law, before the department suspends or revokes the permit of a person authorized to sell beer or wine for off‑premises consumption, when the permittee, employee, or agent of the permittee has been proven to have violated laws prohibiting the sale, transfer, or possession of beer or wine to an individual under twenty‑one years of age, the department must consider the following factors as mitigation to determine penalties instead of suspension or revocation of the permit:

(1) The permittee has made good faith efforts to prevent a violation for sale, transfer, or possession of beer or wine to an individual under twenty‑one years of age;

(2) Written policies that concern the prevention of sales, transfers, or possession of beer or wine to individuals under twenty‑one years of age are given to and reviewed by employees or agents of the permittee;

(3) Cooperation in the investigation of the violation by the permittee that shows that the permittee, employee, or agent of the permittee accepts responsibility for the violation;

(4) The investigation was not based on complaints received on observed misconduct, but was based solely on the investigating agency creating the opportunity for a violation; or

(5) The permittee has provided DAODAS approved alcohol server training to all of its employees who sell beer or wine to the public.”

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

“Section 61‑6‑1535. Notwithstanding any other provision of law, before the department suspends or revokes the license of a person authorized to sell alcoholic liquors for off‑premises consumption, when the licensee, employee, or agent of the licensee has been proven to have violated laws prohibiting the sale, transfer, or possession of alcoholic liquors to an individual under twenty‑one years of age, the department must consider the following factors as mitigation to determine penalties instead of suspension or revocation of the license:

(1) The licensee has made good faith efforts to prevent a violation for sale, transfer, or possession of alcoholic liquors to an individual under twenty‑one years of age;

(2) Written policies that concern the prevention of sales, transfers, or possession of alcoholic liquors to individuals under twenty‑one years of age are given to and reviewed by employees or agents of the licensee;

(3) Cooperation in the investigation of the violation by the licensee that shows that the licensee, employee, or agent of the licensee accepts responsibility for the violation;

(4) The investigation was not based on complaints received on observed misconduct, but was based solely on the investigating agency creating the opportunity for a violation; or

(5) The licensee has provided DAODAS approved alcohol server training to all of its employees who sell alcoholic liquors to the public.”

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

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