**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑2‑115 SO AS TO PROVIDE THAT AN ALCOHOLIC BEVERAGE SOLD IN THIS STATE MUST COME TO REST ON THE LICENSED PREMISES OF A WHOLESALER BEFORE IT MAY BE MADE AVAILABLE FOR SALE TO A RETAILER, TO PROVIDE PENALTIES, AND DEFINE NECESSARY TERMS.

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

SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑115.(A) For the purposes of this section, the term:

(1) ‘Alcoholic beverages’ includes nonalcoholic and nonintoxicating beverages as provided in Section 61‑4‑10 and alcoholic liquors as defined in Section 61‑6‑20.

(2) ‘Come to rest’ means the process whereby alcoholic beverages are unloaded from a delivering vehicle and stored on the warehouse floor of a wholesaler’s licensed premises.

(3) ‘Retailer’s licensed premises’ means a physical location within the State for which a retailer maintains a license from the department to store alcoholic beverages for sale to consumers.

(4) ‘Wholesaler’s licensed premises’ means a physical location within the State for which a wholesaler maintains a license from the department to store alcoholic beverages for sale to licensed retailers and other licensed wholesalers.

(B) Alcoholic beverages sold by a licensed retailer to consumers within the State must first come to rest and the physical transfer of alcoholic beverages to consumers must occur on the retailer’s licensed premises. Only alcoholic beverages which come to rest by three o’clock p.m. may be made available for sale to retailers the next calendar day. Alcoholic beverages which do not come to rest are contraband and may be seized by the division, wherever located, and sold as provided in Section 61‑6‑4310, except the proceeds of such sale must be distributed equally among the department and the division for the enforcement of this section.

(C)(1) Notwithstanding any other provision of law, a wholesaler or retailer who sells alcoholic beverages in violation of this section must:

(a) for a first offense, be fined not less than five thousand dollars;

(b) for a second offense within three years of the first offense, be fined not less than ten thousand dollars;

(c) for a third offense within three years of the first offense, be fined not less than twenty thousand dollars; and

(d) for a fourth offense within three years of the first offense, have his license revoked permanently.

(2) Each shipment constitutes a separate offense.

(D) All fines collected pursuant to this section must be distributed equally among the department and the division for the enforcement of this section.

(E) This section does not apply to retail sales made pursuant to Section 61‑4‑747 or lawful retail sales by instate breweries and wineries of the alcoholic beverages produced and sold on their licensed premises directly to consumers for consumption.

(F) Nothing in this section may be construed to prohibit the department or the division from enforcing other applicable provisions of this title.”

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

‑‑‑‑XX‑‑‑‑