~~Indicates Matter Stricken~~

Indicates New Matter

HOUSE AMENDMENTS AMENDED - RETURNED TO HOUSE

May 8, 2019

**S. 455**

Introduced by Senators Alexander, Climer and Davis

S. Printed 5/8/19--S.

Read the first time March 7, 2019.

**A** **BILL**

TO AMEND SECTION 40-1-630(A) OF THE 1976 CODE, RELATING TO TEMPORARY PROFESSIONAL LICENSES, TO PROVIDE THAT A BOARD OR COMMISSION SHALL ISSUE A TEMPORARY PROFESSIONAL LICENSE TO THE SPOUSE OF AN ACTIVE DUTY MEMBER OF THE UNITED STATES ARMED FORCES UNDER CERTAIN CIRCUMSTANCES, AND TO AMEND SECTION 40-1-640(A) OF THE 1976 CODE, RELATING TO THE CONSIDERATION OF EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY AN INDIVIDUAL AS A MEMBER OF THE MILITARY, TO PROVIDE THAT A PROFESSIONAL OR OCCUPATIONAL BOARD OR COMMISSION SHALL ACCEPT THE EDUCATION, TRAINING, AND EXPERIENCE COMPLETED BY A MEMBER OF THE MILITARY IN ORDER TO SATISFY THE QUALIFICATIONS FOR ISSUANCE OF A LICENSE OR CERTIFICATION OR APPROVAL FOR LICENSE EXAMINATION IN THIS STATE.

Amend Title To Conform

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

SECTION 1. Section 40-1-630(A) of the 1976 Code is amended to read:

“Section 40-1-630. (A) A board or commission that regulates the licensure of a profession or occupation under Title 40 ~~may~~ shall issue a temporary professional license for a profession or occupation it regulates to the spouse of an active duty member of the United States Armed Forces if the member is assigned to a duty station in this State pursuant to the official active duty military orders of the member. Nothing in this section should be construed as requiring a board or commission to grant licensure to the spouse of an active duty member of the United States Armed Forces absent evidence that all state law requirements for licensure have been met.”

SECTION 2. Section 40-1-640(A) of the 1976 Code is amended to read:

“Section 40-1-640. (A) A professional or occupational board or commission governed by this title ~~may~~ shall accept the education, training, and experience completed by an individual as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state and apply this education, training, and experience in the manner most favorable toward satisfying the qualifications for issuance of the requested license or certification or approval for license examination in this State, subject to the receipt of evidence considered satisfactory by the board or commission.”

SECTION 3. Section 40-33-20(19)(a) of the 1976 Code is amended to read:

“(a) has successfully completed an advanced, organized formal CRNA education program at a minimum of the master’s level accredited by the national accrediting organization of this specialty area and that is recognized by the board;”

SECTION 4. Section 40-33-34(A)(3)(b) of the 1976 Code is amended to read:

“(b) graduated before December 31, 2003, from an advanced, organized formal education program for nurse anesthetists accredited by the national accrediting organization of that specialty. CRNAs who graduate after December 31, 2003, must graduate with a minimum of a master’s degree from a formal CRNA education program for nurse anesthetists accredited by the national accreditation organization of the CRNA specialty. An advanced practice registered nurse must achieve and maintain national certification, as recognized by the board, in an advanced practice registered nursing specialty;”

SECTION 5. A. Title 61 of the 1976 Code is amended by adding:

“CHAPTER 3

Responsible Alcohol Server Training Act

Section 61‑3‑100. For the purposes of this chapter, the following definitions apply:

(1) ‘Alcohol’ means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) ‘Alcohol server’ means an individual who sells, serves, transfers, or dispenses alcohol for on‑premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. ‘Alcohol server’ shall not include an individual employed or volunteering on a temporary basis for a one‑time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink and shall not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this title; and shall not include an individual who cannot lawfully serve or deliver alcohol pursuant to Sections 61-4-90(D) and 61-6-2200.

(3) ‘Alcohol server certificate’ means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on‑premises consumption.

(4) ‘DAODAS’ means the South Carolina Department of Alcohol and Other Drug Abuse Services.

(5) ‘Department’ means the South Carolina Department of Revenue.

(6) ‘Division’ means the South Carolina Law Enforcement Division.

(7) ‘Employee’ means a person who is employed for at least ten hours a week by a permittee or a licensee.

(8) ‘Licensee’ means a person issued a license by the department pursuant to Title 61 to sell, serve, transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on‑premises consumption.

(9) ‘Manager’ means an individual employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on‑premises consumption at the permitted or licensed premises.

(10) ‘Permittee’ means a person issued a permit by the department pursuant to Title 61 to sell, serve, transfer, or dispense beer, wine, ale, porter, or other malted beverages for on‑premises consumption.

(11) ‘Program’ means an alcohol server training and education course and examination approved by the department with input from DAODAS and the division that is administered by authorized providers.

(12) ‘Provider’ means an individual, partnership, corporation, or other legal entity authorized by the department that offers and administers a program.

Section 61‑3‑110. (A) An individual shall not be employed as an alcohol server or a manager on permitted or licensed premises unless and until that individual obtains, within sixty calendar days of employment, an alcohol server certificate pursuant to the provisions of this chapter. If a permittee or licensee functions or is employed as an alcohol server or manager on the permitted or licensed premises, then the permittee or licensee must also complete training on responsible alcohol server training and obtain an alcohol server certificate pursuant to the provisions of this chapter. An alcohol server shall not be mentally or physically impaired by alcohol, drugs, or controlled substances while serving alcohol.

(B) Each permittee or licensee shall maintain at all times on its permitted or licensed premises copies of the alcohol server certificates of the permittee or licensee, if applicable, and the alcohol server certificates of each manager and each alcohol server then employed by the permittee or licensee. Copies of the alcohol server certificate must be made available, upon request, to the department, the division, or the agents and employees of each. For the purposes of enforcement of the provisions of this chapter, a permittee or licensee shall also make available to the department or the division, when requested, the hire date of an alcohol server.

(C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been employed for sixty calendar days is prima facie evidence that an alcohol server certificate has not been issued and shall subject the permittee or licensee to fines and penalties in accordance with this chapter.

Section 61‑3‑120. (A)(1) The department, in collaboration with DAODAS and the division, is authorized to approve alcohol server training programs, based on best evidence practice standards, offered by providers. A program that has not received approval within ninety days from submission shall be considered denied. A provider may appeal denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures Act.

(2) A provider shall not charge an individual more than thirty-five dollars for a training program.

(B) The curricula of each program must include the following subjects:

(1) state laws and regulations pertaining to:

(a) the sale and service of alcoholic beverages;

(b) the permitting and licensing of sellers of alcoholic beverages;

(c) impaired driving or driving under the influence of alcohol or drugs;

(d) liquor liability issues;

(e) the carrying of concealed weapons by authorized permit holders into businesses selling and serving alcoholic beverages; and

(f) life consequences, such as the loss of education scholarships, to minors relating to the unlawful use, transfer, or sale of alcoholic beverages;

(2) the effect that alcohol has on the body and human behavior, including, but not limited to, its effect on an individual’s ability to operate a motor vehicle when intoxicated;

(3) information on blood alcohol concentration and factors that change or alter blood alcohol concentration;

(4) the effect that alcohol has on an individual when taken in combination with commonly used prescription or nonprescription drugs or with illegal drugs;

(5) information on recognizing the signs of intoxication and methods for preventing intoxication;

(6) methods of recognizing problem drinkers and techniques for intervening with and refusing to serve problem drinkers;

(7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under twenty-one years of age and intoxicated individuals;

(8) methods for properly and effectively checking the identification of an individual, for identifying illegal identification, and for handling situations involving individuals who have provided illegal identification; and

(9) other topics related to alcohol server education and training designated by the department, in collaboration with DAODAS and the division, to be included.

(C) The department shall approve only online or classroom designed training programs that meet each of the following criteria:

(1) A program must cover the content specified in subsection (B). If a program does not include law enforcement information in its general course material, then specific South Carolina law enforcement information must be provided in a South Carolina training supplement document.

(2) The content in a program must clearly identify and focus on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and must be developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible.

(3) A program may be offered online or through classroom instruction.

(4) Classroom training must be at least four hours, be available in English and Spanish, and include a test.

(5) Online or computer-based training programs shall use linear navigation that requires the completion of a module before the course proceeds to the next module, with no content omitted; be interactive; have audio for content; and include a test.

(6) Training and testing shall be conducted by any means available, including, but not limited to, online, computer, classroom, and live trainers. All tests must be monitored by a manager or proctor. A passing grade for a test, as provided by the program, is required.

(7) Training certificates are issued by the provider only after training is complete and a test has been passed successfully.

(8) Within ten business days after a training is completed, each provider must give to the department a report of all individuals who have successfully completed the training and testing. The provider must also maintain these records for at least five years following the end of the training program for purposes of verifying certification validity by the department or the division.

(D) The department, in collaboration with DAODAS and the division, may suspend or revoke the authorization of a provider that the department determines has violated the provisions of this chapter. If a provider’s authorization is suspended or revoked, then that provider must cease operations in this State immediately and refund any money paid to it by individuals enrolled in that provider’s program at the time of the suspension or revocation.

Section 61‑3‑130. (A) The provider of a program that is authorized by the department shall pay a fee, in an amount to be determined by the department, not to exceed five hundred dollars per year, renewable each year. State agency providers are exempt from payment. Each fee shall be deposited into the Responsible Alcohol Server Training Fund to assist with the costs associated with implementation and enforcement of the provisions of this chapter.

(B) The Responsible Alcohol Server Training Fund is a revolving fund, and no funds deposited therein shall revert to the general fund of the state treasury.

(C) On or before the second Tuesday of each year, the department, with the assistance of the division, shall make a report of all income and expenditures made from the Responsible Alcohol Server Training Fund as of December thirty‑first of the previous year. A copy of the report shall be given to the Governor, the Speaker of the House of Representatives, and the President of the Senate; posted on the websites of the department and the division; and recorded in the journals of each body of the General Assembly at the beginning of each legislative year.

Section 61‑3‑140. (A)(1) The department shall issue an alcohol server certificate to each applicant who completes an approved program or a recertification program and who provides other information as may be required by the department in an application form that is available on the department’s website. A person must apply for an alcohol server certificate within six months of completing a program. The department, if circumstances warrant the issuance of a temporary alcohol server certificate, may issue a temporary alcohol server certificate that is valid for a period of not more than thirty calendar days.

(2) The department, in collaboration with DAODAS and the division, may issue an alcohol server certificate to an individual from out of the State who applies for an alcohol server certificate if the individual has an alcohol server certificate from a nationally recognized or comparable, state-recognized alcohol server certification program that the department, DAODAS, and the division find meets or exceeds the programs offered in this State.

(B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by the department.

(C) An alcohol server certificate is the property of the individual to whom it is issued and is transferrable among employers.

(D) Alcohol server certificates are valid for a period of three years from the date that the alcohol server certificate was issued. After the three‑year period, a new or recertified alcohol server certificate must be obtained pursuant to the provisions of this chapter in order for the holder to be employed as a server.

(E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server certificate was issued may obtain recertification in accordance with regulations promulgated by the department and approved by the General Assembly.

(F) The department shall charge a fee, not to exceed fifteen dollars, for the issuance and renewal of an alcohol server certificate. These fees shall be deposited in the Responsible Alcohol Server Training Fund.

Section 61‑3‑150. (A) In addition to civil and criminal penalties available for violations of the provisions of Title 61, an alcohol server who violates the provisions of this chapter, upon a final administrative determination:

(1) for a first offense, may be fined not more than fifty dollars, have his alcohol server certificate suspended for a period not to exceed fifteen days, or both;

(2) for a second offense not related to the first offense, may be fined not more than two hundred dollars, have his alcohol server certificate suspended for a period not to exceed thirty days, or both; and

(3) for a third or subsequent offense not related to earlier offenses, may be fined not more than three hundred fifty dollars, have his alcohol server certificate suspended not more than six months, or both.

(B) Fines collected pursuant to this chapter shall be deposited in the Responsible Alcohol Server Training Fund.

(C) The department may issue an administrative order to suspend or revoke the certificate of an alcohol server who repeatedly violates the provisions of this chapter within a three-year period of time. In lieu of suspension or revocation of an alcohol server certificate, the department may require that the individual who has violated the provisions of this chapter attend and successfully complete either the full program or a recertification program.

(D) An individual whose alcohol server certificate is suspended or revoked is prohibited from serving in a South Carolina business permitted or licensed pursuant to Title 61 for such period as stated in the suspension or revocation order and until the individual obtains a new alcohol server certificate pursuant to the provisions of this chapter. The department shall make the information on suspended or revoked alcohol server certificates accessible for licensees and permittees to verify when necessary.

(E) The provisions of this chapter shall not be interpreted to waive the liability of a permittee or licensee that may arise pursuant to the provisions of Title 61.

Section 61‑3‑160. As a requirement for application or renewal of a permit or license for on-premises consumption under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee for on-premises consumption must submit to the department proof that the permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or licensee during the upcoming or prior permit or license period have or have held valid alcohol server certificates at all times that alcoholic beverages were sold, served, or dispensed.

Section 61‑3‑170. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61‑2‑260 and the South Carolina Administrative Procedures Act.”

B. Section 61‑2‑60 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training provisions.”

C. Section 61-2-145 of the 1976 Code is amended to read:

“Section 61-2-145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement for a total coverage of at least one million dollars during the period of the biennial permit or license. ~~Failure~~ The department must automatically suspend the permit or license for any person who fails to maintain this coverage ~~constitutes grounds for suspension or revocation of the permit or license~~.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on‑premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on‑premises consumption after five o’clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on‑premises consumption after five o’clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement. Upon notification of the permit or license holder’s lapse or termination of the liquor liability insurance policy or general liability insurance policy, the department must automatically suspend the permit or license theretofore issued.

(D) Notwithstanding any other provision of law, when the department has suspended the permit or license pursuant to subsection (A) or (C), the permittee or licensee may request an expedited contested case hearing with the Administrative Law Court to review the department’s decision. The expedited hearing must be held within thirty days from the request, and the judge must issue an order no later than fifteen business days after the hearing is concluded.

~~(D)~~(E) For the purposes of this section, the term ‘alcoholic beverages’ means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.”

D. Section 61‑4‑50 of the 1976 Code is amended to read:

“Section 61‑4‑50. (A) It is unlawful for a person to sell beer, ale, porter, wine, or other similar malt or fermented beverage to a person under twenty‑one years of age. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.

(B) Failure of a person to require identification to verify a person’s age is prima facie evidence of the violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed ~~fifty~~ thirty-five dollars. A person who violates the provisions of this section who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61 and to obtain a new alcohol server certificate.”

E. Section 61‑4‑90(A) of the 1976 Code is amended to read:

“Section 61-4-90. (A) It is unlawful for a person to transfer or give to a person under the age of twenty‑one years for the purpose of consumption of beer or wine in the State, unless the person under the age of twenty‑one is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

F. Section 61‑4‑580 of the 1976 Code is amended to read:

“Section 61‑4‑580. (A) No holder of a permit authorizing the sale of beer or wine or a servant, agent, or employee of the permittee may knowingly commit any of the following acts upon the licensed premises covered by the holder’s permit:

(1) sell beer or wine to a person under twenty‑one years of age;

(2) sell beer or wine to an intoxicated person;

(3) permit gambling or games of chance except game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with the following:

(a) the game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services;

(b) no purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize;

(c) all materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation; and

(d) this subsection is not an exception or limitation to Section 12‑21‑2710 or other provisions of the South Carolina Code of Laws in which gambling or games of chance are unlawful and prohibited;

(4) permit lewd, immoral, or improper entertainment, conduct, or practices. This includes, but is not limited to, entertainment, conduct, or practices where a person is in a state of undress so as to expose the human male or female genitals, pubic area, or buttocks cavity with less than a full opaque covering;

(5) permit any act, the commission of which tends to create a public nuisance or which constitutes a crime under the laws of this State;

(6) sell, offer for sale, or possess any beverage or alcoholic liquors the sale or possession of which is prohibited on the licensed premises under the laws of this State;

(7) conduct, operate, organize, promote, advertise, run, or participate in a ‘drinking contest’ or ‘drinking game’. For purposes of this item, ‘drinking contest’ or ‘drinking game’ includes, but is not limited to, a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form. ‘Drinking contest’ or ‘drinking game’ does not include a contest, game, event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize. ~~Selling beer or wine in the regular course of business is not considered a violation of this section; or~~

(B) Selling beer or wine in the regular course of business is not considered a violation of this section. ~~a~~ A violation of any provision of this section is a ground for the revocation or suspension of the holder’s permit to sell beer or wine.

(C) A permittee, servant, agent, or employee of the permittee who holds an alcohol server permit and violates the provisions of items (A)(1) or (A)(2), upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

G. Section 61‑6‑2220 of the 1976 Code is amended to read:

“Section 61‑6‑2220. A person or establishment licensed to sell alcoholic liquors or liquor by the drink pursuant to this article ~~may~~ shall not sell these beverages to persons in an intoxicated condition; these sales are considered violations of the provisions ~~thereof~~ of Chapter 6, Title 61 ~~and subject to the penalties contained herein~~. A person who makes a sale in violation of this section, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

H. Section 61‑6‑4070(A) of the 1976 Code is amended to read:

“Section 61‑6‑4070. (A) It is unlawful for a person to transfer or give to a person under the age of twenty‑one years for the purpose of consumption of alcoholic liquors in the State unless the person under the age of twenty‑one is recruited and authorized by a law enforcement agency to test a person’s compliance with laws relating to the unlawful transfer or sale of alcoholic liquors to a minor. A person who violates this section is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.”

I. Section 61‑6‑4080 of the 1976 Code is amended to read:

“Section 61‑6‑4080. (A) A person engaged in the sale of alcoholic liquors who knowingly sells the alcoholic liquors to a person under the age of twenty‑one is guilty of a misdemeanor and, upon conviction:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than fifteen days; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars or imprisoned not more than thirty days, or both. In addition to criminal penalties, a person convicted who holds an alcohol server certificate pursuant to Chapter 3, Title 61 must have his alcohol server certificate suspended for not more than thirty days for a second offense and not more than six months for a third or subsequent offense.

(B) Failure of a person to require identification to verify a person’s age is prima facie evidence of a violation of this section.

(C) A person who violates the provisions of this section who does not hold an alcohol server certificate ~~also~~ is required to successfully complete a DAODAS approved merchant alcohol enforcement education program. The program must be a minimum of two hours and the cost to the person may not exceed ~~fifty~~ thirty-five dollars. A person who violates the provisions of this section who does hold an alcohol server certificate, upon conviction, is required to complete alcohol server training pursuant to Chapter 3, Title 61 and to obtain a new alcohol server certificate.”

J. If any section, subsection, paragraph, item, subitem, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

K. The repeal or amendment by this act of any law, whether temporary, permanent, civil, or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon or alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

L. The State, through the South Carolina Department of Alcohol and Other Drug Abuse Services, shall provide alcohol server training at minimal costs to any participant for the first three years after the effective date of this act. The alcohol education training shall meet or exceed the requirements of Section 61-3-120, as added by this act, and shall be provided quarterly at no fewer than seven locations across the State. An individual who completes this training successfully is eligible to apply for an alcohol server certificate pursuant to the requirements of Section 61-3-140, as added by this act.

M. The provisions of Chapter 3, Title 61 and SECTIONS \_\_.B. and \_\_.C. take effect upon signature of the Governor, but the implementation and enforcement of the provisions of Chapter 3, Title 61 and the provisions of SECTIONS \_\_.D., \_\_.E., \_\_.F., \_\_.G., \_\_.H., and \_\_.I. become effective one year after the signature of the Governor. A person applying for a new permit or license under Title 61 one year after the signature of the Governor must comply with all provisions of SECTION \_\_ at the time of the application. A person renewing a permit or license under Title 61 one year after the signature of the Governor must comply with the provisions of SECTION \_\_ at the time of renewal.

SECTION 6. This act takes effect upon approval by the Governor.

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