**A** **BILL**

TO AMEND SECTION 61-6-20(2) OF THE 1976 CODE, RELATING TO THE DEFINITION OF BONA FIDE ENGAGED PRIMARILY AND SUBSTANTIALLY IN THE PREPARATION AND SERVING OF MEALS, TO PROVIDE THAT SUCH A BUSINESS MUST DERIVE GROSS REVENUE FROM ITS SALE OF MEALS AND FOODS, AND NON-ALCOHOLIC BEVERAGES, THAT IS NOT LESS THAN FIFTY-ONE PERCENT OF ITS TOTAL GROSS REVENUE FROM THE SALE OF MEALS AND FOODS, NON-ALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.

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

SECTION 1. Section 61-6-20(2) of the 1976 Code is amended to read:

“(2) ‘Bona fide engaged primarily and substantially in the preparation and serving of meals’ as provided for in Article VIII-A of the South Carolina Constitution means a business that provides facilities for seating not fewer than forty persons simultaneously at tables for the service of meals and that:

(a) is equipped with a kitchen that is utilized for the cooking, preparation, and serving of meals upon customer request at normal meal times;

(b) has readily available to its guests and patrons either menus with the listings of various meals offered for service or a listing of available meals and foods, posted in a conspicuous place readily discernible by the guest or patrons; ~~and~~

(c) prepares for service to customers, upon the demand of the customer, hot meals at least once each day the business establishment chooses to be open; and

(d) derives gross revenue from its sale of meals and foods, and non-alcoholic beverages, that is not less than fifty-one percent of its total gross revenue from the sale of meals and foods, non-alcoholic beverages, and alcoholic beverages.”

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

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