~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 6, 2013

**H. 3554**

Introduced by Reps. Cole, Forrester, G.M. Smith and Stavrinakis

S. Printed 3/6/13--H.

Read the first time February 19, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3554) to amend Section 61‑4‑1515, Code of Laws of South Carolina, 1976, relating to samples and sales of beer at breweries, so as to specify that, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, page 1, by striking lines 32 and 33 and inserting:

/ ~~brewed in this State~~ to consumers on its licensed premises~~, with or without cost, to consumers under the~~ for on‑premises consumption /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 61‑4‑1515, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SAMPLES AND SALES OF BEER AT BREWERIES, SO AS TO SPECIFY THAT FOURTEEN PERCENT ALCOHOL BY WEIGHT IS THE MAXIMUM THAT MAY BE OFFERED FOR ON‑PREMISES CONSUMPTION, TO ALLOW FOR THE SALE OF SIXTY‑FOUR OUNCES OF BEER TO A CONSUMER EVERY TWENTY‑FOUR HOURS, TO PROVIDE THE BEER MUST BE SOLD AT THE APPROXIMATE RETAIL PRICE, TO PROVIDE THAT APPROPRIATE TAXES MUST BE REMITTED, AND TO CLARIFY THAT A CERTAIN PROVISION APPLIES TO OFF‑PREMISES CONSUMPTION.

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

SECTION 1. Section 61‑4‑1515(A) and (B) of the 1976 Code, as added by Act 231 of 2010, is amended to read:

“Section 61‑4‑1515. (A) Notwithstanding another provision of law, a brewery in this State is authorized to offer ~~samples of~~ beer ~~brewed in this State~~ to consumers on its licensed premises, with or without cost, ~~to consumers under the~~ for on‑premises consumption provided that the beer was brewed on the licensed premises with an alcohol content of fourteen percent by weight, or less, subject to the following conditions:

(1) sales to or tastings by consumers must be held in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

(2) ~~a sample~~ sales or samples shall not be offered or made to, or allowed to be ~~consumed by~~ offered or made to, an intoxicated person or a person who is under the age of twenty‑one;

(3) ~~a sample shall be~~ no more than ~~two ounces per brand of beer with over eight percent alcohol by weight and no more than four~~ sixty‑four ounces of beer ~~with under eight percent alcohol by weight brewed at the licensed premises; and~~

~~(4)~~ ~~no more than four brands of beer~~ brewed at the licensed premises may be ~~sampled by~~ sold to a consumer in a twenty‑four hour period;

(4) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located; and

(5) the brewery must remit appropriate taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for excise taxes assessed by the department. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.

(B) A brewery located in this State is authorized to sell beer on its licensed premises for off‑premises consumption, provided that the beer was brewed on the licensed premises with an alcohol content of fourteen percent by weight or less, subject to the following restrictions:

(1) the maximum amount of beer that may be sold to an individual per day shall be equivalent to two hundred eighty‑eight ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the licensed premises and the entire brewing process utilized at the licensed premises;

(3) the beer sold is for personal use only and cannot be resold;

(4) the beer cannot be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the licensed premises at a price approximating retail prices generally charged for identical beverages in the county where the licensed premises are located; and

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12‑21‑1020 and Section 12‑21‑1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.”

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

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