**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4901**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Ott

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Introduced in the House on February 13, 2018

Currently residing in the House Committee on **Judiciary**

Summary: Alcohol, businesses authorized to sell

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/13/2018 House Introduced and read first time ([House Journal‑page 13](file:///h:\hj\20180213.docx))

2/13/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 13](file:///h:\hj\20180213.docx))

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**VERSIONS OF THIS BILL**

[2/13/2018](file:///p:\pprever\2017-18\4901_20180213.docx)

**A** **BILL**

TO AMEND SECTION 61‑6‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO REMOVE A DEFINITION; TO AMEND SECTION 61‑6‑1610, RELATING TO BUSINESS ESTABLISHMENTS AUTHORIZED TO SELL ALCOHOLIC LIQUORS SOLD BY THE DRINK, SO AS TO REMOVE THE REQUIREMENTS REQUIRING A BUSINESS TO BE ENGAGED IN SERVING FOOD OR PROVIDING LODGING; AND TO AMEND SECTION 61‑6‑1820, RELATING TO THE CRITERIA FOR A LICENSE TO SERVE LIQUOR BY THE DRINK, SO AS TO MAKE A CONFORMING CHANGE.

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’ 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~~ Reserved.”

SECTION 2. Section 61‑6‑1610 of the 1976 Code is amended to read:

“Section 61‑6‑1610. (A) Except on Sunday, it is lawful to sell and consume alcoholic liquors sold by the drink in a business establishment between the hours of ten o’clock in the morning and two o’clock the following morning if the establishment ~~meets the following requirements:~~

~~(1)~~ ~~the business is bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging; and~~

~~(2)~~ ~~the business~~ has a license from the department authorizing the sale and consumption of alcoholic liquors by the drink, which is displayed conspicuously on the main entrance to the premises and clearly visible from the outside.

(B) Notwithstanding another provision of this article, the licensed premises of a business establishment ~~which is bona fide engaged primarily and substantially in the preparation and service of meals and~~ which holds a valid license for the sale and consumption of alcoholic liquors by the drink do not extend to any portion of the business establishment or the property upon which it is located which is designed as or used for a parking area ~~even though food may be served in the area~~.

(C) An establishment licensed pursuant to the provisions of this article may use alcoholic liquors in the preparation of food without obtaining the license provided for in Section 61‑6‑700.

(D) Any licensee, employee, or agent of an establishment licensed ~~as a food service establishment or place of lodging~~ pursuant to the provisions of this section is prohibited from selling, making available for sale, or permitting the consumption of alcoholic liquors on the licensed premises between the hours of two o’clock in the morning and ten o’clock in the morning. However, any licensee, employee, or agent of an establishment licensed ~~as a food service establishment or place of lodging~~ pursuant to the provisions of this section is prohibited from selling, making available for sale, or permitting the consumption of alcoholic liquors on Sunday unless the establishment has been issued for that Sunday a temporary permit pursuant to the provisions of Section 61‑6‑2010. A violation of this subsection is a violation against the establishment’s license.

(E)(1) It is unlawful for a person licensed to sell alcoholic liquor by the drink pursuant to the provisions of this section to knowingly and wilfully refill, partially refill, or reuse a bottle of lawfully purchased alcoholic liquor, or otherwise tamper with the contents of the bottle.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction:

(a) for a first offense, must be fined five hundred dollars or imprisoned for not more than thirty days, or both;

(b) for a second or subsequent offense, must be fined one thousand dollars or imprisoned for not more than six months, or both.

(F) In addition to the penalties provided in subsection (E), a violation of this section may subject the licensee or permit holder to revocation or suspension of the license or permit by the department.

(G) The possession of a refilled or reused bottle or other container of alcoholic liquors is prima facie evidence of a violation of this section. A person who violates this provision must, upon conviction, have his license revoked permanently.

~~(H)~~ ~~An establishment licensed pursuant to the provisions of Section 61‑6‑20(2) as a business that is bona fide engaged primarily and substantially in the preparation and serving of meals is authorized to continue to operate as the licensed establishment so long as the licensed establishment maintains a Grade A retail food establishment permit from the Department of Health and Environmental Control. Upon notice by the Department of Health and Environmental Control to the licensed establishment and to the Department of Revenue that the retail food establishment permit has been reduced to a grade below Grade A, the licensed establishment has thirty days within which to request a subsequent inspection by the Department of Health and Environmental Control. If a subsequent inspection is not requested within thirty days after the reduction in a grade below Grade A, or the subsequent inspection results in a grade below Grade A, then the Department of Revenue shall suspend the license of the licensed establishment until the Department of Health and Environmental Control issues a Grade A retail food establishment permit.~~

~~(I)~~ ~~For purposes of this section:~~

~~(1)~~ ~~‘Kitchen’ means a separate and distinct area of the business establishment that is used solely for the preparation, serving, and disposal of solid foods that make up meals. The area must be adequately equipped for the cooking, serving, and storage of solid foods and must include at least twenty‑one cubic feet of refrigerated space for food and a stove.~~

~~(2)~~ ~~‘Meal’ means an assortment of various prepared foods available to guests on the licensed premises during the normal mealtimes that occur when the licensed business establishment is open to the public. Sandwiches, boiled eggs, sausages, and other snacks prepared off the licensed premises but sold there are not a meal.~~

~~(3)~~ ~~‘Primarily’ means that the serving of the meals by a business establishment is a regular source of business to the licensed establishment, that meals are served upon the demand of guests and patrons during the normal mealtimes that occur when the licensed business establishment is open to the public, and that an adequate supply of food is present on the licensed premises to meet the demand.~~”

SECTION 3. Section 61‑6‑1820(1) of the 1976 Code is amended to read:

“(1) The applicant is a bona fide nonprofit organization, a homeowners association chartered as a nonprofit organization by the Secretary of State, or the applicant ~~conducts a business bona fide engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging~~ is licensed pursuant to the provisions of Section 61‑6‑1610.”

SECTION 4. This act takes effect upon approval by the Governor.

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