**South Carolina General Assembly**

123rd Session, 2019-2020

**A169, R166, S1099**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Talley, Shealy, Turner, Hutto, Sabb, Climer, McLeod, Gambrell, Johnson, Campsen, Scott, Williams and Reese

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Introduced in the Senate on February 12, 2020

Introduced in the House on June 24, 2020

Last Amended on September 22, 2020

Passed by the General Assembly on September 23, 2020

Governor's Action: September 30, 2020, Signed

Summary: Alcohol

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/12/2020 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h%3A%5Csj%5C20200212.docx))

 2/12/2020 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 3](file:///h%3A%5Csj%5C20200212.docx))

 2/14/2020 Senate Referred to Subcommittee: Turner (ch), Hutto, Talley, Cash, Harpootlian

 3/11/2020 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 7](file:///h%3A%5Csj%5C20200311.docx))

 3/12/2020 Scrivener's error corrected

 5/12/2020 Senate Committee Amendment Adopted ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20200512.docx))

 5/12/2020 Senate Read second time ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20200512.docx))

 5/12/2020 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20200512.docx))

 5/12/2020 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 50](file:///h%3A%5Csj%5C20200512.docx))

 5/13/2020 Senate Read third time and sent to House ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20200513.docx))

 6/24/2020 House Introduced and read first time ([House Journal‑page 32](file:///h%3A%5Chj%5C20200624.docx))

 6/24/2020 House Referred to Committee on **Ways and Means** ([House Journal‑page 32](file:///h%3A%5Chj%5C20200624.docx))

 9/15/2020 House Committee report: Favorable with amendment **Ways and Means** ([House Journal‑page 62](file:///h%3A%5Chj%5C20200915.docx))

 9/22/2020 House Requests for debate‑Rep(s).  Hiott, GR Smith, Trantham, Stringer, Haddon, Burns, Magnuson, Morgan, Martin, Oremus, Blackwell, Taylor, Hixon, Daning, Long, Forrest, Bennett, Jefferson, McCravy, Rose, Caskey, Ott, VS Moss, King, S. Williams, Rivers, Brawley, and Anderson ([House Journal‑page 26](file:///h%3A%5Chj%5C20200922.docx))

 9/22/2020 House Amended ([House Journal‑page 105](file:///h%3A%5Chj%5C20200922.docx))

 9/22/2020 House Read second time ([House Journal‑page 105](file:///h%3A%5Chj%5C20200922.docx))

 9/22/2020 House Roll call Yeas‑76 Nays‑13 ([House Journal‑page 105](file:///h%3A%5Chj%5C20200922.docx))

 9/23/2020 Scrivener's error corrected

 9/23/2020 House Read third time and returned to Senate with amendments ([House Journal‑page 82](file:///h%3A%5Chj%5C20200923.docx))

 9/23/2020 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 138](file:///h%3A%5Csj%5C20200923.docx))

 9/23/2020 Senate Roll call Ayes‑30 Nays‑4 ([Senate Journal‑page 138](file:///h%3A%5Csj%5C20200923.docx))

 9/25/2020 Ratified R 166

 9/30/2020 Signed By Governor

 10/7/2020 Effective date 09/30/20

 10/7/2020 Act No.  169

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**VERSIONS OF THIS BILL**

[2/12/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200212.docx)

[3/11/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200311.docx)

[3/12/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200312.docx)

[5/12/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200512.docx)

[9/15/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200915.docx)

[9/22/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200922.docx)

[9/23/2020](file:///p%3A%5Cpprever%5C2019-20%5C1099_20200923.docx)

(A169, R166, S1099)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑942 SO AS TO PROHIBIT A MANUFACTURER, BREWER, OR IMPORTER OF BEER FROM REQUIRING A WHOLESALER TO UNDERTAKE CERTAIN ACTIONS.**

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

**Distribution agreements, prohibited acts**

SECTION 1. Article 9, Chapter 4, Title 61 of the 1976 Code is amended by adding:

 “Section 61‑4‑942. Notwithstanding any existing beer distribution agreement to the contrary, a manufacturer, brewer, or importer of beer shall not:

 (1) coerce or require a wholesaler to gather or submit sales records, retail placement, price, discount, rebate, or other details for beer brands not manufactured, brewed, or imported by the manufacturer, brewer, or importer;

 (2) mandate wholesaler employee hiring decisions or payment rates, including incentives;

 (3) require a wholesaler to pay or contribute marketing, advertising, or other funds for control or expenditure by the manufacturer, brewer, or importer, except a wholesaler may agree, in writing and in advance of the payment or contribution, to spend or contribute wholesaler funds for a specified marketing or advertising plan or opportunity;

 (4) ship, invoice, or initiate an electronic funds transfer payment for any quantity of beer exceeding any order or forecast submitted by a wholesaler, or include in a beer sales invoice charges for any items other than beer, freight, fuel, cooperage, dunnage, pallets, and related deposits;

 (5) invoice or initiate electronic funds transfer payment for point‑of‑sale advertising specialties or other items, except a manufacturer, brewer, or importer may place an order and invoice or initiate an electronic funds transfer payment for point-of-sale advertising specialties or other items pursuant to a specific written agreement between the wholesaler and the manufacturer, brewer, or importer made prior to the placement of an order;

 (6) attribute risk of loss, ownership or other financial interest to a wholesaler for beer not in the wholesaler’s possession; or

 (7) require a wholesaler to pay for development, installation, or use of any software owned or mandated by the manufacturer, brewer, or importer, except a wholesaler may be required to maintain data in a format compatible with data format standards adopted by a manufacturer, brewer, or importer.”

**Time effective**

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

Ratified the 25th day of September, 2020.

Approved the 30th day of September, 2020.

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