**South Carolina General Assembly**

124th Session, 2021-2022

**S. 388**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Harpootlian

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Introduced in the Senate on January 12, 2021

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

Summary: Alcohol

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 295](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 295](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\388_20201209.docx)

**A** **BILL**

TO AMEND SECTIONS 61‑2‑10 THROUGH 61‑2‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE ENFORCEMENT OF LAWS AND REGULATIONS GOVERNING ALCOHOLIC LIQUORS, BEER, AND WINE, SO AS TO ESTABLISH THE DEPARTMENT OF ALCOHOL LICENSING AND ENFORCEMENT AND TO MAKE CONFORMING CHANGES TO TRANSFER THE POWERS GRANTED TO THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF ALCOHOL LICENSING AND ENFORCEMENT; TO AMEND SECTION 61‑2‑105, RELATING TO FEES FOR ALCOHOLIC LIQUOR AND BEER AND WINE LICENSE APPLICATION FEES, SO AS TO PROVIDE THAT THE FUNDS MUST BE COLLECTED BY THE DEPARTMENT OF ALCOHOL LICENSING AND ENFORCEMENT; TO AMEND SECTION 12‑4‑10, RELATING TO THE CREATION OF THE DEPARTMENT OF REVENUE, SO AS TO MAKE A CONFORMING CHANGE; AND TO AMEND SECTION 23‑3‑15, RELATING TO THE AUTHORITY OF THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, SO AS TO REMOVE SLED’S JURISDICTION RELATED TO THE ENFORCEMENT OF THE ALCOHOLIC BEVERAGE CONTROL ACT.

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

SECTION 1. Sections 61‑2‑10 through 61‑2‑40 of the 1976 Code are amended to read:

“Section 61‑2‑10. (A) As used in ~~Title 61~~ this title, unless the context clearly requires otherwise:

(1) ‘Commissioner’ means the commissioner of the Department of Alcohol Licensing and Enforcement.

(2) ‘Department’ means the ~~South Carolina Department of Revenue~~ Department of Alcohol Licensing and Enforcement.

~~(2)~~ ~~‘Director’ means the director of the Department of Revenue.~~

(3) ‘Division’ means the ~~South Carolina Law Enforcement Division~~ enforcement division of the Department of Alcohol Licensing and Enforcement.

(4) ‘Regulation’, unless otherwise specified, means a regulation promulgated by the department ~~or division~~ pursuant to (a) this title or (b) other provisions of the Code relating to beer, wine, and alcoholic liquors, and in accordance with Chapter 23 ~~of~~, Title 1.

Section 61‑2‑20. (A) There is created the Department of Alcohol Licensing and Enforcement. The functions, duties, and powers set forth in this title are vested in the department and ~~the~~ its enforcement division. The ~~department~~ commissioner must administer the provisions of this title and any other licensing laws and regulations relating to alcoholic liquors, beer, and wine, and the division must enforce the provisions of this title.

(B) The commissioner shall appoint other personnel necessary for the efficient performance of the duties prescribed in this chapter including a chief of the enforcement division.

(C) The department’s enforcement division is responsible for the enforcement of all criminal laws, misdemeanors, felonies, and civil laws the violation of which may result in a fine or other penalty being assessed against the violator. These criminal and civil laws also include regulations and ordinances pertinent thereto. The duties, functions, and powers of law enforcement personnel are devolved upon the Department of Alcohol Licensing and Enforcement and the enforcement personnel of the department shall perform their duties and functions under the auspices of the division. The division shall allocate enforcement personnel in proportion to the population of each district. The division also may utilize municipal police officers and county sheriffs to enforce the provisions of this title if necessary.

Section 61‑2‑30. The department and the division must employ personnel necessary to administer and enforce the laws and regulations governing alcoholic liquors, beer, and wine. Salaries of these personnel must be set by the ~~department and the division, as applicable~~ commissioner.

Section 61‑2‑40. (A) The chief of the division and the ~~director~~ commissioner of the department directly or indirectly (a) individually, (b) as a member of a partnership or of an association, (c) as a member or stockholder of a corporation, or (d) as a relative to a person by blood or marriage within the second degree shall not:

(1) have an interest in the manufacture of or dealing in alcoholic liquors or in an enterprise or industry in which alcoholic liquors are required;

(2) receive a commission or profit on the purchase or sale of alcoholic liquors by any person; or

(3) have an interest in or mortgage or deed of trust on any land or building where alcoholic liquors are manufactured for sale, offered for sale, or sold or in personal property used therein.

(B) No employee of the department may license, permit, or participate in the licensing or permitting of a person, business, or organization which requires a license or permit for lawful operation under the law and regulations governing alcoholic liquors, beer, and wine if the employee has an ownership interest in that person, business, or organization.

(C) No employee of the division may enforce any law or regulation governing alcoholic liquors, beer, and wine against any person, business, or organization which requires a license or permit for lawful operation under the law and regulations governing alcoholic liquors, beer, and wine if the employee has an ownership interest in that person, business, or organization.”

SECTION 2. Section 61‑2‑105 of the 1976 Code is amended to read:

“Section 61‑2‑105. Notwithstanding another provision of law, all initial alcoholic liquor and beer and wine license application fees are increased by one hundred dollars, all biennial alcoholic liquor and beer and wine beverage fees and licenses are increased by two hundred dollars, and all local operation permit fees are increased by fifty dollars. These additional funds must be collected by the department ~~of Revenue and as soon as practicable allocated to the State Law Enforcement Division~~ to offset the costs of inspections, investigations, and enforcement. ~~SLED is authorized to receive, expend, and carry forward these funds.~~”

SECTION 3. Section 12‑4‑10 of the 1976 Code is amended to read:

“Section 12‑4‑10. The South Carolina Department of Revenue is created to administer and enforce the revenue laws of this State~~; administer the licensing laws and regulations relating to alcoholic liquors, beer, and wine and assess penalties for violations thereof;~~ and other laws specifically assigned to it.”

SECTION 4. Section 23‑3‑15(C) of the 1976 Code is amended to read:

“~~(C)~~ ~~The South Carolina Law Enforcement Division is responsible for the enforcement of all criminal laws, misdemeanors, and felonies, and civil laws, the violation of which may result in a fine or other penalty being assessed against the violator, which laws are now enforced by law enforcement personnel employed by and under the jurisdiction of the Alcoholic Beverage Control Commission. These civil and criminal laws also include regulations and ordinances pertinent thereto. The duties, functions, and powers of these law enforcement personnel are devolved upon the South Carolina Law Enforcement Division and the law enforcement personnel of this agency on the effective date of this section shall perform their duties and functions under the auspices of the division and shall become a part of the South Carolina Law Enforcement Division in the manner provided by law.~~”

SECTION 5. This act takes effect on July 1, 2021.

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