

Session 114 - (2001-2002)

S 0184 General Bill, By Hayes, Elliott, Thomas, Ritchie, Martin, Jackson, Richardson, Verdin, Mescher, Grooms, Branton and McGill

Summary: Alcoholic beverages, liquors sold by the drink, sales tax on; Taxation, Sales and use, Alcohol, Minibottles repealed

A BILL TO AMEND CHAPTER 36, TITLE 12, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES AND USE TAXES, BY ADDING SECTION 12-36-925, SO AS TO PROVIDE FOR A SALES TAX ON THE GROSS PROCEEDS OF THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK; TO AMEND SECTION 6-27-40, AS AMENDED, RELATING TO DISTRIBUTIONS FROM THE LOCAL GOVERNMENT FUND, SO AS TO REVISE THE AMOUNT OF THE DISTRIBUTION TO COUNTIES THAT MUST BE USED FOR ALCOHOL EDUCATION AND ALCOHOLISM AND DRUG REHABILITATION BUT TO PROVIDE THAT IN NO CASE MAY THE AMOUNT PROVIDED BE LESS THAN THE AMOUNT DISTRIBUTED IN FISCAL YEAR 2000-2001; TO AMEND SECTION 61-6-20, RELATING TO THE DEFINITIONS USED IN THE ALCOHOLIC BEVERAGE CONTROL ACT, SO AS TO PROVIDE A DEFINITION OF "ALCOHOLIC LIQUOR BY THE DRINK" AND "ALCOHOLIC BEVERAGES BY THE DRINK"; TO AMEND SECTION 61-6-700, RELATING TO ESTABLISHMENTS WHICH USE ALCOHOLIC BEVERAGES SOLELY IN THE PREPARATION OF FOODS TO BE SERVED BY THE ESTABLISHMENTS, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES; TO AMEND SECTION 61-6-1600 AND SECTION 61-6-1610, RELATING TO NONPROFIT ORGANIZATIONS AND BUSINESS ESTABLISHMENTS BEING LICENSED TO SELL ALCOHOLIC LIQUORS IN MINIBOTTLES, BOTH SO AS TO DELETE THE AUTHORIZATION TO SELL ALCOHOLIC LIQUORS IN MINIBOTTLES, TO AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK, AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 61-6-1620, RELATING TO RESTRICTIONS ON MINIBOTTLE LICENSEES SO AS TO DELETE THE RESTRICTIONS AND TO AUTHORIZE THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUORS IN CONTAINERS OTHER THAN MINIBOTTLES ON LICENSED PREMISES; TO AMEND SECTION 61-6-1825, RELATING TO THE PROCEDURES TO PROTEST THE ISSUANCE OR RENEWAL OF A MINIBOTTLE LICENSE, SO AS TO DELETE THE TERM "MINIBOTTLE" AND TO MAKE THE PROCEDURES APPLY TO ANY BIENNIAL LICENSE FOR ON-PREMISES CONSUMPTION; TO AMEND SECTION 61-6-2000, AND SECTION 61-6-2005, AS AMENDED, BOTH RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS, SO AS TO PROVIDE THAT THE LICENSE AUTHORIZES THE SALE OF ALCOHOLIC LIQUORS BY THE DRINK; TO AMEND SECTION 61-6-2010, AS AMENDED, RELATING TO TEMPORARY PERMITS AUTHORIZED THROUGH A REFERENDUM, SO AS TO DELETE THE REFERENCES TO ALCOHOLIC LIQUORS "IN SEALED CONTAINERS OF TWO OUNCES OR LESS"; TO AMEND SECTION 61-6-2200, RELATING TO THE AGE OF THE SERVER OF ALCOHOLIC LIQUORS IN ON-PREMISES ESTABLISHMENTS, SO AS TO PROVIDE THE SERVER, WHO IS EIGHTEEN YEARS OF AGE OR OLDER, MAY SERVE ALCOHOLIC LIQUORS BY THE DRINK AND TO DELETE THE REFERENCE TO MINIBOTTLES; TO AMEND SECTION 61-6-2400 AND SECTION 61-6-2420, BOTH RELATING TO TAXATION OF ALCOHOLIC LIQUORS AND RESTAURANTS, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES; TO AMEND SECTION 61-6-2600, RELATING TO THE PENALTIES FOR VIOLATING ARTICLE 5, CHAPTER 6 OF TITLE 61, CONCERNING THE REGULATION OF ALCOHOLIC LIQUORS IN MINIBOTTLES, SO AS TO DELETE THE REFERENCE TO MINIBOTTLES AND TO PROVIDE THAT A PERSON WHO ACTS TO AVOID THE PAYMENT OF THE SALES TAX ON THE SERVING OF ALCOHOLIC BEVERAGES BY THE DRINK IS SUBJECT TO THE PENALTIES OF THIS SECTION; TO AMEND SECTION 61-12-10, AS AMENDED, RELATING TO THE DISBURSEMENT OF REVENUE FOR EDUCATION PROGRAMS ABOUT ALCOHOLIC LIQUORS AND REHABILITATION OF ALCOHOLICS AND DRUG ADDICTS, SO AS TO CONFORM A STATUTORY REFERENCE; TO REPEAL SECTION 12-33-245, RELATING TO THE TWENTY-FIVE CENTS EXCISE TAX ON MINIBOTTLES; AND TO PROVIDE THAT ALL STATUTES AND REGULATIONS CONCERNING MINIBOTTLE LICENSES OR PERMITS APPLY TO THE LICENSE OR PERMIT TO SELL ALCOHOLIC LIQUORS BY THE DRINK AND TO PROVIDE THAT MINIBOTTLE LICENSES OR PERMITS IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT ARE DEEMED TO BE PERMITS FOR ALCOHOLIC LIQUOR BY THE DRINK AFTER THE EFFECTIVE DATE OF THIS ACT.

01/23/01 Senate Introduced and read first time SJ-7

01/23/01 Senate Referred to Committee on Judiciary SJ-7

04/10/02 Senate Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-11

05/29/02 Senate Recommitted to Committee on Judiciary SJ-147