~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 21, 2014

**H. 4399**

Introduced by Rep. Cobb‑Hunter

S. Printed 5/21/14--S.

Read the first time May 1, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4399) to amend Section 61‑6‑120, Code of Laws of South Carolina, 1976, relating to certain alcohol permits in the proximity of schools, playgrounds, and churches, 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, by striking page 1, lines 27-28 in its entirety and inserting the following:

/ “Section 61‑6‑120. (A) The department shall not grant or issue any license provided for in this article, Article 5, or Article 7 of this chapter, /

Amend the bill further, as and if amended, by striking page 2, line 29 in its entirety and inserting the following:

/ SECTION 2. Article 13, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑4157. (A) As used in this section, ‘powdered alcohol’ is alcohol prepared or sold in a powder form for either direct use or reconstitution.

(B)(1) It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol.

(2) It is unlawful for a holder of a license pursuant to the provisions of this chapter for on‑premises or off‑premises consumption of alcoholic liquors to use powdered alcohol as an alcoholic beverage.

(3) Any person or license holder that violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not more than three hundred dollars or imprisonment for not more than thirty days, or both;

(b) for a second offense, by a fine of not more than seven hundred fifty dollars or imprisonment for not more than six months, or both;

(c) for a third or subsequent offense, by a fine of not more than three thousand dollars or imprisonment for not more than two years, or both.

(C) This section does not apply to the use of powdered alcohol for bona fide research purposes by a:

(1) health care provider that operates primarily for the purpose of conducting scientific research;

(2) state institution;

(3) private college or university; or

(4) pharmaceutical or biotechnology company.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Revenue indicates there is no fiscal impact with this bill.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 61‑6‑120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN ALCOHOL PERMITS IN THE PROXIMITY OF SCHOOLS, PLAYGROUNDS, AND CHURCHES, SO AS TO ALLOW THE ISSUANCE OF A LICENSE FOR THE ON‑PREMISES CONSUMPTION OF ALCOHOLIC LIQUOR IF ALL PLAYGROUNDS AND CHURCHES IN THE PROXIMITY AFFIRMATIVELY STATE THAT THEY DO NOT OBJECT TO THE ISSUANCE.

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

SECTION 1. Section 61‑6‑120 of the 1976 Code is amended to read:

“Section 61‑6‑120. (A) The department shall not grant or issue any license provided for in this article or Article 7 of this chapter, if the place of business is within three hundred feet of any church, school, or playground situated within a municipality or within five hundred feet of any church, school, or playground situated outside of a municipality. Such distance shall be computed by following the shortest route of ordinary pedestrian or vehicular travel along the public thoroughfare from the nearest point of the grounds in use as part of such church, school, or playground, which, as used herein, shall be defined as follows:

(1) ‘Church’, an establishment, other than a private dwelling, where religious services are usually conducted;

(2) ‘School’, an establishment, other than a private dwelling where the usual processes of education are usually conducted; and

(3) ‘Playground’, a place, other than grounds at a private dwelling, which is provided by the public or members of a community for recreation.

The above restrictions do not apply to the renewal of licenses and they do not apply to new applications for locations which are licensed at the time the new application is filed with the department.

(B) An applicant for license renewal or for a new license at an existing location shall pay a five dollar certification fee to determine if the exemptions provided for in subsection (A) apply.

(C)(1) Notwithstanding the provisions of subsection (A), the department may issue a license so long as the provisions of subsection (A) are met in regards to schools, and so long as any playground or church located within the parameters affirmatively states that it does not object to the issuance of a license. This subsection only applies to a permit for on‑premises consumption of alcoholic liquor.

(2) Any applicant seeking to utilize the provisions of this subsection must provide a statement from the decision‑making body of the owner of the playground or from the decision‑making body of the local church stating that it does not object to the issuance of the specific license sought. If more than one playground or church is located within the parameters set forth in subsection (A), the applicant must provide the statement from all playgrounds and churches.

(3) The department may promulgate regulations necessary to implement the provisions of this subsection.”

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

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