**South Carolina General Assembly**

123rd Session, 2019-2020

**A167, R162, S993**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Hembree

Document Path: l:\s-jud\bills\hembree\jud0073.mf.docx

Introduced in the Senate on January 14, 2020

Introduced in the House on June 24, 2020

Last Amended on September 16, 2020

Passed by the General Assembly on September 23, 2020

Governor's Action: September 29, 2020, Signed

Summary: Alcohol

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/14/2020 Senate Introduced and read first time ([Senate Journal‑page 65](file:///h:\sj\20200114.docx))

1/14/2020 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 65](file:///h:\sj\20200114.docx))

2/18/2020 Senate Referred to Subcommittee: Turner (ch), Hutto, Talley, Cash, Harpootlian

3/11/2020 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 6](file:///h:\sj\20200311.docx))

5/12/2020 Senate Committee Amendment Adopted ([Senate Journal‑page 46](file:///h:\sj\20200512.docx))

5/12/2020 Senate Amended ([Senate Journal‑page 46](file:///h:\sj\20200512.docx))

5/12/2020 Senate Read second time ([Senate Journal‑page 46](file:///h:\sj\20200512.docx))

5/12/2020 Senate Roll call Ayes‑36 Nays‑2 ([Senate Journal‑page 46](file:///h:\sj\20200512.docx))

5/12/2020 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 46](file:///h:\sj\20200512.docx))

5/13/2020 Scrivener's error corrected

5/13/2020 Senate Read third time and sent to House ([Senate Journal‑page 4](file:///h:\sj\20200513.docx))

6/24/2020 House Introduced and read first time ([House Journal‑page 30](file:///h:\hj\20200624.docx))

6/24/2020 House Referred to Committee on **Ways and Means** ([House Journal‑page 30](file:///h:\hj\20200624.docx))

9/15/2020 House Committee report: Favorable **Ways and Means** ([House Journal‑page 61](file:///h:\hj\20200915.docx))

9/16/2020 House Amended ([House Journal‑page 10](file:///h:\hj\20200916.docx))

9/16/2020 House Read second time ([House Journal‑page 10](file:///h:\hj\20200916.docx))

9/16/2020 House Roll call Yeas‑94 Nays‑9 ([House Journal‑page 10](file:///h:\hj\20200916.docx))

9/22/2020 House Read third time and returned to Senate with amendments ([House Journal‑page 22](file:///h:\hj\20200922.docx))

9/22/2020 Senate Non‑concurrence in House amendment ([Senate Journal‑page 36](file:///h:\sj\20200922.docx))

9/22/2020 Senate Roll call Ayes‑0 Nays‑40 ([Senate Journal‑page 36](file:///h:\sj\20200922.docx))

9/22/2020 House insists upon amendment and conference committee appointed Reps.  McCravy, GM Smith, and Stavrinakis ([Senate Journal‑page 83](file:///h:\sj\20200922.docx))

9/23/2020 Senate Reconsidered ([Senate Journal‑page 103](file:///h:\sj\20200923.docx))

9/23/2020 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 103](file:///h:\sj\20200923.docx))

9/23/2020 Senate Roll call Ayes‑38 Nays‑2 ([Senate Journal‑page 103](file:///h:\sj\20200923.docx))

9/25/2020 Ratified R 162

9/29/2020 Signed By Governor

10/7/2020 Effective date 09/29/20

10/7/2020 Act No.  167

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=993&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/14/2020](file:///p:\pprever\2019-20\993_20200114.docx)

[3/11/2020](file:///p:\pprever\2019-20\993_20200311.docx)

[5/12/2020](file:///p:\pprever\2019-20\993_20200512.docx)

[5/13/2020](file:///p:\pprever\2019-20\993_20200513.docx)

[9/15/2020](file:///p:\pprever\2019-20\993_20200915.docx)

[9/16/2020](file:///p:\pprever\2019-20\993_20200916.docx)

(A167, R162, S993)

**AN ACT TO AMEND SECTION 61‑4‑730, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SALES BY PERMITTED WINERIES, SO AS TO PROVIDE THAT A PERMITTED WINERY IS ELIGIBLE FOR A SPECIAL PERMIT SUBJECT TO CERTAIN LIMITATIONS; TO AMEND SECTION 61‑4‑1515, RELATING TO SALES BY PERMITTED BREWERIES, SO AS TO INCREASE THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO AN INDIVIDUAL FOR OFF‑PREMISES CONSUMPTION; AND TO AMEND SECTION 61‑4‑550, RELATING TO PERMITS TO SELL BEER AND WINE AT A FAIR OR SPECIAL FUNCTION, SO AS TO REQUIRE AN APPLICANT TO NOTIFY THE STATE LAW ENFORCEMENT DIVISION THAT ALCOHOL WILL BE SERVED AT A FAIR OR SPECIAL FUNCTION.**

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

**Wineries, fair and special function eligibility**

SECTION 1. Section 61‑4‑730 of the 1976 Code is amended to read:

“Section 61‑4‑730. (A) Permitted wineries that produce and sell wine produced on its premises with at least sixty percent of the juice from fruit and berries that are grown in this State may sell the wine at retail, wholesale, or both, and deliver or ship the wine to licensed retailers in this State or to consumer homes in and outside the State, and are eligible for a special permit pursuant to Section 61‑4‑550. Wine must be delivered between 7:00 a.m. and 7:00 p.m. Gross income from wine sold at events for which a special permit has been issued must not exceed ten percent of a permitted winery’s gross income per year from wine sales and that income must be derived from sales at events that are promotional in nature.

(B) Permitted wineries that produce and sell wine produced on their premises with less than sixty percent of the juice from fruit and berries that are grown in this State may retail from the winery and ship the wine directly to consumer homes in and outside the State, but these wineries are not wholesalers of the wine. These wineries shall use a licensed South Carolina wholesaler to deliver or ship the wine to licensed retailers in this State.

(C) The South Carolina Department of Agriculture shall periodically inspect the records of permitted wineries for verification of the percentage of juice from fruit and berries grown in this State used in the manufacturing of the wineries’ products. Within ten days of conducting an inspection, the South Carolina Department of Agriculture shall report its findings to the South Carolina Department of Revenue. If a winery is found to be in violation of this statute, the owner of the winery is subject to penalties pursuant to Section 61‑4‑780.”

**Off‑premises sales limit increased**

SECTION 2. A. Section 61‑4‑1515(E) of the 1976 Code is amended to read:

“(E) A brewery located in this State is authorized to sell beer on its permitted premises for off‑premises consumption, provided that the sealed beer was brewed on the brewery’s permitted premises with an alcohol content of fourteen percent by weight or less, subject to the following conditions:

(1) the maximum amount of beer that may be sold to an individual per day for off‑premises consumption shall be equivalent to five hundred seventy‑six ounces in total;

(2) the beer only shall be sold in conjunction with a tour by the consumer of the permitted premises and the entire brewing process utilized at the permitted premises;

(3) the beer sold is for personal use only and must not be resold;

(4) the beer must not be sold to anyone holding a retail beer and wine license for the purpose of resale in their establishment;

(5) the brewery must sell the beer at the permitted premises at a price approximating retail prices generally charged for identical beverages in the county where the permitted premises are located; and

(6) the brewery must remit taxes to the Department of Revenue for beer sales in an amount equal to and in a manner required for taxes assessed by Section 12‑21‑1020 and Section 12‑21‑1030. The brewery also must remit appropriate sales and use taxes and local hospitality taxes.”

B. This SECTION is effective upon approval by the Governor and expires on May 31, 2021.

**Special permits, notice requirements**

SECTION 3. Section 61‑4‑550 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) Beginning January 1, 2021, at least twenty‑four hours before the fair or special function, the applicant shall notify the State Law Enforcement Division and all local law enforcement that have jurisdiction over the fair or special function site that alcohol will be served at the site.”

**Time effective**

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

Ratified the 25th day of September, 2020.

Approved the 29th day of September, 2020.

\_\_\_\_\_\_\_\_\_\_