- Bakery License
- Brand Registration
- General
- High Octane Beer
- Immigration
- Keg Registration
- Liquor by the Drink
- Micro-Distillery
- Processing and Applications
- Producing/Importing
- Protest
- Refunds
- Retail Liquor Stores
- Special Events
- Sunday Sales
- Tastings
- Wine Shipments

General

Do I have to display my Alcohol Beverage License?

The holder of a license or permit shall display the license or permit in a conspicuous place upon the premise. Reg.7-200.3

If I have a criminal record will I be denied?

Criminal record checks cannot and will not be approved or denied over the phone or in advance of receiving a submitted application. Denials are based on the severity of the offense(s); the types of offense(s); the number of offense(s); and when the offense(s) occurred.

Where can I find the ABL forms?

All of our forms are on our website, www.sctax.org; under ABL Forms.

Can I get a list of wholesalers in South Carolina?

Yes, you can obtain this information without charge by using License Location Query; this is located on the ABL home page and also under General Information on the ABL web site. You may also submit an ABL-566 Computer Request form to DOR. This form can be located on our website under ABL forms.

Where are the ABL laws found?

The Alcohol Beverage Licensing laws can be found in SC Code Title 61; Chapters 2, 4, and 6. Alcohol Beverage License regulations can be found in SC Regulations under Chapter 7. See also Department Advisory Opinions.

How do I request a duplicate original of my permit/license?

The license holder must submit a notarized statement indicating the facts which would constitute sufficient reason to issue a replacement license or permit. No duplicate license or permit shall be issued to anyone that is not the license holder or has a valid Power of Attorney

or Letter or Representation (from an attorney or CPA). All such requests for a duplicate license or permit shall be accompanied by written affirmation and confirmation of the mailing address for the license or permit holder and such Duplicate Original shall only be mailed to that address. No duplicate license or permit shall be issued to any entity with outstanding tax liabilities.

My partner/principal or wife/husband that holds an ABL license/permit has died, what do I do?

Either apply on your individual behalf, or complete ABL-501 Notification of Deceased Licensee. Attach a copy of death certificate, copy of appointment by probate court, and original ABL license. This license change is only valid until the deceased's estate is probated. Once probate is complete the individual must file a new application.

What do I need to do as the permit/license holder to close an ABL account?

The license holder must submit the original permit/license(s) to DOR with a written request to close out the permit/license(s).

I am closing my business, how do I liquidate my inventory?

You need to sell or transfer all of you inventory (beer, wine, and/or liquor) before surrendering your license and/or permit. S.C. Code Ann Sections 61-4-200 and 61-6-950

What are the hours that beer, wine, and liquor may be sold and consumed?

NOTE: Cities and Counties may restrict hours of sales

A. Nonprofit Organizations (Private Clubs)

1.) These locations may sell, and members and guests of members may consume liquor on these premises between the hours of 10:00 AM and 2:00 AM seven days a week. See SC Code 61-6-1610. For more information on private clubs, see SC Regulation 7-401.
2.) These locations may also sell beer and/or wine during the same hours they are permitted to sell liquor by the drink.

B. Business Liquor by the Drink

1.) These locations may sell, and patrons may consume, liquor on these premises between the hours of 10:00 AM and 2:00 AM the following morning, except between midnight Saturday night and midnight Sunday night.
2.) Locations holding a business sale and consumption license: may sell and patrons may consume liquor during the following hours:

10:00 AM	Mon.	until	2:00 AM	Tues.
10:00 AM	Tues	until	2:00 AM	Wed.
10:00 AM	Wed.	until	2:00 AM	Thurs.
10:00 AM	Thurs.	until	2:00 AM	Fri.
10:00 AM	Fri.	until	2:00 AM	Sat.
10:00 AM	Sat.	until	12:00 AM	Sun.
10:00 AM	Mon.	until	2:00 AM	Mon.

3.) These locations that purchase a Local Option Permit (LOP) may also sell and patrons may consume liquor during the following hours:

12:00 AM	Sun.	until	2:00 AM	Sun.
10:00 AM	Sun.	until	12:00 AM	Mon.

C. Locations Licensed for On-Premises Consumption of Beer or Wine

1.) **Locations licensed to sell beer or wine ONLY, for on-premise consumption:** These locations may sell, and patrons may consume, beer or wine on these premises at anytime except between midnight Saturday night and sunrise Monday morning. This allows locations to sell (and patrons to consume) beer or wine at anytime after sunrise Monday morning until midnight Saturday night. Provided further, if the location is within a city of county that has already approved Sunday sales of liquor by the drink, the location may also sell and permit consumption of beer and wine from midnight Saturday night until 2:00 AM Sunday morning **AND** from 10:00 AM Sunday morning until 2:00 AM Monday morning.

D. Retail: Locations licensed for off-premise consumption:

1.) **Sale of beer and wine for off-premise consumption:**
Locations may sell beer and wine 24 hours a day, except between the hours of 12:00 AM Saturday night and sunrise Monday morning.
Exception: Grocery stores with an Off-premise permit and that have a separate food service establishment may also sell on Sunday provided they have filed the appropriate application, paid the appropriate fees, and are located in a county or municipality that has passed a favorable referendum to allow Liquor by the Drink Sunday sales.

2.) **Seven Day Permit:**
If you have a special seven day permit you may sell beer and wine 24 hours, 7 days a week. (These businesses must be located in counties and municipalities where a majority of the voters have approved the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales by referendum vote.)

What are the Taxpayer Service Center locations and phone numbers?

Columbia, SC -	(803) 898-5000
Charleston, SC -	(843) 852-3600
Florence, SC -	(843) 661-4850
Greenville, SC -	(864) 241-1200
Myrtle Beach, SC -	(843) 839-2960
Rock Hill, SC -	(803) 324-7641

I am having a problem with an online ABL renewal, who do I call for help?

Please call SCBOS (South Carolina Business One Stop) Helpline at (803) 898-5690 if you are having problems with the online renewal. If you have an application or ABL question regarding your account, call (803) 898-5864.

Where do I find a LOP and 7-Day beer and wine list for approved counties/jurisdictions?

Refer to the website www.sctax.org, under ABL General Information.

What are the age requirements for waiters, waitresses, and bus persons?

Under 18 – May serve beer and wine in sealed containers only. May not serve distilled spirits.

18-21 May serve beer, wine and distilled spirits in open containers.

Note: Persons under the age of twenty-one (21) may not be employed as Bartenders.

How old does a person have to be to work at a store that sells beer to go?

No age limit.

Is there a dry county in South Carolina?

No.

On which days are retail liquor stores required to close?

You may not sell between the hours of 7:00 PM and 9:00 AM or on Sundays. Retail liquor stores are also required to be closed on Christmas Day, or on those periods proclaimed by the Governor in the interest of law and order or public morals. (Currently the Governor has not proclaimed any addtional holidays in which stores have to be closed).

Can lottery tickets be sold, and checks cashed in a retail liquor store?

Yes, lottery tickets may be sold at a retail liquor store. Section 61-6-1540(3)

Yes, checks can be cashed (Section 61-6-1505), but it requires a separate license under SC Codes Title 34 Chapter 41.

I am closing my business what should I do with my license?

Licenses and permits are property of the Department. Licenses and permits must be immediately surrendered to the Department upon the termination of business, or upon a change in ownership, possession or control of a corporation or business entity. Please see SC Code 61-2-140.

I called the ABL section and was told my license was mailed three weeks ago, but I have not received it, what do I do now?

No duplicate license or permit may be issued unless and until the request for same is approved by ABL management. After a proper determination has been made, upon issuance of a Duplicate Original, it shall be stamped using colored ink and shall be further indented using a raised seal of the South Carolina Department of Revenue. We must receive a request for a second or Duplicate Original that must be accompanied by a notarized statement from the license holder indicating the facts which would constitute sufficient reason to issue a replacement license. No duplicate license shall be issued to anyone that is not the license holder or has a valid Power of Attorney or Letter of Representation (from an attorney or CPA). All such requests for a duplicate license or permit shall be accompanied by written affirmation

and confirmation of the mailing address for the license or permit holder and that such Duplicate Original shall only be mailed to such address. No duplicate license or permit shall be issued to any entity with outstanding tax liabilities.

My license is about to expire and I would like to sell my business or have a new owner take over my business. What is the procedure for doing this? Will they be able to keep operating?

In order to keep operating, the new owner will have to apply for a 120-day temporary and permanent license and turn in the former owner's original license that must be current and still open and in good standing. If the former owner's license has already been closed, or expired, the new owner is not eligible for a temporary license and will be unable to sell beer, wine and/or liquor at the business until a new permanent license is issued for the location.

What is the difference in alcohol content by weight and by volume?

Generally, alcohol content of beer is indicated by weight, and wine is indicated by volume.

To convert from content by volume to content by weight:
% by volume x 0.79 = % by weight

To convert from content by weight to content by volume:
% by weight / 0.79 = % by volume

What form of payment is accepted?

If renewing online, you will be prompted to pay by check or credit/debit card. If applying or renewing in the main Columbia office, or a district office, fees may be paid by cash or check. Make checks payable to the South Carolina Department of Revenue (SCDOR).

When am I required to have a license?

A license is required anytime you are engaged in a business that sells beer, wine or alcoholic liquors. You are also required to have a license if you are engaged in a business that manufacturers, bottles, distills, brews, rectifies, imports, wholesales, warehouses, or stores any form of beer, wine or alcoholic liquors. Food manufacturers and bakeries that utilize beer, wine or alcoholic liquors in preparation of food product also are required to have a special license. You may also need a license if you are hosting a special event or occasion that sells or otherwise receives any form of compensation to provide beer, wine and/or liquor.

What information is required in a lease agreement?

A lease shall include, at the minimum, the following:
- Name of parties involved
- Exact address of location (specify unit/suite numbers, etc.)
- Description of the leased premises
- Terms of the lease
- Consideration exchanged (the lease payments)
- Signatures of Parties

If it is a sub-lease, a copy of the sub and master lease are required; or written consent from the landlord.

Can I store alcohol in my place of business?

No. See SC Code Section 61-6-4060. Storage in place of business.

It is unlawful for a person to store or have in possession alcoholic liquors in his place of business other than a licensed liquor store. A place of business includes:

(1) A place where goods, wares or merchandise are sold, offered for sale, or distributed and also places of amusement;
(2) Residences and transportation vehicles when sale of merchandise is made there from; and
(3) Outbuildings, warehouses, and garages when adjacent to or used in connection with a place of business where goods, wares, or merchandise are sold, offered for sale, or distributed.

What do I need to submit to obtain information on a location or entity that has an ABL license and or permit?

Information can be obtained by submitting a request under the Freedom of Information Act (FOIA), the specific request must be in writing and should include name, address, telephone number, and email address. Each request should detail the information that is being sought. This process can take up to 15 days. This information can also be obtained by a properly served subpoena.

Is there a fee for information requested under FOIA?

For lengthy requests, there is a fee to fulfill a FOIA request, the fee is 0.10 cents per page for photocopies plus the hourly pay of the employee doing the researching and reviewing for the request. A cost estimate is relayed to the requestor in writing when confirming receipt of the request.

I have an on-premises beer/wine permit, how does the "discount pricing" statue affect my business?

You may not advertise, sell, or dispense beer or wine for free, or sell at a price less than one-half of the regular price, or on a two or more for the price of one basis. Beer or wine may only be sold for less than the regular price from 4:00 PM to 8:00 PM. For exceptions and complete language of this statute see SC Code Ann. Section 61-4-160.

Note: This includes any beer or wine that you sell "to-go."

I have an on-premises beer/wine permit can I sell beer or wine for off-premises consumption (i.e. "to-go")?

Yes, someone with and on-premises permit is also allowed to sell beer and/or wine to-go, provided that the "discount pricing" statute is not violated.

Processing and Applications

How long does it take to receive a permanent ABL license?

Processing applications takes six to eight weeks. If the application is denied by the department or protested by a member of the public or law enforcement, it could take up to six months (or more) for a hearing to be held and a decision to be made on the application by the Administrative Law Court.

How long does it take to receive a special event license?

The department may deny issuing a special event license if it is not submitted to the Department at least 15 days prior to the event. Depending on the availability of departmental resources, there may be occasions upon which a special event license may be issued if submitted less than 15 days prior to the date of the special event.

How far should my retail business be from a church, school, or playground?

Your business should be at least 300 feet from a church, school, or playground-if the church, school, or playground is located in the city. Your business must be at least 500 feet from a church, school, or playground if the church, school, or playground is located in the county. These requirements do not apply if the establishment or location was established prior to November 7, 1962 or if you are acquiring a business that is currently licensed to sell alcohol. ABL Regulation 7-303 determines how this measurement is conducted.

What form is needed for an out of state wine shipper?

Please fill out the ABL-571 Wine Shippers License Application. More information is available about the license on our website under License Types.

What form is needed for an out of state producer/importer?

Please fill out the ABL-107 Application Packet if applying as a Liquor Producer/Importer: if applying as a Beer Producer/Importer please fill out the ABL-500 Application Packet. More information is available about these licenses on our website under License Types.

How does a liquor retailer become a wholesaler to a Liquor by the Drink license holder?

The retailer needs to obtain a Wholesaler Permit from the Federal Government (TTB) and submit a request to the DOR; along with a copy of their permit. Once approved, your original license will need to be surrendered and a new license will be issued with the new information printed on it. There is no fee for this process.

I have a wholesaler license in NC or GA. How do I sell/deliver in South Carolina?

You cannot deliver in South Carolina. You could apply for a producer/importer license (ABL-500) and ship to a wholesaler that is licensed in South Carolina.

Do I have to include my silent partners on the consent and waiver?

Yes, all “principals” must be disclosed on the consent and waiver (SC Code 61-2-1000). Anyone who fits one or more of the following description:

1. The owner (if sole proprietorship);
2. All officers of the business or entity which owns the business;
3. All partners (limited partners that cannot exercise management control need not sign);
4. All persons who own twenty-five percent (25%) or more of the value of the business or entity;
5. All persons who own twenty-five percent (25%) or more of the combined voting power of the business or entity;
6. Members and Managers of a limited liability company which is managed by managers;
7. Members of a limited liability company which is not managed by managers;
8. Any fiduciary who manages, controls title, or is otherwise in control of the business;
9. All employees who will have day-to-day operational management responsibility for the business or entity; and,
10. If a publicly traded corporation, the designated license holder (designated agent) (must be over 21 and a resident of S.C.)
11. All other principals must be listed also. If not a publicly traded corporation, list all stockholders.
12. If a nonprofit organization, list all officers and directors of the organization.

Does my permit/license extend into the parking lot?

Typically a Beer and Wine permit extends to the parking lot, if you have exclusive control. This means you cannot share the parking lot with any other business and there is no public or shared sidewalk between the entrance to your business and the parking lot. Liquor licenses do not extend to the parking lot.

We are a nonprofit organization and we have voted out old officers and have elected new officers, what do we need to send DOR/ABL?

You will need to send DOR/ABL the minutes from the meeting that the officers’ change occurred. Also, send in a consent and waiver, a criminal records check from the state of the new officer’s residency, and a completed and notarized ABL-920 for each new officer.

When do I need to send in a new application?

A new application is needed for every new business that you are opening or gaining control over; when there has been a change in ownership, possession or control of a corporation or business entity, or upon a change in the character of the property, facilities, or nature of the business activity for which a license or permit has been issued. The transfer of twenty-five percent or more of corporate stock is considered a change in ownership (SC Code 61-2-140).

Our LLC is adding a new member, do we need to reapply?

You would need to reapply if the amount of ownership change or control the new member would have is greater than 25%.
Any new member, regardless of ownership or control percentage, must submit a new consent and waiver, a criminal records check from state of residency, and a completed and notarized ABL-920.

We are changing our d/b/a name, do we need to reapply?

No, you only need to submit a request to change the d/b/a (doing business as) name in writing to ABL. This request needs to be notarized, signed by a principal of the business entity, and note if there is any type of change in ownership, possession, or control. The previous license must also be turned in before the new license will be reissued in the new d/b/a name.

I am changing from a sole proprietor to a single member LLC do I need to reapply?

Yes.

If a corporate entity has a current ABL license in good standing and needs to reapply because of a change in ownership, possession, or control; will they be able to get a 120-day temporary license?

Yes, if all qualifications are met on the application and they submit the original license at the time of application and pay all appropriate fees.

I want to change from a six day to a seven day beer and wine permit, what do I need to do?

This type of change requires a local referendum approving a seven-day permit. Complete the ABL-901 application form; once computed submit the difference in license fee and original ABL license. You may also be required to submit a copy of your city or county business license.

What do I have to send with my application?

The requirements vary; please refer to the application packet or the License Type section of the ABL website.

Does my ad need to run for three weeks before I send in my application?

No, the day you run your ad you will receive an ad receipt. The ad receipt and application package can be mailed, or brought in to a Taxpayer Service Center. The ad, however, must not be more than 90 days old when the application is received.

How much money do I need to send with my new application?

It depends upon the type of license for which you are applying. Refer to the License Types section of the ABL website and the fees are listed for each license type in the Requirements sections. For most applications, you only need to pay the filing fees at the time of application. Most license fees need to be paid at the time of issuance.

Who needs to be listed on the consent and waiver?

All “principals” must be disclosed on the consent and waiver (SC Code 61-2-1000). Anyone who fits the following description:

1. The owner (if sole proprietorship);
2. All officers of the business of entity which owns the business;
3. All partners (limited partners that cannot exercise management control need not sign);

4. All persons who own twenty-five percent (25%) or more of the value of the business entity;
5. All persons who own twenty-five percent (25%) or more of the combined voting power of the business or entity;
6. Managers of a limited liability company which is managed by managers;
7. Members of a limited liability company which is not managed by managers;
8. Any fiduciary who manages, controls title, or is otherwise in control of the business;
9. All employees who will have day-to-day operational management responsibility for the business or entity; and,
10. If a publicly traded corporation, the designated license holder (designated agent) (must be over 21 and a resident of S.C.)
11. All other principals must be listed also. If not a publicly traded corporation, list all stockholders.
12. If a nonprofit organization, list all officers and directors of the organization.

How do I get my criminal background check if I am a resident of South Carolina?

You must obtain the criminal records check (CRC) from SLED at www.sled.state.sc.us or mail a request to SLED Headquarters, Criminal Records Department, 4400 Broad River Road, P.O. Box 21398. Columbia, SC 29221. If you are a non-resident of South Carolina, or have not lived in S.C. for at least two years, you must submit a statewide CRC from your state, or former state, of residency. A non-resident may also provide criminal records check from any number of entities that provide online criminal record checks.

What are the guidelines for private club bylaws?

For a complete listing of all guidelines for private club bylaws, please refer to SC Regulations 7-401.4. See also SC Code Ann. 61-6-20(3) and 61-6-1820(1).

What are the requirements for a non-profit organization?

For a complete listing of all non-profit requirements, please refer to SC Codes 61-6-20(6); 61-6-1600; and SC Regulations 7-401.4. See also SC Code Ann. 61-6-20(3) and 61-6-1820(1).

How does SLED measure for distance from a church, school or playground?

Please refer to SC Regulations 7-303 and SC Code 61-6-20.

After SCDOR receives and processes my application, how long does it take SLED to post the sign at the location and what are they looking for?

Typically SLED will be out to your location within 1-3 weeks after submitting your application into the Department. Please refer to the License Types section of the ABL website for all requirements and qualifications for each license type.

How long must the sign stay up? What if it falls off or is removed by someone other than the SLED agent?

The sign must be posted for 15 days. If it is removed or taken down, for any reason, SLED will have to repost the sign for an additional 15 days from the date of reposting.

What is a liquor representative and why do I need one?

A liquor representative is a person over the age of 21 and is a South Carolina resident. This person acts as the agent of a liquor producer. This person may not have a direct or indirect interest in a wholesale or retail liquor business in S.C. S.C. law requires a liquor producer to have a liquor representative that has resided in the state of South Carolina for a minimum of thirty days prior to submitting an application.

Immigration Forms

What licenses or permits does the new immigration law apply to?

The SC Illegal Immigration Reform Act form is required for all Alcohol licenses or permits.

When did the law take effect?

July 1st, 2008

What is the law?

This act may be cited as the "South Carolina Illegal Immigration Reform Act" verifies applicant's lawful presence in the United States. Act 280, HB4400.

How does the law affect my application?

All applicants must complete the Verification of Lawful Presence in the United States—Applicant and Principals (ABL-920). Each principal, officer, owner, member, and/or partner **MUST** sign the form. If applicable, include his/her non-citizen alien registration number and attach a copy of all appropriate immigration documents.

What documentation will I need?

Immigration Documents-including your Alien Registration Numbers, and copy of your driver's license.

If you check a box that indicated you are not a U.S. Citizen, but lawfully present in the United States, you are required to present appropriate identification, such as a front and back copy of your immigration documents. A list of accepted documents is below:

- Re-Entry Permit (I-327)
- Permanent Resident Card (I-551)
- Refugee Travel Documents (I-571)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688A)
- Employment Authorization Document (I-688B)
- Certificate of Citizenship
- Naturalization Certificate
- Machine Readable Immigrant Visa (with Temporary I-551 Language)
- Temporary I-551 Stamp (on passport or I-94)
- Arrival/Departure Record (I-94)
- Unexpired Foreign Passport

Certificate of Eligibility for Nonimmigrant (F-1) Student Status (I-20)
Certificate of Eligibility for Exchange Visitor (J-1) Status (DS2019)

What if I don't complete the form?

Your Alcohol license and/or permit will be denied.

What form do I need?

All principals are required to complete form **ABL-920**, Verification of Lawful Presence in the United States—Applicant and Principals. All principals of any entity must complete the ABL-920 form in its entirety, and it must be notarized.

Where can I get the ABL-920?

The form can be obtained from our website: www.sctax.org or at the District Office(s).

When does the ABL-920 expire?

It does not-please also note that by the terms of the form, the person signing the form, the Affiant, must notify the Department of any changes to their immigration or non-citizen status throughout the period of licensure.

What is an A-number?

An "A-number" is an Alien Registration Number.

Where do I get an A-number from?

An A-number is generated from United States Citizenship and Immigration Services-a government agency within the Department of Homeland Security.

What if I turn in the form without the appropriate immigration documents?

The form will be considered incomplete without the appropriate documents attached. A front and back legible copy is required for the form to be complete. Without the documents, the application process can be delayed.

Special Events

How long does it take to get a special event license and/or permit?

We suggest that the application be submitted at least 15 days prior to the event so as to allow time to resolve any problems with the issuance of the special event license and/or permit. If the applicant walks in the office with a completed application with all attachments and there are no liabilities owed to the Department of Revenue, the applicant may be able to obtain the special event license the same day.

How long is the license good for?

The license is good for the amount of time indicated on the ABL-900 as approved by local law enforcement. Per S.C. state law a special event liquor license cannot go past 2:00 AM.

How many days can I get a Special Event license for?

The license cannot exceed 15 days.

Who or what organization is a non-profit organization?

A non-profit organization is a corporate entity or association that is chartered as a not-for-profit organization at the South Carolina Secretary of State Office. Many such organizations are tax exempt. Those corporate entities seeking such exemption are required to submit a letter of designation with the IRS.

What is a corporate charter?

A charter is an instrument in which a governmental entity grants rights, liberty, or powers to its citizens. A corporate charter is a document filed with the South Carolina Secretary of State upon incorporation of a business. The corporate charter is often accompanied with the Articles of Incorporation.

What are by-laws?

By-laws are the rules or administrative provisions adopted by an association or corporation for its internal governance.

What is the fee for a Special Event license and permit?

For a Special Event Beer & Wine Permit, the fee is $10.00 per day
For a Special Event Alcoholic Liquors License, the fee is $35.00 per day
For any event that goes beyond midnight an additional day's fee is required.

Who must get a criminal record check?

All principals must attach a criminal records check (CRC), not more than 90 days old. If the principal has lived in SC more than two years, obtain the CRC from SLED at www.sled.state.sc.us or mail a request to SLED Headquarters, Criminal Records Departments, 4400 Broad River Rd., P.O. Box 21398, Columbia, SC 29221. If the principal has lived in SC

less than two years, obtain a CRC from previous state of residency AND a CRC from SLED. If the principal is not a SC resident, obtain a CRC from current state of residency.

If I have a criminal record will I be denied?

Not all persons with a criminal background will be denied. Denials are based on the severity of the offense(s); the type of offense(s); the number of offense(s); and when the offense(s) occurred. Criminal record checks cannot and will not be approved or denied over the phone or in advance of receiving a submitted application.

Can I get a "rain check" for the event if it rains?

No. A completed application accompanied by appropriate fees must be submitted for any substitute or alternative event. All fees paid with any application for a special event license and/or permit are non-refundable.

I have a beer, wine and liquor license can I get a one day special event license?

No. A licensed location is not allowed to obtain a special event license at their licensed premise.

Do I need to get a special event license for a social event at an unlicensed location? For example, weddings or company Christmas parties.

Please refer to Information Pamphlets on Unlicensed Social Functions; this is located in the General Information section of the ABL website.

Will my application be denied if I do not submit the ABL-100?

Yes. If applying as a non-profit the ABL-100 must be filled out in the non-profit name (not an individual's name). No copies will be accepted of this form, the Department will only accept the original with no alterations (i.e. Scratch outs, white outs, etc.).

Retail Liquor Stores

What can be sold at my retail liquor store?

In accordance with SC Code 61-6-1540 you may sell the following items:

(1) Drinking glassware packaged together with alcoholic liquors if the glassware and alcoholic liquors are packaged together by the wholesaler or producer in packaging provided by the producer;
(2) Nonalcoholic items, other than beer or wine, packaged together with alcoholic liquors if the nonalcoholic items and alcoholic liquors are in sealed packages and are packaged together by the alcoholic liquor producer at its place of business; and
(3) Lottery tickets under the provisions of Chapter 150 of Title 59.

(B) Retail dealers licensed pursuant to the provisions of this article may sell all wines in the stores or places of business covered by their respective licenses, whether declared alcoholic or nonalcoholic or nonintoxicating by the laws of this state. Wines containing more than sixteen percent of alcohol by volume may be sold only in licensed alcoholic liquor stores or in establishments licensed to sell and permit consumption of alcoholic liquors by

the drink. The provisions of this section do not amend, alter, or modify the taxes imposed on wines or the collection and enforcement of these taxes.

What are the hours of operation for a retail liquor store?

You may sell anytime, other than the hours between 7:00 PM and 9:00 AM or on Sundays. Retail liquor stores are also required to be closed on Christmas Day, or on those periods proclaimed by the Governor in the interest of law and order or public morals. (Currently the Governor has not proclaimed any holidays, in which stores have to be closed).

Can customers consume alcoholic liquor in the retail liquor store?

No. The store may not sell liquor for on-premise consumption. However tastings are allowed in accordance with SC Code 61-6-1035. Please refer to Tastings on the FAQ page.

What signs are required to be posted in my retail liquor store?

A retail liquor store is required to post in a conspicuous place the following signs, as described in SC Code 61-6-1530:

(1) "The possession of beer, wine, or alcoholic liquors, by a person under twenty-one years of age is a criminal offense under the laws of this State, and it is also unlawful for a person to knowingly give false information concerning his age for the purpose of purchasing beer, wine, or liquor." The department must prescribe by regulation the size of the lettering and the location of the sign on the seller's premise.
A retail seller of alcoholic liquors who fails to display this sign is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days. A person found guilty of a violation of Section 61-4-70 and this subsection may not be sentenced under both Section 61-4-70 and this subsection for the same offense.

(2) "A person may transport alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed; but if the cap or seal on the container has been opened or broken, it is unlawful to transport alcoholic liquors in a motor vehicle, except in the luggage compartment or cargo area." The size of the lettering and approved locations on the retail dealer's premises must be provided for by rules and regulations of the department.

How many doors can my retail liquor store have?

A retail dealer must maintain a separate store or place of business with not more than two means of public ingress or egress which must be on the front of or on the same side of the building, except that the doors may be located at the corner of two adjacent sides of the building. One additional door, not in the front, is allowed to be used solely for the receipt of commercial deliveries and as an emergency exit, see SC Code 61-6-1510.

Are there certain advertisements that I cannot post in my store?

Retail dealers are prohibited from using in an advertisement for alcoholic liquor or wine a subject matter, language or slogans addressed to and intended to encourage persons under twenty-one years of age to purchase or drink alcoholic liquor or wine; see SC Code 61-6-1510.
SC Code 61-6-1510 Retail price displays.
A retail (liquor) dealer must display retail prices on the shelf under each brand and bottle size. No bottles of alcoholic liquors or no packages containing alcoholic liquors may be displayed in the front or windows of the store or place of business of a retail dealer. However, a retail dealer may display signs in the store or place of business with the price and bottle size in letters of any size. These signs must not be visible from outside the store or place of business.

I currently operate a retail liquor store, what type of license do I need to sell alcoholic liquor to liquor by the drink locations?

You need only obtain a Wholesaler's Basic Permit under the Federal Alcohol Administration Act. Currently there is no charge for this permit. One can obtain the necessary form at: http://www.ttb.gov/forms/pdfs/5100/f510024.pdf.

Mail the original application to the Department of the Treasury as shown on the form. Mail a copy of the form, once approved, to: S.C. Department of Revenue, Attn: Alcohol Beverage Licensing, PO Box 125, Columbia, SC 29214-0907. Keep a copy of the Wholesaler's Basic Permit on your premises. After obtaining the Wholesaler's Basic Permit and furnishing the department with a copy and receiving and updated ABL licenses, you may begin selling liquor to liquor by the drink locations.

May liquor wholesalers offer quantity discounts?

Yes, however, the discount must be one price only for each location, must appear on the sales records, and must be available to all licensed retail dealers. While wholesalers are not required to offer any particular type of deal, the law does prohibit a wholesaler from allowing a retailer to accumulate purchases over a period of time to qualify for a deal.

I operate a retail liquor store with a Wholesaler's Basic Permit under the Federal Alcohol Administration Act. May I have an agent deliver the liquor for me?

No, the law only authorizes retail dealers to deliver. It does not include agents or anyone else that is not an employee of the licensed retail liquor store.

How old must my delivery person be?

Twenty-one years of age, just like all other employees in your retail liquor store.

May retail liquor dealers with a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act offer special prices, free goods, or other incentives to liquor by the drink licensees?

Yes, however, retail liquor dealers are prohibited by Section 61-6-1540 from having any goods on their premises other than wine or liquor except: drinking glassware packaged together with alcoholic liquors if the glassware and alcoholic liquors are packaged together by the wholesaler or producer, and nonalcoholic items other than beer or wine, packaged together with alcoholic

liquors if the nonalcoholic items and alcoholic liquors are in sealed packages and are packaged together by the alcoholic liquor producer at its place of business.

I operate a retail liquor store with a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act. Does the State regulate what I can charge for liquor, or what I can charge for deliveries to liquor by the drink licensees?

No.

I operate a retail liquor store with a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act. Are there restrictions on when I can deliver liquor to liquor by the drink licensees?

Yes, you may only deliver during those hours you can sell liquor in your store-Monday through Saturday, between the hours of 9:00 AM and 7:00 PM. Deliveries may not be made on Christmas Day, or on those periods proclaimed by the Governor in the interest of law and order or public morals. (Currently the Governor has no proclaimed any holidays in which stores have to be closed).

Is there any prohibition against a liquor by the drink licensee owning an interest in a retail liquor store that also has a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act?

No.

I operate a retail liquor store. After January 1, 2006 may I sell minibottles to the general public?

Yes, with or without a wholesaler's basic permit issued pursuant to the Federal Alcohol Administration Act, you may sell minibottles to the general public. After January 1, 2006 there will no longer be any limitation on the size bottles that you can sell to the public. You may not, however sell 1.75 liter bottles to liquor by the drink locations.

I hear people refer to Class A wholesalers and Class B wholesalers. What do those terms mean?

The source of these terms is lost in antiquity. The terms are not found anywhere in state or federal law. We have wholesale liquor dealers (which some call Class A dealers), and we have retail liquor dealers with a Wholesaler's Basic Permit issued under the Federal Alcohol Administration Act (which some people call Class B dealers).

Sunday Sales

Where do I find a LOP and seven-day beer and wine list for approved counties/jurisdictions?

Refer to the website www.sctax.org under ABL General Information.

If a license holder is permitted* to change from a six day to a seven day beer and wine permit what do they need to do?

You will need to complete and submit the ABL-901 application form and original ABL six-day permit and submit a copy of business license (if located within a county or municipality that issues a business license).*Requires local referendum approving seven-day permit. If immigration status has changed you must submit and updated ABL-920.

Do I need to have a liquor license to be able to sell beer and wine at my restaurant on Sundays?

No. Recent legislation now allows locations that possess an On-Premises Beer and Wine Permit that are located in a county or municipality that has passed a favorable referendum allowing Liquor by the Drink on Sundays, to sell, possess and permit the consumption of beer and wine on its premises. See S.C. Code Ann. 61-4-630.

What is the difference between an LOP, a P7B, and PRB (Sunday/Sabbath) license?

Please refer to the License Types section of the ABL website for a description of each license and to read their qualifications and requirements.

Renewal

When I renew my license online, do I still need to complete the immigration form, the ABL-920? If so, how do I send it to ABL?

Only if your immigration status has changed or needs to be updated does the immigration form (ABL-920) need to be submitted. The form can be faxed to SCBOS at, or to our fax number (803) 896-0110 Attn: Renewal. The form can also be mailed into: Department of Revenue, ABL Section, PO Box 125 Columbia, SC 29214, or taken to a local district office.

I didn't get my renewal notice in the mail, what should I do?

Please call the ABL section at (803) 898-5864 to request a copy of your renewal application. You will be asked to verify your mailing address. You can also obtain an ABL-565 under the Forms section of the ABL web-site.

May I renew my license online?

Yes, providing all requirements are met and there are no changes to any existing information (e.g. D/BA, mailing address, etc.).

I tried to renew my licenses/permits online and received a list of several possible reasons my application could not be processed, what should I do?

If problems should occur it is recommended that the renewal be mailed in, or take to a district office. ABL cannot identify the exact problem with an online renewal or check anything without processing the renewal manually.

May I renew my license/permit at a district office (Taxpayer Service Center)? What do I need to bring with me?

Yes, the ABL-565 must be filled out in full, consent and waiver must be filled out by anyone that falls into any of the twelve principal types listed and must be signed with all blanks filled in and both questions answered. You may also renew your license and/or permit online at www.scbos.sc.gov.

I accidentally let my license expire, what should I do?

If your license and/or permit has expired you must cease selling all alcoholic beverages. If it is within 30 days of the expiration date you can still renew your license and/or permit. However, you will be penalized with a fee of $300.00 for beer/wine permits and $200.00 for liquor licenses. If it has been expired for over thirty days, you must cease selling alcoholic beverages (beer, wine, and liquor) and reapply for a new license and/or permit.

Is there a grace period for operating with an expired license?

No, SLED or local law enforcement may come in at any time and all alcoholic beverages can be seized and you may be fined.

I have received a denial letter for my renewal, what do I do now?

The denial letter must be placed next to your original license that is currently on display. You must send in all information that is requested as soon as possible or protest the denial as provided for in the denial letter. Your license will not be renewed and printed until all information is received. ***The denial letter does not give you the right to sell liquor on Sunday unless you possess a valid LOP license.***

My denial letter is expiring, can I get an extension?

Extensions to denial letters are not ordinarily granted, absent extraordinary circumstances. Any request for an extension must be submitted prior to the expiration of the denial letter.

Producing/Importing

What form is needed for an out of state producer/importer?

An out of state Liquor Producer/Importer should fill out the ABL-107 Application Packet while an out of state Beer/Wine Producer/Importer should fill out the ABL-500 Application Packet. More information is available about these licenses on our website under License Types.

I have a wholesaler license in another state. How do I sell/deliver in South Carolina?

You cannot deliver in South Carolina. You could apply for a S.C. Producer/Importers license (ABL-500 Beer/Wine or ABL-107 Liquor) and, once approved, send your product to a wholesaler that is licensed in South Carolina.

I am a wine producer and would like to be able to ship wine into SC from another state, which form(s) do I need to complete?

A producer is defined as, “a brewery or winery or a manufacturer, bottler, or importer of beer or wine into the United States.” S.C. Code Ann. Sec. 61-4-300. As a producer you can only ship to a wholesaler of direct to a consumer. The ABL-500 is used to apply to ship to a wholesaler and the ABL-571 is used to apply to ship direct to consumer.

I am hoping to start importing wines for sale in SC, what permits will I need?

You will need to apply for the Beer/Wine Producer/Importer Permit by filling out the ABL-500.

I am planning to import liquor for sale in SC, what licenses are required?

You will need to apply for a Liquor Producer/Importer License and Producer Representative License by filling out the ABL-107 Application Packet.

Can a producer ship directly to residents’ home addresses?

Only those classified as a Wine Producer/Blender on their TTB Basic Permit can ship directly to residents’ home addresses, provided they hold an out of state direct shippers’ license from South Carolina and a South Carolina retail license.

Are internet sales of alcoholic liquors permissible?

An order can be placed, however alcoholic liquors cannot be deliver to a resident of SC.

Wine Shipments

Can my local liquor store deliver wine to my home?

No.

What form is needed for an out of state wine shipper permit?

Please fill out the ABL-571 Wine Shippers License Application. More information is available about the license on our website under License Types.

When can wine be shipped into the state of South Carolina?

An out of state wine manufacturer may cause up to 24 bottles of wine to be shipped directly to a consumer per month, provided certain conditions are met: the most prominent of which is that the manufacturer must obtain a wine shipper’s license. A consumer may also place a special order with an out-of-state wine manufacturer for a wine that is not approved for sale or distribution in South Carolina; provided that the wine is shipped to an in-state wholesaler. See SC Code Ann. 61-4-740, 61-4-745 and 61-4-747. No wine ordered or shipped under these statutory provisions may contain more than sixteen (16%) percent of alcohol by volume. See SC Code Ann. 61-4-770.

Are internet sales of wine permissible?

An order can be placed online, however only an entity possessing a valid Wine Shipper's permit may cause the wine to be shipped directly to a SC resident.

Importation of Wine directly by consumer: Where can information be found concerning this?

Under a procedure that existed until June 2, 2003 a consumer could cause to be shipped or brought into the State of South Carolina in quantities of up to 10 cases of wine-*provided such wine was to be used solely for personal consumption and not for resale.* However, SC Code Ann. 12-21-1610 was amended in such a manner so as to eliminate the specific number of cases that can be brought into South Carolina for personal use or consumption. Unlike beer, which now is essentially prohibited to be brought into S.C. for personal use or consumption, wine may still be brought into S.C. under three different scenarios. First, an out-of-state wine manufacturer may cause to be shipped directly to a consumer up to 24 bottles of wine each month, provided certain conditions are met: the most prominent of which is that the manufacturer must obtain an out-of-state shipper's license. Second, a consumer may place a special order with an out-of-state wine manufacturer for wine which has not been approved for sale or distribution in S.C. provided that the wine is shipped to an in-state wholesaler. Third, the individual may also purchase such wine, while in a foreign country, and cause it to be shipped to himself *provided such wine was to be used solely for personal consumption or consumption and not for resale.* Under this third alternative, all such wine must be cleared through U.S. Customs, and all S.C. taxes must be paid prior to the resale of any such wine from Customs. An Affidavit for Importation of Wine, and appropriate tax forms can be obtained from the Department of Revenue's Miscellaneous Tax Section (not ABL). Please also be advised that there are stringent labeling requirements of any such product shipped. See SC Code Ann. 61-4-740, 61-4-745 and 61-4-747. No wine ordered or shipped under these statutory provisions may contain more than sixteen (16%) percent alcohol by volume. See SC Code Ann. 61-4-770.

Can a person, as an individual ship wine into the state of South Carolina for resale?

No, a person can only ship wine for personal use and consumption.

Liquor by the Drink

May I still sell minibottles after January 1, 2006?

Yes, your current license will authorize you to sell liquor by the drink in minibottles and to pour from "big" bottles (except 1.75L bottles).

What is the tax on liquor by the drink?

The liquor by the drink licensee must collect and remit to the S.C. Department of Revenue an excise tax equal to five percent of the gross proceeds of the sales of liquor by the drink. It does not matter if the liquor is poured from a minibottle or from a big bottle-the liquor by the drink tax is five percent of the gross proceeds of the cost of the drink. Sales tax, which must also be collected and remitted to S.C. Department of Revenue, is not part of the gross proceeds. For example:

on a $5.00 drink in a country with a 6% sales tax: $5.00 x .06 = .30 sales tax; $5.00 x 5% liquor by the drink tax = .25 Total cost to the Customer = $5.55

If the operator wishes to sell the drink for $5.00 total (which includes all taxes), the taxes can be backed out as follows: 6% sales tax + 5% liquor by the drink tax = 11% total tax $5.00/1.11 x 11% = 0.50 total tax. This would be allocated as follows: 5/11 x .50 = $0.23 for liquor by the drink tax; 6/11 x .50 = $0.27 for sales tax.

However, if you decide to include the sales tax and excise tax in the listed price of the drink, you must advise the patron on your signs and menus. In addition, as is the case with sales tax, "gross proceeds" would include any mandatory gratuity, and you must include that amount when computing the sales tax and liquor by the drink tax. Liquor by the drink tax remittance forms are available at www.sctax.org under Miscellaneous Tax. The completed forms and taxes are due to the department on the twentieth of each month, the law specifically states that these taxes must be remitted to the SC Department of Revenue.

If I don't have the brand of liquor the customer ordered, can I substitute another brand?

No, it is a crime to substitute brands without customer approval.

Does the state regulate the amount of liquor I must or can pour into a drink (does the law state how much liquor must be in a "shot")?

No.

May I have liquor in any size bottle on my premises?

No, the law specifically states that liquor by the drink locations may not have liquor in 1.75 liter bottles on the premises. Liquor by the drink locations may have liquor in any other size container.

May I pre-mix cocktails such as frozen margaritas in quantity prior to the ordering of the cocktail by the customer?

Yes.

I currently have a PAL license which authorizes me to cook with liquor poured from "big" bottles, and liquor by the drink license, do I need both licenses?

After January 1, 2006 you will no longer need both licenses. In order to cook with liquor at retail locations you must have either a PAL or Liquor by the Drink (PLB) license.

Does my liquor by the drink license authorize me to sell sealed or unsealed bottles of liquor to my customers?

No, your license only authorizes you to sell liquor by the drink. No liquor may be removed from the premises.

May liquor by the drink locations continue to send employees to pick up liquor at retail liquor stores with a Wholesaler's Basic Permit under the Federal Alcohol Administration Act as is the current practice?

Yes.

Keg Registration

What is the law regarding keg registration?

South Carolina passed into law legislation requiring South Carolina Department of Revenue-approved beer and wine permit holders who sell beer in kegs to place a *Keg Identification Tag,* on the keg and to record and keep specific information regarding the purchaser.

When did the Keg Registration law take effect?

January 1, 2008.

Which ABL license holders are affected by the Keg Registration statute?

Any ABL license holder who sells kegs to consumers for off-premises consumption must comply with the statute.

Are all kegs covered by the new statute?

No, only kegs with a capacity of 5.16 gallons or more that are designed to dispense beer directly from the container in an off-premises location are affected.

What is the seller of the keg required to do?

The ABL license holder must attach a Keg Identification Tag to the keg and must complete the State-approved Keg Registration Form. The license holder must keep the Keg Identification Tag and the Keg Registration Form for a period of **not less than 90 days** from the date the keg was sold to the consumer.

Where can the license holder get a Keg Identification Tag?

The South Carolina Department of Revenue will furnish the Keg Identification Tag to any license holder upon written request and proper proof of licensure. The Keg Identification Tag is furnished without cost to the license holder. The license holder must furnish his/her ABL license number and acknowledge receipt of the numbered Keg Identification Tag(s). Any South Carolina Department of Revenue office can furnish the license holder a limited number of Keg Identification Tags.

What will the Keg Identification Tag look like and what information will appear on the Keg Identification Tag?

The Keg Identification Tag was designed by the South Carolina Department of Revenue and is approximately 4" x 5", and is a 2-color water-resistant and tear-resistant poly film tag, bearing consecutive numbers and the State of South Carolina image. The tag also contains certain

relevant statutory portions advising the license holder how to attach the tag. The tag carries a warning to the public that it is unlawful to remove, alter, or obliterate the Keg Identification Tag, punishable by a fine of up to $500 and/or imprisonment of not more than 30 days. The tag has blank lines for the license holder to record his name, address and ABL License Number.

How should the tag be attached to the keg?

The Keg Identification Tag contains a small hole that allows the tag to be affixed to the keg by means of a nylon tie, cord, wire or other durable means of attachment.

What information must the license holder obtain and keep from the consumer?

The license holder, before making any keg sale to a consumer, must record and keep the following information on the Keg Registration form:

- The date of the sale and the Keg Identification Number
- The name, address and birth date of the purchaser
- The driver's license or identification card number furnished by the purchaser
- A statement by the *purchaser* attesting that information furnished to the *license holder* is accurate and acknowledging that unless authorized by law, it is unlawful to transfer beer to a person under the age of twenty-one.
- The date the keg was returned to the license holder and whether the Keg Identification Tag was returned with the tag properly affixed.

The Keg Registration Form must be available for inspection by the Department of Revenue or law enforcement agencies during normal business hours.

Where can a license holder obtain the Keg Registration Form?

The State approved Keg Registration From will be available online at www.sctax.org under Beer/Wine/Liquor Forms. The Keg Registration Form also can be picked up at any local South Carolina Department of Revenue office.

What should the license holder do upon the keg's return by the purchaser?

The Keg Identification Tag should only be removed by the license holder upon the keg's return by the purchaser. The Keg Identification Tag must be kept no less than 90 days from the date of purchase. If the Keg Identification Tag is not properly affixed, or legible, the license holder shall indicate this information on the Keg Registration Form.
Note: The purchaser's receipt is attached to the bottom of the Keg Registration Form. The purchaser shall receive a receipt from the license holder indicating that the keg was returned with the Keg Identification Tag properly affixed to the keg. The license holder must accept all returned kegs, but may, at the license holder's discretion, refuse to refund the deposit for a keg that has an altered Keg Identification Tag.

What if the license holder fails to comply with the new Keg Registration law?

A license holder's ABL license and permit are subject to suspension or revocation by the Department of Revenue.

What if a person has a keg in their possession that does not have a proper Keg Identification Tag affixed to it?

A person other than a manufacturer, shipper, wholesaler, or license holder may not knowingly possess a keg that does not have the Keg Identification Tag properly affixed to it, unless that person can demonstrate that the Keg Identification Tag was not correctly affixed by the license holder. A person who violates this section is guilty of a misdemeanor and may be fined not more than $200 or imprisoned for not more than 30 days, or both.

What if the Keg Identification Tag has been removed or altered?

If is unlawful for any person other than a license holder, wholesaler, manufacturer, shipper, Department of Revenue employee, or appropriate law enforcement officer to remove, alter or obliterate a Keg Identification Tag. A person who violates this section is guilty of a misdemeanor and may be fined not more than $500 or imprisoned for not more than 30 days, or both.

What is the exact language of the statute?

See S.C. Code Ann 61-4-1910, *et seq.*

High Octane Beer

What is High Octane Beer?

Under prior law, any beer, malt, ale or similar beverage manufactured, imported, sold or consumed in South Carolina could not exceed 5% alcohol content by weight. Under the new law, any beer manufactured, imported, sold or consumed in South Carolina cannot exceed 14% alcohol content by weight.

What is the law regarding High Octane Beer?

The State of South Carolina passed legislation that permits the manufacture, importation, sale and consumption of *High Octane Beer.*
Section 61-4-10. The following are declared to be nonalcoholic and nonintoxicating beverages:

(1) All beers, ales, porters, and other similar malt or fermented beverages containing not in excess of five percent of alcohol by weight;
(2) All beers, ales, porters, and other similar malt or fermented beverages containing *more than five percent but less than fourteen percent of alcohol* by weight that are manufactured, distributed, or sold in containers of 6 ½ ounces or more or the metric equivalent; and
(3) All wines containing not in excess of twenty-one percent of alcohol by volume.

What is the difference in alcohol content by weight versus volume?

It is important to note that the percentage of alcohol by mass (weight) is higher than the percentage of alcohol by volume because an equal mass of alcohol occupies more volume than water would. So to convert from percent alcohol by volume you divide the density of the alcohol. Example: Under the new law a beer cannot exceed 14% by weight. Thus, 14% alcohol by weight / 0.79 = 17.721518% alcohol by volume.

Who can ship High Octane beer into South Carolina?

Only a registered producer can ship or cause to be transported any beer into the State of South Carolina. A producer means a brewery, manufacturer, bottler or importer of beer, malt, ale, or similar beverage.

What brands of High Octane beer can be sold in South Carolina?

Only those brands of beer that have been registered by the producer can be sold in South Carolina. No brand of beer may be registered by the producer unless that producer is either a) the American producer or b) the primary American source of supply in the United States of the brand sought to be registered.
Note: Each different label constitutes a different brand. Therefore, if Iceland Brewers sells a beer "Golden Ale" with five percent alcohol content, and then wants to sell a high octane version of "Golden Ale," the brewery must submit a new ABL-569 to register this higher octane version.

What forms are required to be submitted to the Department of Revenue?

To become a registered producer, submit an ABL-500. To register a brand, or brands, either as a new producer or to add brands to a currently licensed producer, submit an ABL-569. A wholesaler must submit an ABL-902.

What needs to be submitted with the ABL-569 to register the brand(s)?

Submit approved Federal TTB "Application and Certification of Label/Bottle Application Form," (COLA).

Who may sell High Octane beer?

Only a registered producer or licensed wholesaler may sell to a licensed wholesaler; only a licensed wholesaler may sell to a licensed retailer.

Where can a wholesaler sell High Octane beer?

A wholesaler may sell any brand of beer in the territory in which it has a distribution agreement. The distribution agreement must be in writing, must specify the brands covered in the territory, and must be filed with the Department.

Where can a producer sell to a wholesaler?

A brewer, importer, producer or other supplier of High Octane beer may only provide a distribution agreement for <u>one</u> wholesaler for all or a part of a designated territory. If the brewer, manufacturer, producer, or other supplier sells more than one brand, the distribution agreement need not apply to all brands and may apply to only a single brand.

<u>Refunds</u>

What is the refund process for permanent biennial licenses?

Once the original ABL license and/or permit has been issue and used and turned in to the Department, the Department will determine if a refund is due. **A year or more must be left on the license *when the Department receives it*,** in order to receive a refund. If you operate even

one day into the next year a refund will not be granted. Your refund will equal one half of the amount of the biennial license fee. For example: if the license is set to expire on May 31, 2011, the Department must have the original license in its possession no later than May 31, 2010. You will only receive a refund for the license(s) turned in, regardless of how many you have.

Once the original license and request for a refund has been received by the Department, it will take 6-8 weeks for the refund to be processed. If you want your refund to be mailed to an address not on file with DOR, please submit a request in writing with the mailing address your refund should be mailed to.

You will not be granted a refund for the following reasons:

- The original license has not been turned in.
- There is less than a year left on your license when it is received by the Department.

NOTE: Fees for Special Events and LOPs are *non-refundable*.

How do I know if I am due a refund?

Entitlements to a refund are governed under SC Codes 61-2-130; 61-4-140(B); and SC Regulation 7-200.1(J).

Protest

How do I protest a location? What form do I use?

Please complete an ABL-20; this is the ABL protest form. Please refer to SC Regulations 7-201 for protest guidelines. You must indicate that you are willing to attend a hearing for the protest to be valid; failure to attend the hearing when scheduled may subject you to fines by the ALC. S.C. Code Ann. Sections 61-4-525 and 61-6-1825.

If I protest a location's getting a license, will you let me know that you receive my protest?

No.

Will you tell the applicant that I was the one who protested?

Yes, the applicant receives a copy of the protest.

How will I be informed of the date and time of the hearing?

You will be notified by the Administrative Law Court of the hearing's time and date.

My application has been protested, now what do I do?

If it is a valid protest that was received, your application will be denied. You may appeal the denial by following the appeals procedures described in the letter of denial that you received.

Tastings

Who can hold tastings?

Beer tastings at locations holding an on-premises beer and wine permit are prohibited *unless* it is done 1) on an individual basis; 2) to a fraternal organization in the course of its fund raising activities; 3) to a person attending a private function; 4) to a customer attending a function sponsored by the permit holder. No more than two functions are permitted per year and each function must be approved by the Department. See S.C. Code Ann. 61-4-160

Beer tastings at locations holding an off-premises beer and wine permit are prohibited by the restriction on the permit prohibiting on-premise consumption of beer or wine. Notwithstanding, a location holding an off-premises beer and wine permit *whose primary product is beer or wine* may conduct not more than 24 beer tastings in a calendar quarter. To be permissible, the permit holder is required to 1) notify SLED at least 10 days in advance; 2) conduct the tasting; 3) use only the retailer's product(s); 4) use not more than 8 products at a tasting; 5)only use one product at a time; 6) hold the tasting in a designated area; 7) proved samples of not more than two ounces for low-alcohol beer; 8) proved samples of not more than one ounce of high-alcohol beer; 9) provide not more than one sample of any one product to any one customer; 10) provide that not more than two of the eight samples contain more than ten percent of alcohol by weight; 11) serve more than one sample of each product to any one person; 12) not offer to or allow consumption by anyone under 21 years of age; 13) not offer a tasting event lasting more than 4 hours; 14) not hold any beer tasting and any wine tasting at the same time; 15) not offer more than one tasting event per day; and 16) not offer a tasting even in conjunction with a tasting in a retail liquor store that is adjacent to and licensed in the same name as the off-premises beer and wine permit holder. See S.C. Code Ann. 61-4-960

Beer tastings at locations holding a Brewery Permit ("PWY") that are located in this state are authorized to offer samples of beer brewed in this state on its licensed premises, with or without cost, to consumers. To be permissible, the permit holder must 1) offer the tastings in conjunction with a tour by the consumer of the licensed premises; 2) not offer a tasting to or allow consumption by a person under 21 years of age; 3) offer no more than 2 ounces per brand of beer with over 8 percent alcohol by weight and no more than 4 ounces of beer with under 8 percent alcohol by weight; 4) not allow more than 4 brands of beer to be tasted by any one consumer in a 24-hour period.

Wine tastings at locations holding an Off-premises beer and wine permit, whose primary product is beer and wine, may conduct not more than twenty-four wine tastings per quarter (wholesalers may only conduct two of these) See S.C. Code Ann. 61-4-737.

Wine tastings at locations holding an On-premises beer and wine permit are prohibited from holding wine tastings unless it is done 1) on an individual basis; 2) to a fraternal organization in the course of its fund raising activities; 3) to a person attending a private function; 4) to a customer attending a function sponsored by the permit holder. No more than two functions are permitted per year. See S.C. Code Ann. 61-4-160.

Wine tastings at locations holding a Winery Permit ("PWY") that are located in this state are authorized to offer wine tasting samples to prospective customers on its licensed premises, with or without cost, provided the wine contains an alcoholic content of sixteen percent or less. S.C. Code Ann. 61-4-720.

Wine containing 16% or less alcohol-
Licensed wineries may conduct tastings without limitations. See S.C. Code Ann. 61-4-720.

Retail liquor stores may conduct twenty-four wine tastings per quarter (wholesalers may only conduct two of these). See S.C. Code Ann. 61-4-737.

Wine containing over 16% alcohol and alcoholic liquors-

Micro distilleries and other liquor manufacturers:
A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations and any other limitations:

(1) Tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises;
(2) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting in a day;
(3) the micro-distillery or manufacturer shall dispense alcoholic liquors for tasting in quantities no greater than one-half ounce per sample;
(4) the micro-distillery or manufacturer may not dispense more than one and one-half ounces to an individual consumer in one day;
(5) tastings and sales may occur only between the hours of nine a.m. and seven p.m., Monday through Saturday;
(6) the micro-distillery or manufacturer may charge for alcoholic liquors consumed at a tasting, but must collect and remit the liquor by the drink excise tax pursuant to the provisions of Chapter 33, Title 12;
(7) tastings may not occur in conjunction with the service of food in a restaurant setting; and
(8) only brands of alcoholic liquors actually manufactured, distilled or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting.

Tastings at licensed premises of a micro-distillery or manufacturer is expressly intended for the promotion of education regarding production of alcoholic liquors in the State and is not intended to create competition between producers and retailers.

In the event a Micro-Distiller or Liquor Manufacturer charges for any samples or tastings, whether directly (e.g. $2 for each half-ounce “shot”) or indirectly (e.g. charging admission for a tour), retail sales tax and appropriate liquor by the drink taxes must be remitted. See S.C. Code Ann. 61-6-1140; 61-6-1150.

Retail liquor stores may conduct tastings provided:
No sample may be offered from more than four products at a time:
The sample is limited to products from no more than one wholesaler at a time.
No more than one bottle of each of the four products to be sampled may be opened;
The sampling must be held in a designated tasting area of the retail liquor store and all open bottles must be visible at all times. All open bottles must be removed at the end of the tasting;
Samples must be less than one-half ounce for each product sampled;
No person may be served more than one sample of each product;
No sampling may be offered for more than four hours;

At least ten days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division. The letter must include a copy of a certificate of liability insurance for the manufacturer, the retail establishment, or its agent, conducting the tastings;
No sample may be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty-one years. This person must not be allowed to loiter on the store premises;
The tastings must be conducted by the manufacturer or an agent of the manufacturer or retailer, and must not be conducted by a wholesaler, an employee of a wholesaler, or any agent of a wholesaler.
No retail alcoholic liquor store may offer more than one sampling per day.
All product samples used for tasting must be purchased by the retailer from a South Carolina Licensed Wholesaler.
All associated costs for the tasting must be paid for by the manufacturer, the retailer, or agent conducting the tastings.

See S.C. Code Ann. 61-6-1035.

Establishments holding liquor by the drink licenses may conduct tastings of alcoholic liquors and of wine containing in excess of sixteen percent provided:

The establishment must have a permanent seating capacity of fifty persons or more;
Samples may not be offered from more than four products at any one time;
The sampling must be held in the bar area of a licensed establishment and all open bottles must be visible at all times. All open bottles must be removed at the conclusion of the tasting;
Samples must be less than one-half ounce for each product sampled;
A person may not be served more than one sample of each product;
A sampling may not be offered for more than four hours;
At least five days before the sampling, a letter detailing the specific date and hours of the sampling must be mailed first class to the South Carolina Law Enforcement Division;
A sample must not be offered to, or allowed to be consumed by, an intoxicated person or a person under the age of twenty-one years;
A licensed establishment may not offer more than on sampling each day; and,
The sampling must be conducted by the manufacturer or wholesaler or an agent of the manufacturer or wholesaler.

See S.C. Code Ann. 61-6-1640.

May a Micro-Distillery also offer tastings in South Carolina?

A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations:

(1) tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises;
(2) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting a day;
(3) the micro-distillery or manufacturer shall dispense alcoholic liquors for tasting in quantities not greater than one-half ounce per sample;
(4) the micro-distillery or manufacturer may not dispense more than one and one-half ounces to an individual consumer in one day;

(5) tastings and sales may occur only between the hours of nine a.m. and seven p.m., Monday through Saturday;
(6) the micro-distillery or manufacturer may charge for alcoholic liquors consumed at a tasting, but must collect and remit the liquor by the drink excise tax pursuant to the provisions of Chapter 33, Title 12;
(7) tastings may not occur in conjunction with the service of food in a restaurant setting; and
(8) only brands of alcoholic liquors actually manufactured, distilled, or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting.

In addition, a micro-distillery desiring to offer tastings and sales of alcoholic liquors to consumers at its licensed premises shall remit taxes to the department for alcoholic liquors sold and dispensed in an amount equal to taxes paid by wholesalers on alcoholic liquors. All alcoholic liquors produced and sold on licensed premises must be taxed and remitted as provided in Chapter 33, Title 12. The micro-distillery or manufacturer licensee shall maintain adequate records to ensure the collection of this tax.

Brand Registration

What guidelines does SC follow for brand registration?

We accept the federal guidelines for label approval. Federal TTB's must be received with your registration form, the person shipping the product must have a current certificate of registration under SC Code 61-4-310 and SC Code 61-6-2850, they must also be the American Producer or primary American source of supply in the United States, the product can only be shipped to a licensed SC wholesaler, and at the time of shipping into South Carolina a copy of the invoice must be mailed to the SC Department of Revenue by the Producer.

When may I start shipping beer, wine, and/or liquor to SC?

Please wait until you receive an approval notice from SC.

The label for one type of beer, wine, or liquor is changing, but the alcohol content/proof is the same, do I need to send in that label for approval?

Any changes made on the label must be approved by the TTB and the new label must be registered as if it were a new product with a copy of the new TTB approval.

Can I register my brands to more than one licensed SC wholesaler?

Yes, as long as it does not violate any distribution agreements entered into between you and your wholesaler(s).

I let my license and/or permit expire and am having to reapply, do I need to re-register my brands?

Yes, all brands will need to be re-registered using the ABL-569.

I want to change my distributor how do I do that in South Carolina?

For a Wine Importer they simply need to notify the department which distributor they are terminating and which distributor they are appointing to carry their brands. They should also fill out a new ABL-569 re-registering their brands to the new distributor.

For a Beer Importer as defined in Section 61-4-1100 (b):

> Notice of intention to cancel the agreement or contract, written or oral, franchise, or contractual franchise relationship must be given in writing at least sixty days before the date of the proposed cancellation or termination. The notice must contain (i) assurance that the agreement or contract, written or oral, franchise, or contractual franchise relationship is being terminated in good faith and for material violation of one or more provisions which are relevant the effective operation of the agreement, or contract, written or oral, franchise, or contractual franchise relationship, if any, and (ii) a list of the specific reasons for the termination or cancellation.
>
> > This notice will also need to include which distributor, if any, will be appointed to carry the brands.

Bakery License

What is an ABL/Bakery License?

The State of South Carolina passed a law that will permit a bakery to be licensed to use alcoholic beverages as ingredients in the preparation of food items, in order to apply for this license you must complete the ABL-904 form.

What are the requirements for a Bakery License?

The license holder must be a bakery and if they use an alcoholic beverage as an ingredient, the food item must be manufactured for and sold at wholesale. The license holder must meet all other general licensing requirements, except that an applicant for a Bakery License is not required to be located outside of the distance requirements provided under 61-6-120.

How much does the new Bakery License cost?

The license fee for the Bakery Food Manufacturer License is $1,000.00.

How long does the Bakery License last?

The Bakery License is a biennial license and may last up to two years. However, all alcohol beverage licenses located in a single county expire at the same time, which may, in some instances, be less than a two year period from the date the original Bakery License was obtained. The Bakery License therefore will last until the time all other ABL licenses expire in the county in which the bakery is located.

From whom can a licensed bakery purchase liquor?

The licensed bakery may purchase alcoholic liquor from a licensed wholesaler, a licensed retailer or a licensed liquor manufacturer. Note: though the present statue indicates that a licensed bakery may purchase liquor from a manufacturer only,"…in containers holding greater quantities of alcoholic liquor that wholesalers or retailers have authority to sell," there are no size restrictions upon the size of containers that a retailer or wholesaler can sell; either at a state or federal level.

Are there any restrictions on the liquor's use once it is purchased by the licensed bakery?

The alcoholic liquor purchased by the licensed bakery may only be used in the preparation of food items. Neither it, nor any portion of it, may be sold from or consumed upon the licensed premises.

What are the appropriate sections of the law that contain more details?

S.C. Ann Sections 61-6-720, which states:

Section 61-6-720. Bakery License.

Notwithstanding any other provision of this title, a person who operates in this State a bakery for the preparation of food items, in which food items alcoholic beverages are used as ingredients, and which food items are manufactured for and sold at wholesale, must apply for a special bakery food manufacturer's license from the department, in accordance with Section 61-2-100, to purchase the alcoholic beverages from a wholesaler licensed pursuant to Section 61-6-100(2), or from a retailer licensed pursuant to Section 61-6-100(3), or from a manufacturer in containers holding greater quantities of alcoholic liquor than wholesalers or retailers have authority to sell. The department must establish the form of the application for the special bakery food manufacturer's license. The license fee for this biennial license is one thousand dollars. Alcoholic liquor purchased pursuant to this section may only be used in the preparation of food items. The department must revoke the special bakery food manufacturer's license of any operator which permits the consumption of alcoholic liquor as a beverage of liquor purchased pursuant to this section which transfers alcoholic liquor purchased pursuant to this section to any other person.

Micro-Distillery

What is a Micro-Distillery?

'Micro-Distillery' means a manufacturer who distills, blends, and bottles alcoholic liquors on the licensed premises in this State with alcohol content greater than seventeen percent and who produces a maximum quantity of one hundred twenty-five thousand cases per year at the licensed premises. The statutory definition can be found in SC Code Ann. Section 61-6-1095.

How much is a Micro-Distillery license?

The license fee for a micro-distillery license is five thousand ($5,000) dollars, this fee can be found in the ABL-902 application package.

What is a Micro-Distillery permitted to do in South Carolina?

A holder of a valid micro-distillery or manufacturer license issued by the State may:

(1) sell in any quantities the alcoholic liquors produced at the licensed premises to a wholesaler licensed by the State;
(2) transport in any quantities the alcoholic liquors produced at the licensed premises out of state for sale outside of the State;
(3) sell at retail at the licensed premises only in quantities of 750-milliliter bottles the alcoholic liquors produced at the licensed premises, but only if the labels for the bottles are marked 'not for resale';
(4) sell at retail no more than three 750-milliliter bottles of alcoholic liquors to a consumer in one business day;
(5) not allow consumption on the licensed premises of alcoholic liquors sold by the bottle at the licensed premises;
(6) maintain pricing of the alcoholic liquors sold at the licensed premises at a price approximating retail prices generally charged for identical alcoholic liquors in the county where the on-site premises is located;
(7) in addition to the sale of alcoholic liquors as authorized by this section, sell items promoting the brand or brands of alcoholic liquors produced at that location in a room on the licensed premises separate from the locations of the tastings; and
(8) not sell or store goods, wares, or merchandise in or from the room in which alcoholic liquors are sold or tasted.

May a Micro-Distillery also offer tastings in South Carolina?

A holder of a valid micro-distillery or manufacturer license issued by the State may permit tastings and retail sales of the alcoholic liquors produced at the licensed premises subject to the following limitations:

(9) tastings by and sales to consumers must be held in conjunction with a tour by the consumer of the on-site licensed premises;
(10) the micro-distillery or manufacturer shall establish appropriate protocols to ensure that a consumer sold or served alcoholic liquors pursuant to this section is not under twenty-one years of age and that a consumer shall not attend more than one tasting a day;
(11) the micro-distillery or manufacturer shall dispense alcoholic liquors for tasting in quantities not greater than one-half ounce per sample;
(12) the micro-distillery or manufacturer may not dispense more than one and one-half ounces to an individual consumer in one day;
(13) tastings and sales may occur only between the hours of nine a.m. and seven p.m., Monday through Saturday;
(14) the micro-distillery or manufacturer may charge for alcoholic liquors consumed at a tasting, but must collect and remit the liquor by the drink excise tax pursuant to the provisions of Chapter 33, Title 12;
(15) tastings may not occur in conjunction with the service of food in a restaurant setting; and
(16) only brands of alcoholic liquors actually manufactured, distilled, or fermented at and distributed to wholesalers from the licensed premises may be sold or offered for tasting.

In addition, a micro-distillery desiring to offer tastings and sales of alcoholic liquors to consumers at its licensed premises shall remit taxes to the department for alcoholic liquors sold

and dispensed in an amount equal to taxes paid by wholesalers on alcoholic liquors. All alcoholic liquors produced and sold on a licensed premises must be taxed and remitted as provided in Chapter 33, Title 12. The micro-distillery or manufacturer licensee shall maintain adequate records to ensure the collection of this tax.