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## [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 premises. 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 type 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; under ABL Forms.

### **Can I get a list of wholesalers in South Carolina?**

Yes, submit an ABL-566 Computer Request Form to DOR. The 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 Licensing regulations can be found in SC Regulations under [Chapter 7](#).

### **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 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 such Duplicate Original shall only be mailed to that address.

### **My partner/principal or wife/husband that holds an ABL license/permit has died? What do I do?**

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

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

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

**I am closing my business. How do I liquidate my inventory? Beer? Wine? Liquor? (TY)**

You need to sell all of your inventory of alcohol (beer, wine and/or liquor) before closing; as permitted by your license. (Example: a retailer may not sell to another retailer)

**What are the hours that alcoholic products may be sold and consumed?**

**Food Service Establishments and Places of Lodging**

- 1.) These locations may sell, and patrons may consume, liquor on these premises between the hours of 10:00 a.m. and 2:00 a.m. 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:

10:00am	Mon.	until	2:00am	Tues.
10:00am	Tues.	until	2:00am	Wed.
10:00am	Wed.	until	2:00am	Thurs.
10:00am	Thurs.	until	2:00am	Fri.
10:00am	Fri.	until	2:00am	Sat.
10:00am	Sat.	until	12:00am	Sun.
12:01am	Mon.	until	2:00am	Mon.

**Locations with a Local Option Permit:**

- 1.) These locations may sell and patrons may consume liquor on these premises between 10:00 am and 2:00 am the following morning.
- 2.) Locations with a local option permit may sell and patrons may consume liquor during the following hours:

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

**Locations Licensed for On-Premise Consumption of Beer or Wine  
(NOTE: Cities and Counties may restrict hours of sales)**

**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 such locations to sell (and patrons to consume) beer or wine at anytime after sunrise Monday morning until midnight Saturday night.

**2.) Locations licensed to sell Beer/Wine AND licensed to sell liquor for on-premise consumption:**

In addition to the hours that beer or wine may be sold in X(1), these locations may sell, and patrons may consume, beer or wine on these premises during the same hours the location is permitted to sell, and patrons are allowed to consume liquor.

**Retail: Locations licensed for off-premise consumption:  
(NOTE: Cities and Counties may restrict hours of sales)**

**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 12:00AM Saturday night and sunrise Monday morning.

**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 alcoholic liquors on Sundays by referendum vote.)

**What is the fax on demand phone number?**

The number is 803-898-5320, or toll free at 1-800-768-3676.

**What are the Taxpayer Service Centers locations and phone number?**

Columbia, SC – (803) 898-5864  
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

**Having a problem with online ABL application who do I call for help?**

Please call SC BOS Helpline at (803) 898-5690 if you are having problems with the online application. If you have an application or ABL question regarding your account, call (803) 898-5864.

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

Refer to the website [www.sctax.org](http://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: Person 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 this different than one that sells for on premises consumption?**

No difference.

**Is there a dry county South Carolina?**

No.

**On which days are retail liquor stores required to close?**

Retail Liquor stores must be closed on statewide election days and on Sundays.

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

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

Yes, checks can be cashed (§ 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 3 weeks ago, but I have not received it.**

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 the 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.

**My license is about to expire and I would like to sell my business or have my relative 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 green license that must be current and still open. If the former owner's license has already been closed, or expired, the new owner is not eligible for a temporary license and will have to close the business, if not already closed. The business will have to remain closed until the new owner has received their new permanent license in their name.

**What does it mean that SC is a 3-tier state? Can I be both a wholesaler and a distributor or a distributor and a retailer?**

You can be a producer/importer (one tier) or a wholesaler/distributor (two tier) or a retailer (three tier). There is one exception; a retail liquor store may apply to the TTB for a mini-wholesale license to be able to wholesale *only to restaurants in South Carolina*.

**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:  
 $\% \text{ by volume} \times 0.79 = \% \text{ by weight}$

To convert from content by weight to content by volume:  
 $\% \text{ by weight} / 0.79 = \% \text{ by volume}$ .

**What form of payment is accepted?**

If applying online, you will be prompted to pay by check or credit/debit card. If applying 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 (SC DOR).

**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 manufactures, 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.

**What information is required in a Lease?**

A lease shall include at 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 do to ask questions on a location or company that falls under the Freedom of Information Act and Subpoena Request Process?**

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.

### **Is there a fee for information requested under FOIA?**

For lengthy requests, there is a fee to fulfill a FOIA request, the fee is .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.

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## Processing and Application

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

Processing of applications may take six to eight weeks, or more. 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 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 must be at least 300 feet from a church, school or playground if the church, school, or playground is located in the city. Or 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 establishes 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. More information is available about the license on our website under License Types

### **How does a liquor retailer become a wholesaler to a restaurant?**

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. There is no fee for this process.

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

They cannot deliver in South Carolina. They could apply for a producer/importers license (ABL-500 & ABL-569) and send 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).

### **Does my permit/license extend into the parking lot?**

Typically a Beer and Wine permit extends to the parking lot, if the parking lot is NOT shared with another business, or if there is no sidewalk between the entrance of the licensed premises and the parking lot. Liquor licenses do not extend past the front door.

### **We are a non profit organization and we have voted out old officers and have installed 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.

### **When do I need to send in a new application?**

Send in a new application for an ABL license 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 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 the name of our d/b/a name. Do we need to reapply?**

No, you only need to submit a request to change d/b/a (doing business as) name in writing to ABL.

### **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 retail license in good standing and needs to reapply because of a change in ownership, possession or control. Will we be able to get a 120-day temporary license?**

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

### **If a license holder wants to change from a 6 day to 7 day beer and wine license what does he need to do?**

Complete ABL 901 application form; submit difference in license fee and original ABL license. May need ABL 920 form.

\*Requires local referendum approving 7-day license.

### **How do I apply for an ABL license?**

For some applications, you may go online [www.sctax.org](http://www.sctax.org) and download the application form. Other forms must be completed and submitted either in person or by mail to the main officer or district offices.

### **Can I register my ABL 901 online?**

Yes, apply online at [www.scbos.com](http://www.scbos.com).

### **I'm having a problem with an online ABL application, who do I call for help?**

Please call SC BOS Helpline at (803) 898-5690 if you are having problems with the online application. If you have an application or ABL question regarding your account, call (803) 898-5864.

### **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 or file ABL 901 application online.

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

That 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 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 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.

### **How do I get my criminal background check?**

Obtain the criminal records check (CRC) from SLED at [www.sled.state.sc.us](http://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 2 years, you must submit a CRC form you state, or former state, of residency.

### **What are the guidelines for private clubs bylaws?**

For a complete listing of all guidelines for private club by laws, please refer to SC Regulations 7-401.4.

### **What are the nonprofit requirements?**

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.

### **I have a license to sell liquor by the drink. Do I also need a cooking license?**

No, your Liquor by the Drink license allows for your business to possess the alcoholic liquors already.

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

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

### **After SCDOR receives and processes my application how long does it take SLED to post my 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 Type 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. It is required by law to have a liquor representative that has resided in the state of South Carolina for a minimum of thirty days prior to application.

### **What licenses do Wine Brokers need?**

The type of license needed for a Wine Broker would depend on who the broker is acting for.

### **What info is required in a Lease?**

A lease shall include at 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.

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## Immigration Forms

### **What licenses or permits does the new law apply to?**

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

### **When did the new law take effect?**

July 1<sup>st</sup>, 2008

### **What is the new law?**

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

### **How does it effect my application?**

All applicants that apply as a sole proprietor for an Alcohol Beverage License, of any type or duration, must complete the Verification of Lawful Presence in the United States form ABL-577. All principals of a corporation must complete the Verification of Lawful Background for Applicant's Principal, form ABL-920.

### **What documentation will I need?**

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

### **What if I don't complete the form?**

Your Alcohol license or permit will be denied.

### **What forms do I need?**

If you are a Corporate Entity (Corporation, LLC, LLP or a Partnership) the entity is required to complete form **ABL-920**, Verification of Lawful Background For Applicant's Principal. All principals of any corporate entity must complete the ABL 920 form in its entirety. Be sure it is notarized.

If you are a sole proprietorship complete form **ABL-577**, Verification of Lawful Presence In the United States. Be sure to have this form completed in its entirety and that the form is notarized.

If you check a box that indicates you are not a U.S. Citizen, but lawful 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 are:

- 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)

### **Where can I get these forms?**

Forms can be obtained from our website: [www.sctax.org](http://www.sctax.org) or at the District Office(s) or Fax on Demand.

The South Carolina Department of Revenue maintains a Fax-on-Demand automated form and document retrieval system by which you may call in using either a fax phone or a regular touch tone phone to order single copy of the form. The form can be sent to you almost immediately if you are calling the Fax-on-Demand service from the same phone you use to receive a fax. If the forms must be faxed to a different number, the form will be sent between 11 p.m. and 8 a.m. when the system has the least usage. Fax Telephone Number: (803) 898-5320 (in Columbia, South Carolina)

ABL-920 - Verification of Lawful Background for Applicant's Principal...Order Number 5519  
ABL-577 - Verification of Lawful Presence in the United States...Order Number 5520

### **Do I submit a new ABL-920 or ABL-577 each time I apply for a new license?**

Yes. Save a copy of the ABL-920 or ABL-577, and resubmit the form for other locations.

### **When does the ABL-920 or the ABL-577 forms expire?**

They don't – please also note that by the terms of each 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 the United States Citizenship and Immigration Services – a government agency within the Department of Homeland Security.

### **What if I only 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.

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## Special Events

### **How long does it take to get a special event license?**

The application is required to be submitted at least 15 days prior to the event. 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 requested and as long as approved by local law enforcement.

### **What are the hours of operation for a Special Event?**

Beer and Wine Sales - State law authorizes you to sell beer and wine twenty-four hours a day at special events.

Alcoholic Liquor & Beverages – State Law provides that alcoholic liquor and beverages can be sold and consumed from 10:00 AM until 2:00 AM (§61-6-1610).

### **How many days can I get it for?**

The license cannot exceed 15 days.

### **Who or what is a nonprofit?**

A non-profit is a corporate entity 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 for the IRS.

### **What is a charter?**

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

For a Special Event Alcoholic Liquors license, the fee is \$35.00.

For a Special Event Beer, Wine & Alcoholic Liquors license, the fee is \$45.00.

## **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 for more than 2 years, obtain the CRC from SLED at [www.sled.state.sc.us](http://www.sled.state.sc.us) or mail a request to SLED Headquarters, Criminal Records Department, 4400 Broad River Rd., P.O. Box 21398, Columbia, SC 29221. If the principal has lived in SC less than 2 years, obtain a CRC from previous state of residency AND a CRC from SLED. If principal is not a SC resident, obtain a CRC from current state of residency.

## **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 type of offense(s); the number of offense(s); and when the offense(s) occurred.

## **Can I get a “rain check” for the event if it rains?**

No.

## **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.

## **Can I have a special event permit even though my county/city has not approved an LOP?**

Yes, at unlicensed locations or if the applicant is leasing out a licensed location. If your function is being held at a licensed location, the person or organization applying for the special event license cannot have ANY relationship with the person or organization holding the permanent license beyond that of lessor-lessee.

## **I have a licensed restaurant; can I rent out my restaurant for a special event? Can the special event buy my alcohol to sell?**

Yes. If your function is being held at a licensed location, the person or organization applying for the special event license cannot have ANY relationship with the person or organization holding the permanent license beyond that of lessor-lessee. The applicant renting out the licensed location must bring in and take out all alcohol. The licensed location owner must lock up all of their alcohol because it cannot be sold to the special event applicant or its patrons.

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

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

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## Retail Liquor Stores

### **What can be sold at my retail liquor store?**

In accordance with SC Codes §§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 I cannot sell?**

You may not sell between the hours of 7:00 p.m. and 9:00 a.m. or on Sundays. Retail liquor stores are also required to be closed on statewide general election days.

### **Can customers consume alcohol liquor in the retail liquor store?**

No. The store may not sell liquor for consumption on premise. 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 premises.

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 or 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.

## **If a customer brings in a proof of purchase to be redeemed for a promotional item, can I redeem it at my retail liquor store?**

No.

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## [Sunday Sales](#)

### **Please explain the ABL 29 and ABL 29A LOP form, counties approved and fee?**

The forms are self explanatory. Also on the web site is the list for approved counties, it is listed under General Information.

### **Where do I find a LOP and 7 Day beer and wine lists for approved counties/jurisdictions?**

Please refer to ABL General Information.

### **Can I have a special event permit even though my county/city has not approved an LOP?**

Yes, at unlicensed locations or if the applicant is leasing out a licensed location. If your function is being held at a licensed location, the person or organization applying for the special event license cannot have ANY relationship with the person or organization holding the permanent license beyond that of lessor-lessee.

### **If a license holder wants to change from a 6 day to 7 day beer and wine license what does he need to do?**

Complete ABL 901 application form; submit difference in license fee and original ABL license. May need ABL 920 form.

\*Requires local referendum approving 7-day license.

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

Yes, you need both a liquor by the drink license and an on premise beer/wine permit. Please refer to License Types on the ABL website.

### **I have a convenience store with pool tables and an on premises license. May I also have a P7B to sell off premise on Sundays?**

No. In order to get the 7-Day license (P7B), the applicant would lose the ability to permit on-premise consumption at their licensed location.

### **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.

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## Renewal

### **When I renew my license online, do I still need to complete the immigration forms, the ABL-577 or ABL-920? If so, how do I send them to ABL?**

Yes, immigration forms (ABL-577 and ABL-920) must be submitted. The forms can be faxed in through email, or our fax number (803) 898-5899. The forms could also be mailed into: Department of Revenue, ABL Section, 301 Gervais Street, Columbia, SC 29160.

### **I didn't get my renewal notice in the mail. What should I do?**

You can get a blank renewal form (ABL-565) from our website at [www.sctax.org](http://www.sctax.org).

### **May I renew my license online?**

Yes, providing all requirements pass and there are no changes to the mailing address and/or the DBA trade name.

### **I tried to renew my licenses/permits online and received the message that no licenses were available for online renewal? What should I do?**

If problems should occur, it is recommended that the renewal be mailed in. ABL cannot tell you why you are having a problem with an on-line renewal nor check anything without have a renewal in our hands.

### **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 & 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 permit online at [www.scbos.com](http://www.scbos.com).

### **I accidentally let my license expire? What should I do?**

If it has expired within 30 days of the expiration date you may renew, but must also pay late filing fees of \$300.00 for beer/wine licenses and \$200.00 for liquor license. 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.

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

No. SLED can come in any time, and all alcoholic beverages will be seized and you will 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 green license that is on display. You must send in all information that is requested as soon as possible. Your green license will not be printed

until all information is received. The denial letter **does not** give you the right to continue operating on Sunday for those that hold an LOP license.

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

No. Extensions to denial letters are not granted.

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## [Producing/Importing/Delivery](#)

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

Please fill out the ABL-107 Application Packet. More information is available about the license on our website under License Types

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

They cannot deliver in South Carolina. They could apply for a S.C. producer/importers license (ABL-500 & ABL-569) and then, once approved, send to a wholesaler that is licensed in South Carolina.

### **I would like to be able to ship wine into SC from another state, which form/forms do I need to complete?**

This will depend on several things, are you a wine producer or wine importer? Do you want to ship to a South Carolina wholesaler or directly to a resident?

If you are an importer of wine, you will need to fill out ABL-500 & ABL-569.

If you are a wine manufacturer, you need to fill out ABL-571 and also have a South Carolina retail license.

### **I am hoping to start importing wine from California, New York and Argentina, what licenses will I need?**

You will need to apply for the Beer and Wine Producer/Importer Permit by filling out the ABL-500 form and ABL-569 form.

### **I am planning to import both liquor and wine from Italy which licenses are required**

You will need to apply for the Beer and Wine Producer/Importer Permit, and a Liquor Producer/Importer Permit and Producer Representative Permit by filling out the ABL-500 form and ABL-569 form and the ABL-107 Packet.

### **Is there an additional form needed to ship directly to residents home addresses?**

Only wine manufacturers can ship directly to residents' home addresses, provided they must hold an out of state direct shippers' license from South Carolina and a South Carolina retail license.

### **Is it legal for an SC resident to order wine on the internet and have it delivered to his home?**

No, it is illegal to order alcoholic beverages on the internet and have it delivered to a South Carolina resident; unless, it is shipped directly from the wine manufacturer and they have an out of state wine shipper's license.

### **Can my local liquor store deliver to my home?**

No.

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## Wine Shipments

### **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.

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

An in- or out-of-state wine manufacturer may cause up to 24 bottles of wine to be shipped directly to a consumer per month, provide certain conditions are met: the most prominent of which is that the manufacturer must obtain a wine shipper's license. Or a consumer may 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 S.C. 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 S.C. Code Ann. §61-4-770.

### **A friend of mine who lives in a foreign country is sending me a case of wine where should they have it delivered for me to receive it?**

See S C Code ANN 12-21-1610 that was amended in such a manner as to eliminate the personal use and consumption exception. Wine from foreign countries can only be shipped to a duly licensed wine importer. It is illegal for a resident to receive wine shipment from a foreign country.

### **Can I ship wine into the state of South Carolina for resale?**

No. Wine is only allowed to be shipped for personal use and consumption.

### **I would like to be able to ship wine into SC from another state or foreign country, which form/forms do I need to complete?**

This will depend on several things, are you a wine producer or wine importer? Do you want to ship to a South Carolina wholesaler or directly to a resident?

If you are an importer of wine, you will need to fill out ABL-500 & ABL-569.

If you are a wine manufacturer, you need to fill out ABL-571 and also have a South Carolina retail license.

### **Importation of Wine directly by Consumer: Where can t/p find information 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 or consumption and not for resale..* However, S.C. 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 release 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 S.C. 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 S.C. Code Ann. §61-4-770.

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## Liquor by the Drink

### **What is the effective date of being able to pour from "big" bottles?**

Sunday, January 1, 2006.

### **Will I need to reapply for a new type of license?**

No. If you currently have a minibottle license, it will automatically convert to a liquor by the drink license on January 1, 2006. When it is time to renew your license, your renewal application form will indicate that the license is for liquor by the drink.

### **May I still sell minibottles after January 1, 2006?**

Yes. Your current minibottle license will authorize you to sell liquor by the drink in minibottles, and to pour from "big" bottles. You may have both on your premises as long as you have a current minibottle or liquor by the drink license. It is no longer mandatory that you break the seal in the presence of the customer, or deliver the minibottle to the customer. It is also legal to use only a portion of a minibottle in a drink. However, you may still continue to deliver sealed minibottles to the customer, if so requested by the customer or if you wish to do so.

### **What can I do with my left over minibottles after January 1, 2006?**

You can continue to use them in drinks. If the retail dealer that sold them to you wants to take them back, he may. If you have other licensed locations in S.C., you may transfer the minibottles there. You may not sell them to another liquor by the drink licensee.

### **May I stock my bar with liquor in big bottles before January 1, 2006?**

Yes, as long as you have a current minibottle license. In order to allow for a smooth transition, you can begin stocking your bar with big bottles on Thursday, December 1, 2005. However, under no circumstances should you sell from "big" bottles prior to January 1, 2006. If during an inspection, SLED discovers liquor in big bottles with seals broken prior to January 1, 2006, the liquor will be confiscated, and an administrative citation will be written.

### **What is the tax on liquor by the drink?**

The tax on minibottles was \$0.25 per minibottle, and was collected and remitted to the S.C. Department of Revenue by the wholesale liquor dealer. Beginning January 1, 2006, this special tax on minibottles will no longer exist. 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 the S.C. Department of Revenue, is not part of the gross proceeds. For example, on a \$5.00 drink in a county with a 6% sales tax:  $\$5.00 \times .06 = .30$  sales tax;  $\$5.00 \times 5\%$  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, the taxes can be backed out as follows: 6% sales tax + 5% liquor by the drink tax = 11% total tax.  $\$5.00 / 1.11 \times 11\% = \$0.50$  total tax. This would be allocated as follows:  $5/11 \times .50 = \$0.23$  for liquor by the drink tax;  $6/11 \times .50 = \$0.27$  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 the liquor by the drink tax. Liquor by the drink tax remittance forms are under development and will be made available on the department's website ([www.sctax.org](http://www.sctax.org)) by October 1, 2005. The completed forms and taxes are due to the department on the twentieth of each month. The new law does not provide for quarterly or annual filing, and specifically states that these taxes must be remitted to the S.C. Department of Revenue by the twentieth of each month.

**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 after January 1, 2006?**

No. The new 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 in "big" bottles, and a liquor by the drink license. Do I need both licenses?**

After January 1, 2006, you will no longer need both licenses. Your liquor by the drink license also authorizes you to use liquor in your cooking.

**I operate a restaurant with a minibottle license and cater private functions. Can I sell full big bottles to my customers after January 1, 2006?**

No. Your liquor by the drink license only allows you to sell liquor by the drink to your customers on your licensed premises. S.C. law also does not allow you to deliver liquor, or to operate a cash bar for your customers off your licensed premises unless the customer has obtained a temporary license. Organizations with temporary liquor licenses must purchase the liquor they intend to sell from Retail Liquor Dealers with a Wholesaler's Basic Permit issued under the Federal Alcohol Administration Act.

**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. of liquor. It does not matter if the customer intends to consume the liquor on the premises or intends to remove the liquor

from the premises. A liquor by the drink license only authorizes the sale of liquor by the drink – not by the bottle.

**I currently have a stock of minibottles on hand that have already been taxed at .25 cents per container. Will there be a refund of that tax?**

Yes, based on the minibottles you have on hand on January 1, 2006. On January 1, 2006, each licensee must conduct an inventory of all minibottles on hand. No later than March 2, 2006, a certified copy of that inventory, and a request for refund must be submitted to the S.C. Department of Revenue. The department will refund the minibottle tax, minus the January 1, 2006, increase on the tax on liquor. Forms and information on how to do this will be available on the department's website ( [www.sctax.org](http://www.sctax.org)) by December 1, 2005. You can expect to receive your refund in three to six weeks from the date you file all necessary forms with the department. **IMPORTANT NOTICE: IF YOU DO NOT CONDUCT THE INVENTORY OF ALL MINIBOTTLES THAT YOU HAVE ON HAND ON JANUARY 1, 2006, AND IF A CERTIFIED COPY OF THAT INVENTORY IS NOT SENT TO THE DEPARTMENT WITHIN 60 DAYS OF THE INVENTORY, YOUR REFUND REQUEST WILL BE DENIED.**

**I currently operate a retail liquor store. What type of license do I need to sell 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 to: S.C. Department of Revenue, ATTN: Alcoholic Beverage Licensing, PO Box 125, Columbia, SC 29214. Keep a copy of the application on your premises. After mailing the forms, you may begin selling liquor to liquor by the drink locations.

**I operate a retail liquor store, and have filed the application for a Wholesaler's Basic Permit under the Federal Alcohol Administration Act with the U.S. Department of the Treasury and have sent a copy of that application to the S.C. Department of Revenue. Can I now deliver liquor to liquor by the drink locations?**

Yes. However, you are responsible for insuring the location has a current liquor by the drink license.

**May wholesale liquor dealers offer quantity discounts?**

Yes. However, the discount must be on 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 new law does not prohibit a wholesaler from allowing a retailer to accumulate purchases over a period of time to qualify for a deal.

**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.

**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 licensed retail dealers to deliver. This would include the dealer's employees. 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 the other employees in your retail liquor store.

**As a retail liquor store with a Wholesaler's Basic Permit under the Federal Alcohol Administration Act, what type of records must I keep of sales to liquor by the drink locations?**

You must maintain a record that shows the name of the liquor by the drink licensee, date of sale, and quantity sold by brand and bottle size. The necessary form will be posted on the department 's website at ([www.sc.tax.org](http://www.sc.tax.org)) no later than December 1, 2005. These completed forms need not be submitted to the department, but must be kept on your premises for at least three years, and must be made available for inspection upon demand of agents of the department.

**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 packed 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.

**May liquor manufacturers or liquor wholesaler dealers provide rebates or other incentives directly to liquor by the drink licensees?**

Yes, but they cannot give or sell any liquor directly to the liquor by the drink licensees.

**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 a.m. and 7:00 p.m. Deliveries may not be made

on Statewide elections days, or on those periods proclaimed by the Governor in the interest of law and order or public morals. (Currently Thanksgiving Day and Christmas Day).

**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. Of course, you may not 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 to be found anywhere in state or federal law. We have wholesaler 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).

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## [Keg Registration](#)

### **What is the new law regarding Keg Registration?**

Recently South Carolina passed into law legislation requiring South Carolina Department of Revenue-approved alcohol beverage license holders who sell beer in kegs to place an identification tag – called a *Keg Identification Tag* – on the keg and to record and keep specific information regarding the purchaser.

### **When does the new 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 a keg to a consumer for off-premise 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-premise 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 on 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 the 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 Form will be available online at [www.sctax.org](http://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 not 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 \$500 or imprisoned for not more than 30 days, or both.

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

It 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?**

#### **KEG REGISTRATION**

**SECTION 61-4-1910** For purposes of this article:

(1) 'Keg' means a container of beer with a capacity of 5.16 gallons or more that is designed to dispense beer directly from the container in an off-premises location.

(2) 'Retail licensee' means the holder of a retail beer or wine license issued by the Department of Revenue.

#### **SECTION 61-4-1920**

(A) A retail licensee shall not sell a keg of beer without:

(1) recording the date of sale, the keg identification number, the name, address, and birth date of the purchaser, and the driver's license or identification card number presented by the purchaser;

(2) requiring the purchaser to sign a statement attesting to the accuracy of the purchaser's information, acknowledging that, unless otherwise Licensed by law, it is unlawful to transfer beer to a person under the age of twenty-one, and that, unless otherwise Licensed by law, the beer in the keg will not be consumed by a person under the age of twenty-one; and

(3) attaching an identification tag to the keg with the name, address, and license number of the retail licensee and the keg identification number. An identification tag must consist of paper, plastic, metal, or durable material that is not easily damaged or destroyed. An identification tag must be attached to the keg at the time of the sale with a nylon tie or cording, wire tie or other metal attachment device, or other durable means of tying or attaching the tag to the keg.

(B) The Department of Revenue shall prescribe and provide the form to be used that contains the keg identification information and the purchaser's statement. The Department of Revenue also shall prescribe and provide the keg identification tag and the manner in which the tag must be attached to the keg.

(C) The retail licensee shall maintain the keg identification form and the purchaser's statement form for a minimum of ninety days from the date the keg is purchased. These forms must be available during normal business hours for inspection by the Department of Revenue and appropriate law enforcement agencies.

(D) The retail licensee shall record the date of return of a keg on the proper identification form. After the keg is returned, it shall be the responsibility of the retail licensee to remove the tag. The purchaser shall receive a receipt from the retail licensee that the keg was returned with the tag appropriately affixed. If there is no tag affixed to the keg or if the identification number is not legible, the retail licensee shall indicate this fact on the proper keg identification and purchaser statement form.

(E) A retail licensee must accept all returned kegs, and upon the licensee's discretion, may not refund the deposit for a keg that has an altered identification number.

(F) A retail licensee who violates the provisions of this section is subject to suspension or revocation of his beer or wine license or monetary penalties pursuant to Section 61-4-250. A person who violates a provision of this section:

(1) for a first offense, must be fined not less than two hundred dollars nor more than three hundred dollars; and

(2) for a second or subsequent offense, must be fined not less than four hundred dollars nor more than five hundred dollars.

**SECTION 61-4-1930**

(A) A person may not knowingly possess a keg that does not have the proper label with all information accurately recorded, unless the person can demonstrate by a preponderance of the evidence that the keg was not correctly tagged by the seller pursuant to the requirements of Section 61-4-1920

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(C) The provisions of this section do not apply to any manufacturer, shipper, wholesaler, or licensee.

**SECTION 61-4-1940**

(A) A person may not purposefully remove, alter, obliterate, or allow to be removed, altered, or obliterated, a keg tag or other information recorded on the tag.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days, or both.

(C) The provisions of this section do not apply to any manufacturer, shipper, wholesaler, licensee, the Department of Revenue, or other appropriate law enforcement agency. "S.C. Ann Sections 61-4-300; 61-4-310; 61-4-340; 61-4-940; 61-4-1300; 61-4-1310

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## High Octane Beer

### **What is the news about High Octane beer?**

Recently the State of South Carolina passed legislation that permits the manufacture, importation, sale and consumption of *High Octane beer*. The exact language of H.B. 3218 is as follows:

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

#### **Percent of alcohol by weight revised**

SECTION 1. Section 61-4-10 of the 1976 Code, as last amended by Act 415 of 1996, is further amended to read:

"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 1/2 ounces or more or the metric equivalent; and
- (3) all wines containing not in excess of twenty-one percent of alcohol by volume." (emphasis added)

### **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 can not exceed 14% alcohol content by weight.

### **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 by the density of alcohol. Example: Under the new law a beer can not exceed 14% by weight. Thus, 14% alcohol by weight  $\div .79 = 17.721518\%$  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 Brewery sells a beer "Golden Ale" with a five percent alcohol content, and then wants to sell a high octane

version of “Golden Ale”, the brewery must submit a new Form 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 ABL Form 500. To register a brand, or brands, either as a new producer or to add brands as a currently licensed producer, submit ABL Form 569. A wholesaler must submit ABL Form 902.

### **What needs to be submitted with the ABL Form to register the brand?**

Submit approved Federal TTB “Application and Certification of Label/Bottle Application Form”, F 5100.31.

### **Who may sell High Octane beer?**

Only a registered producer 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 that 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 one 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 to a single brand.

### **When can High Octane beer be brought into, distributed and sold in South Carolina?**

The new law was effective May 2, 2007. Of course, all requisite conditions must be met before any individual producer, wholesaler or retailer may lawfully sell High Octane beer.

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

S.C. Ann Sections 61-4-300; 61-4-310; 61-4-340; 61-4-940; 61-4-1300; 61-4-1310

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## [Refund](#)

### **Is there a way I can know if I am due a refund?**

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

\*NOTE – LOP licenses are NONREFUNDABLE.

### **I have sold (closed) my business and there is more than a year left on my license how long will it take to get my refund?**

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

\*NOTE – LOP licenses are NONREFUNDABLE.

### **What is the refund process?**

Once the original green ABL license has been turned in to the Department, the Department will determine if a refund is due. A year or more must be left on the license 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 the amount of one year on a license. For example: Beer/Wine biennial license is \$600. If turned in with at least one year left, your refund would be for \$300.

Once the original license and request for a refund has been received by DOR 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 green license has not been turned in.

There is less than a year left on your license.

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## [Protest](#)

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

Please complete an ABL-20; this is the ABL protest form.  
For protest guidelines, please refer to SC Regulations 7-201.

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

No.

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

Yes.

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

You will be notified by the Administrative Law Court on your 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.

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## Tastings

### Who can hold tastings?

#### *For Beer Tastings:*

- On-premises beer and wine permit holders are **prohibited** by S.C. Code Ann. § 61-4-160 *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 that two functions are permitted per year and each function must be approved by the Department.
- Off-premises beer and wine permit holders are **prohibited** by the restriction on the permit prohibiting open containers of beer or wine.

#### *For Wine Tastings:*

- On-premises beer and wine permit holders 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 that two functions are permitted per year.See S.C. Code Ann. § 61-4-160.

#### *For Wine Tastings of wines that contain 16% or less alcohol:*

- Licensed wineries may hold wine tastings without limitations of wine containing 16% or less alcohol. (See SC Code Ann. § 61-4-720)
- Off premise beer and wine permit holders (whose primary product is wine and beer) may hold no more than 24 tastings per quarter (wholesalers may only conduct two of these). (See SC Code Ann. § 61-4-737)
- Retail liquor stores may hold 24 wines tastings per quarter, wholesalers may only hold two of these). (See SC Code Ann. § 61-4-737)

#### *For Wine Tastings of wines that contain 16% or more alcohol and alcoholic liquors:*

- Retail liquor stores may conduct tastings (SC Code Ann. § 61-4-1035)
- Liquor by the Drink license holders may conduct tastings of alcoholic liquors and wine containing 16% or more alcohol (SC Code Ann. § 61-6-1640)

### What are the restrictions for retail liquor stores hosting tastings?

- o No sample may be offered from more than four products at any one time
- o 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 conclusion 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 longer 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.
- 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, and must not be conducted by a wholesaler, retailer, or employee of a wholesaler or retailer.
- No retail alcoholic liquor store may offer more than one sampling per day.

**What are the restrictions for liquor by the drink license holders hosting tastings?**

- No retail alcoholic liquor store may offer more than one sampling per day.
- The establishment must have a permanent seating capacity of fifty or more persons
- 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;
- 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 may 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 one sampling each day;
- The sampling must be conducted by the manufacturer or wholesaler or an agent of the manufacturer or wholesaler.

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## [Brand Registration](#)

**I sent in my label approval request along with my COLA, will I be notified that my labels have been approved? When may I start shipping wine with those labels to SC?**

We do not send notification of receipt of 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 the 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.

**The label for one type of wine or beer is changing, but the alcohol content 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.

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## [BAKERY LICENSE](#)

### **What is the news about an ABL/Bakery License?**

Recently 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.

### **What are the requirements for a Bakery License?**

Under the new law, 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 for under 61-6-120.

### **How much does the new Bakery License cost?**

The license fee for the new Bakery Food Manufacturer License is one thousand dollars.

### **How long does the Bakery License last?**

The new 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 where can a licensed bakery purchase liquor?**

The licensed bakery may purchase alcoholic liquor from either a licensed wholesaler, a licensed retailer or a licensed liquor manufacturer. Note: though the present statute 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 or which transfers alcoholic liquor purchased pursuant to this section to any other person.

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## Micro-Distillery

### **What is the news about a Micro-distillery in South Carolina?**

On May 6, 2009, the State of South Carolina passed legislation (A11, R36, H3452) that created a new classification for a liquor manufacturer called a Micro-distillery. The new statute will be located in S.C. Code Ann. Sections 61-6-1095, *et seq.*. The language of the Micro-Distillery law can be found at: [http://www.scstatehouse.gov/cgi-bin/web\\_bh10.exe?bill1=3452&session=118](http://www.scstatehouse.gov/cgi-bin/web_bh10.exe?bill1=3452&session=118)

### **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 an 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.

### **How much is a Micro-distillery license?**

The department may issue a micro-distillery license to a person to operate one micro-distillery in the State subject to the requirements of the law and payment of a biennial micro-distillery license fee of five thousand (\$5,000.00)dollars.

### **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: (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 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 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.

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