

May 30, 2008

Jeff M. Anderson, Esquire
Lexington County Attorney
Post Office Box 489
Lexington, South Carolina 29071-0489

Dear Mr. Anderson:

In a letter to this office you referenced that pursuant to this State's "blue laws", S.C. Code Ann. §§ 53-1-5 et seq., businesses are prohibited from operating prior to 1:30 p.m. on Sundays. Specifically, Section 53-1-5 states that "[t]he provisions of this chapter do not apply after the hour of 1:30 p.m. on Sunday." Section 53-1-6 requires enforcement of such provision by the "sheriff or other law enforcement."

According to your letter, the City of Columbia recently held a referendum which approved the sale for off premises consumption of beer and wine at permitted locations twenty-four hours a day, seven days a week. Such sales are authorized pursuant to S.C. Code Ann. § 61-4-510(A).

S.C. Code 53-1-5 was last amended in 1995. Section 61-4-510(A) states that off-premises beer and wine permits may be issued "...which allow sales for off-premises consumption without regard to the restrictions on the days or hours of sales...." Such provision was enacted in 1996 and last amended in 2003.

As stated in a prior opinion of this office dated October 31, 2005, pursuant to principles of statutory construction, when comparing statutory provisions applicable to a given situation, "[i]f an irreconcilable conflict exists, the statute later in time will prevail as the later expression of legislative will." See also: Feldman v. S.C. Tax Commission, 203 S.C. 49, 26 S.E.2d 22 (1943); Ops. Atty. Gen. dated June 13, 2003. Moreover, as stated in an opinion of this office dated April 29, 2003, "...specific laws prevail over general laws...." See also: Op. Atty. Gen. dated November 20, 1997. Furthermore, as set forth in a prior opinion of this office dated October 24, 2007, "...later specific statutes will prevail over earlier general ones." See also: Langley v. Pierce, 313 S.C. 401, 403, 438 S.E.2d 242, 243 (1993).

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The referenced provision authorizing permits for the sale of beer and wine for off premises consumption regardless of the days or hours of sale are the later expressions of legislative will and are more specific as to the question of the sale of beer and wine on Sunday. As a result, in the opinion of this office, such provisions must be given effect with the result that beer and wine can be sold in the portion of Lexington County which is also within the boundaries of the City of Columbia on Sunday.

If there are any questions, please advise.

Sincerely,

Henry McMaster
Attorney General

By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Deputy Attorney General