

1982 WL 189265 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 26, 1982

***1 Re: Opinion Regarding § 61-1-65**

Mr. James H. Harrison
Legal Counsel
South Carolina Alcoholic
Beverage Control Commission
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Jim:

You have asked whether § 61-1-65, Code of Laws of South Carolina, 1976, as amended, prohibits the employment of an agent with the Alcoholic Beverage Control Commission whose brother has an interest in a beer and wine permit. I agree with your conclusion that it does not. The proscriptive scope of § 61-1-65 extends only to those interests involving 'alcoholic liquors'. Alcoholic liquors are defined in § 61-3-20 as follows:

(1) The words 'alcoholic liquors' means any spiritous malt, vinous, fermented, brewed (whether lager or rice beer) or other liquors or any compound or mixture thereof by whatever name called or known which contains alcohol and is used as a beverage but shall not extend to:

(b) any beverage declared by statute to be non-alcoholic or non-intoxicating. . . . [Emphasis added]

Further, § 61-9-10 provides that beer and wine is 'declared to be non-alcoholic and non-intoxicating' when the alcohol content is under a prescribed limit.

These sections are in para materia, and must be read together. The only reasonable construction is that the proscriptive scope of § 61-1-65 does not extend to an interest in a beer and wine permit. This inescapable conclusion is in concert with the South Carolina Supreme Court's decision in [State v. Turner](#), 198 S.C. 499, 18 S.E.2d 376. In addition, this office has consistently concluded that beer and wine are not generally considered to be alcoholic liquors for the purpose of the regulation of the Alcoholic Beverage Control Act.

Very truly yours,

Edwin E. Evans
Senior Assistant Attorney General

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