

1974 S.C. Op. Atty. Gen. 318 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3887, 1974 WL 21385

Office of the Attorney General

State of South Carolina

Opinion No. 3887

November 13, 1974

***1 In Re: Non-Profit Associations, Sale or Possession of Liquor By**

Honorable O. Frank Thornton
Secretary of State
Post Office Box 11350
Columbia, South Carolina 29211

Dear Mr. Thornton:

You have inquired as to whether or not the provisions of Section 12–756, 1962 Code of Laws of South Carolina, prohibiting the issuance of a charter to a non-profit association or society when you, as Secretary of State, have reason to suspect that any alcoholic liquors or beverages are kept, given away or supplied to its members by such association are affected by the provisions of Section 4–29.3, which provides that the Alcoholic Beverage Commission may issue a possession and consumption license to bona fide non-profit organizations.

The two provisions of law are obviously in irreconcilable conflict.

It is a general rule of statutory construction that when two legislative acts are repugnant, or in conflict with each other, the provision last enacted will govern and will repeal by implication so much of the earlier act as is in direct conflict with it, even though the latter act contains no repealing clause. 82 C.J.S., Statutes, Section 290; [Wade v. Cobb](#), 204 S.C. 275, 28 S.E. 2d 850, [Home Building and Loan Association v. City of Spartanburg](#), 185 S.C. 353, 194 S.C. 143.

Even though repeal by implication is not favored, it is the general rule of statutory construction when the conflict between two statutory provisions makes repeal by inference necessary and unavoidable.

A reading of both Section 12–756 and 4–29.3[a] indicates a clear legislative intent that possession and consumption licenses [mini-bottle licenses] shall be issued to qualified non-profit associations, societies and other like entities.

In view of the foregoing, it is the opinion of this Office that so much of Section 12–756 as prohibits the keeping, giving away or selling of alcoholic liquors in containers of two ounces or less [mini-bottles] has been repealed by the provisions of Section 4–29.3[a].

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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