

1973 WL 27684 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 5, 1973

*1 The Honorable Harry A. Chapman, Jr.
Senator
Greenville County
Capitol Building
Columbia, South Carolina

Dear Senator Chapman:

You requested an opinion on the effect of adding the following proviso to 1973 House Bill 1918, proposing an amendment to Article XVII of the South Carolina Constitution: ‘, provided, that the General Assembly may restrict the purchase of alcoholic beverages by a person until age twenty-one.’ Specifically, you requested an opinion on the effect of this proviso on the power of the General Assembly to regulate alcoholic beverages generally. This proviso would merely reserve power of the General Assembly to restrict the sale of alcoholic beverages to persons under the age of twenty-one—not repeal any of the General Assembly’s authority to restrict and regulate alcoholic beverages. Article VIII, Section 11 of the South Carolina Constitution specifically grants to the General Assembly the authority to prohibit the sale of alcoholic liquors and beverages under such rules and restrictions as it deemed proper. The proposed proviso would in no way repeal by implication these provisions of Article VIII, Section 11. ‘As stated in [Gaud v. Walker](#) 214 S.C. 451, 53 S.E. 2nd 316, 327, ‘all sections of the Constitution must be considered together and harmonize, if possible.’” [Lee v. Clark](#), 224 S.C. 138, 77 S.E. 2nd 485, 488 (1953). (As a matter of semantics, you may wish to revise the proviso to allow the General Assembly to restrict the sale of alcoholic beverages to persons until age twenty-one, rather than the purchase by persons until the age twenty-one.)

Please contact me if I can provide any further assistance.

Very sincerely,

Hardwick Stewart, Jr.
Assistant Attorney General

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