


South Carolina Alcohol Server Training Legal Supplement

Effective September 1, 2025

Under the authority of SC Code Section 61-3-120(B) , the curricula of each alcohol server training program must include information pertaining to the following state laws and regulations.

Note: *In this document, South Carolina's laws and regulations are not reproduced in their entirety. The wording used in this document is not identical to the wording used in the South Carolina Code of Laws, 1976, as amended, and the South Carolina Code of Regulations.*

These summaries are intended as a public information service and are not a substitute for consulting the South Carolina Code of Laws, 1976, as amended, and the South Carolina Code of Regulations.

 Please review the **Compliance Checklist: Requirements for Alcohol Server Training Programs** document for a full list of program requirements.

The Sale and Service of Alcoholic Beverages

Sales to Underage Persons

It is unlawful for a person to sell beer, wine, or alcoholic liquor to a person under 21 years of age. A person who makes a sale in violation of this section is guilty of a misdemeanor and, upon conviction:

- **First offense** – must be fined between \$200 and \$300 or imprisoned not more than 30 days, or both
- **Second or subsequent offense** – must be fined between \$400 and \$500 or imprisoned not more than 30 days, or both.

Failure of a person to require identification to verify a person's age is prima facie evidence of the violation of this section.

Relevant statutes

- SC Code Section 61-4-50
- SC Code Section 61-6-4080
- SC Code of Regulations 7-200.4

Posting Signs

A retail seller of beer, wine, or alcoholic liquor must post in each permitted location a sign with the following words printed on it:

- "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."

A retail seller of beer, wine, or alcoholic liquors who fails to display the sign required by this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned for not more than 30 days.

Relevant statutes

- SC Code Section 61-4-70
- SC Code Section 61-6-1530

Transfer of Beer, Wine, or Alcoholic Liquor to Underage Person

It is unlawful for a person to purchase for, transfer, or give beer, wine, or alcoholic liquors to a person under the age of 21 years for the purpose of consumption.

Exception: *The person under the age of 21 is recruited and authorized by a law enforcement agency to test a person's compliance with laws relating to the unlawful transfer or sale of beer and wine to a minor.*

A person who violates this section is guilty of a misdemeanor and, upon conviction:

- **First offense** – must be fined between \$200 and \$300 or imprisoned not more than 30 days, or both
- **Second or subsequent offense** – must be fined between \$400 and \$500 or imprisoned not more than 30 days, or both

Relevant statutes

- SC Code Section 61-4-90
- SC Code Section 61-6-4070
- SC Code Section 61-6-4075

Discount Pricing for On-Premises Consumption

A retail seller of beer, wine, or alcoholic liquors for on-premises consumption may not advertise, sell, or dispense these beverages:

- For free,
- At a price less than ½ of the price regularly charged, or
- On a 2 or more for the price of 1 basis

A person who violates this section is guilty of a misdemeanor and, upon conviction, will be fined no less than \$100 or imprisoned for no less than 3 months.

Relevant statutes

- SC Code Section 61-4-160
- SC Code Section 61-6-4550

Unlawful Sales

It is unlawful for a licensee to:

- Sell beer or wine at wholesale or retail
- Sell or offer to sell beer or wine after their license has been revoked or canceled, or while their license is suspended

A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined between \$20 and \$100 or imprisoned between 10 and 30 days, or both:

Relevant statutes

- SC Code Section 61-4-610

Legal Employment and Serving Age

Restaurants and other establishments licensed for on-premises consumption must uphold the following age requirements when hiring servers and bartenders:

- **Servers over 18 and under 21** – May serve beer, wine, and alcoholic liquors in open containers to be consumed on the licensed premises when the alcohol has been mixed, poured, or prepared by another employee who is at least 21 years of age
- **Servers under 21** – May not mix, pour, or prepare beer, wine, or alcoholic liquors to be consumed on the licensed premises

Bartenders must be at least 21 years of age when hired.

Relevant statutes

- SC Code Section 61-4-90(D)
- SC Code Section 61-6-2200
- SC Code Section 61-6-4070
- SC Code Section 61-6-4140

Prohibited Acts to Include Sales to Intoxicated Persons

Permit holders, or a servant, agent, or employee of the permit holder may not knowingly commit any of the following acts upon the licensed premises:

- Sell beer or wine to a person under 21 years of age
- Sell beer or wine to an intoxicated person
- Permit lewd, immoral, or improper entertainment, conduct, or practices.
 - This includes, but is not limited to: entertainment, conduct, or practices where a person is in a state of undress so as to expose the genitals, pubic area, or buttocks cavity with less than a full opaque covering

- Permit any act which creates a public nuisance or which constitutes a crime under the laws of this State
- Sell, offer for sale, or possess any beverage or alcoholic liquors that are prohibited to be possessed or sold on the licensed premises
- Conduct, operate, organize, promote, advertise, run, or participate in a "drinking contest" or "drinking game."
 - This includes a contest, game, event, or other endeavor which encourages or promotes the consumption of beer or wine by participants at extraordinary speed or in increased quantities or in more potent form.
 - This does not include a contest, game, event, or endeavor in which beer or wine is not used or consumed by participants as part of the contest, game, event, or endeavor, but instead is used solely as a reward or prize.
 - Selling beer or wine in the regular course of business is not considered a violation of this section.
- Permit gambling or games of chance
 - **Exception:** Game promotions including contests, games of chance, or sweepstakes in which the elements of chance and prize are present and which comply with all of the following:
 - The game promotion is conducted or offered in connection with the sale, promotion, or advertisement of a consumer product or service, or to enhance the brand or image of a supplier of consumer products or services.
 - No purchase payment, entry fee, or proof of purchase is required as a condition of entering the game promotion or receiving a prize.
 - All materials advertising the game promotion clearly disclose that no purchase or payment is necessary to enter and provide details on the free method of participation.

In addition to civil liability as provided by law, a violation of any provision of this section is a ground for the revocation or suspension of the holder's permit.

A permit holder who violates any provision of this section is subject to:

- **First offense** – shall be fined \$2,500 by the SCDOR
- **Second offense within two years of the first offense** – shall have its alcohol license or permit suspended for up to 14 days as determined by the SCDOR
- **Third offense within three years of the first offense** – shall have its alcohol license or permit revoked

Relevant statutes

- SC Code Section 61-4-580
- SC Code Section 61-6-1830
- SC Code Section 61-6-2220
- SC Code Section 61-6-2230

Drive-In/Drive-Thru Establishments Prohibited

A permit holder, employee of a permit holder, or agent of a permit holder must not sell or deliver beer or wine to anyone who remains in a motor vehicle during the transaction.

This regulation is specifically intended to prohibit the sale of beer and wine at drive-in/drive-thru establishments and on a curbside service basis.

Relevant statutes

- SC Code of Regulations 7-202.5

The Permitting and Licensing of Sellers of Alcoholic Beverages

Applications, Ownership, and Premises

Filing fees – All applications filed with the SCDOR must be accompanied by the appropriate filing fee before it can be processed.

Contents of application – All applications shall describe the specific areas upon which the licensee shall store, sell, and serve beer, wine, or liquor. This description shall include but not be limited to:

- The building or buildings affected
- Floors, rooms, patios, and recreation areas where authorization to store, sell and serve beer, wine, or liquor is requested
- The premises
 - The “premises” is defined as all of the buildings and grounds that are both:
 - subject to the direct control of the license holder and
 - used by the license holder to conduct its business.
 - For purposes of establishing the premises, the license holder’s direct control of buildings and grounds may be shown by any of the following:
 - A deed or lease conveying to the license holder an appropriate interest that includes the premises
 - A writing from a local governmental jurisdiction giving the license holder the right to use and the duty to maintain an area owned or controlled by the local governmental jurisdiction
 - An enforceable written contract granting the license holder a right to use the premises

Permits and licenses – An applicant must use the same name on all alcohol permits and licenses they are applying for.

Change in Designee - Publicly Traded Corporation – A new license or permit is not necessary, provided no violations are pending, if the officer or employee designated to hold

the permit or license on behalf of the publicly traded corporation is replaced by a different officer or employee.

- The replacement must be of good moral character, over the age of 21, and a South Carolina resident
- Notice of the substitution must be filed with the SCDOR in writing

License violations – It's a violation to knowingly allow the storage, serving, sale, or delivery of beer, wine, or liquor in the licensed establishment which were not specifically designated in the license application.

- However, this regulation shall not be construed to prohibit the delivery of such containers within licensed hotels and motels to rooms which are leased and used primarily for lodging purposes.

Retail Licenses – In order to hold any retail alcoholic beverage permit or license under the applicant or license holder must obtain and maintain a Retail Sales Tax License issued by the SCDOR.

- If the license holder's Retail License is revoked, canceled, or otherwise terminated for any reason, the SCDOR must cancel, suspend, or revoke all retail alcoholic beverage permits or licenses issued for that location if they are not immediately surrendered to the SCDOR at the time the Retail License for the location is revoked, canceled, or otherwise terminated.

Partnership changes – Corporations must obtain new alcohol permits after partnership changes.

- A permit or a license is a personal privilege granted by the State and cannot be transferred from one person to another.
A corporation is a distinct entity, and is as a matter of law, a person.
- Therefore, if a partnership holding an license incorporates, even though the stockholders are the same persons as the partners were, they must obtain a new permit or license for the corporation.

Stipulations – Any written stipulation or agreement which is voluntarily entered into by an applicant for a permit or license between the applicant and the SCDOR, if accepted by the SCDOR, will be incorporated into the basic requirements for the enjoyment and privilege of obtaining and retaining the permit or license. It shall have the same effect as all laws and any and all other regulations pertaining to the permit or license. Knowing violation of the terms of the stipulation or agreement constitute sufficient grounds to revoke the license.

Relevant statutes

- SC Code Section 61-2-90
- SC Code Section 61-2-100
- SC Code Section 61-2-140
- SC Code of Regulations 7-200.1
- SC Code of Regulations 7-202

Display of Permits and Licenses

Permit holders must display their alcohol licenses in a clearly visible place upon the premises.

Relevant statutes

- SC Code of Regulations 7-200.3

Permits and Licenses Authorizing On-Premises Consumption

On-Premises Beer & Wine Permit (PBW) – Authorizes the sale of beer and wine for consumption on the licensed premises, as well as to go. They may operate 6 days a week, 24 hours a day.

- If located in a county that approves Local Option Permits, they may also sell on Sundays (on-premises only), but not from 2-10 a.m.

7 Day On-Premises Beer & Wine Permit (PO7) – Authorizes the sale of beer and wine for consumption on the licensed premises, as well as to go. They may operate 7 days a week, except for Sundays from 2-10 a.m.

- Because this license authorizes sales 7 days a week, it is only issued in counties and municipalities that have passed a referendum allowing Sunday beer and wine sales and have approved Sunday sales of alcoholic liquors.

Business (Restaurant & Hotel) Liquor by the Drink License (PLB) – Authorizes the sale of liquor by the drink for on-premises consumption for businesses that are engaged primarily and substantially in the preparation and serving of meals or furnishing of lodging. They may operate Monday through Saturday, from 10 a.m. until 2 a.m.

Nonprofit (Private Club) Liquor by the Drink License (PLC) – Authorizes the sale of liquor by the drink for on-premises consumption for valid nonprofit organizations. They may operate 7 days a week, from 10 a.m. until 2 a.m.

Local Option Permit (LOP) – Authorizes the sale of liquor by the drink on Sundays from 12:00 a.m. until 2:00 a.m. and on Sundays from 10:00 a.m. until 11:59 p.m. for businesses already holding a Business (Restaurant or Hotel) Liquor by the Drink Permit.

- This license is only issued in counties and municipalities that have approved Sunday sales of alcoholic liquors.

Relevant statutes

- SC Code Section 61-4-120
- SC Code Section 61-4-510
- SC Code Section 61-4-630
- SC Code Section 61-6-1600
- SC Code Section 61-6-1610

Operating Without a Permit or License

A person who operates a retail or wholesale business without obtaining a permit or license is guilty of a misdemeanor and, upon conviction, is subject to a fine between \$10 and \$100 or imprisonment of not less than 10 days nor more than 30 days.

Each day that wholesale or retail business is conducted without a permit constitutes a separate offense. All beer, wine, and liquor found on the premises is contraband and must be seized by a peace officer or State Law Enforcement Division agent.

Relevant statutes

- SC Code Section 61-4-150
- SC Code Section 61-4-560
- SC Code Section 61-6-2600
- SC Code Section 61-6-2610

Impaired Driving or Driving Under the Influence of Alcohol or Drugs

Operating a Motor Vehicle While Under the Influence of Alcohol

South Carolina law prohibits a person from driving a motor vehicle while under the influence of alcohol to the extent that the person's faculties to drive are materially and appreciably impaired.

If you have a blood alcohol content (BAC) of 0.08% or higher, it will be inferred that you were driving under the influence.

If you have a BAC that is at least 0.05% but less than 0.08%, your BAC level may be considered along with other evidence to infer that you are under the influence.

If you are convicted of driving under the influence of alcohol, you face:

- **First offense** – A fine of up to \$400 (\$992 with assessments and surcharges) and/or imprisonment from 48 hours to 30 days and suspension of your driver's license for 6 months
- **Second offense** – A fine of \$2,100 to \$5,100 (\$10,744.50 with assessments and surcharges), imprisonment from 5 days to 1 year, and suspension of your driver's license for 1 year
- **Third offense** – A fine of \$3,800 to \$6,300 (\$13,234.50 with assessments and surcharges), imprisonment from 60 days to 3 years, and suspension of your driver's license for 2 years
 - If the third offense occurs within 5 years of the first offense, your driver's license is suspended for 4 years.

- If the third or subsequent offense occurs within 10 years of the first offense, the vehicle used must be confiscated if the offender is the owner or a resident of the household of the owner
- **Fourth offense** – Imprisonment from 1-5 years and permanent revocation of your driver's license

Relevant statutes

- SC Code Section 56-5-2930
- SC Code Section 56-5-2940
- SC Code Section 56-5-2950
- SC Code Section 56-5-2990
- SC Code Section 56-5-6240

Driving with an Unlawful Alcohol Concentration

South Carolina law prohibits driving a motor vehicle with a BAC 0.08% or higher.

If you are convicted of driving with an unlawful alcohol concentration, you face the same penalties as you would for a DUI conviction (see **Operating a Motor Vehicle While Under the Influence of Alcohol** for more information).

Relevant statutes

- SC Code Section 56-5-2933
- SC Code Section 56-5-2940

Felony Driving Under the Influence

South Carolina law prohibits a person from driving a motor vehicle while under the influence of alcohol to the extent that the person's faculties to drive are materially and appreciably impaired.

If you are convicted of causing great bodily injury or death while driving under the influence (Felony DUI), you face:

- A mandatory fine of \$5,100 to \$10,100 (\$21,119.50 with assessments and surcharges) and imprisonment from 30 days to 15 years when great bodily injury occurs
- A mandatory fine of \$10,100 to \$25,100 (\$52,244.50 with assessments and surcharges) and imprisonment from 1-25 years when death occurs

Relevant statutes

- SC Code Section 56-5-2933
- SC Code Section 56-5-2940

Implied Consent

South Carolina law states that any person driving in this state is considered to have given consent for testing of breath, blood, or urine for the purpose of determining the presence of alcohol and/or drugs in the person's system, if alleged to have committed a violation.

If you refuse to submit to BAC testing, you face:

- An automatic 90-day suspension of your driving privileges if you are 21 or older
 - This becomes a 180-day suspension if you have a prior alcohol-related conviction or suspension within the preceding 10 years

Relevant statutes

- SC Code Section 56-5-2950
- SC Code Section 56-5-2951

Open Container of Beer, Wine, or Liquor

South Carolina law prohibits having an open container of beer, wine, or liquor in a moving vehicle of any kind, except in the luggage compartment.

If you are convicted of violating this law, you face a fine of up to \$100 or imprisonment for up to 30 days.

Relevant statutes

- SC Code Section 61-4-110
- SC Code Section 61-6-4020

Liquor Liability Issues

Liquor Liability Insurance Requirement and Risk Mitigation

Businesses open after 5 p.m. to sell beer, wine, and liquor for on-premises consumption must maintain liquor liability policy or general liability insurance policy with a liquor endorsement with an annual aggregate limit of at least \$1 million during the period of the license.

The insurance must provide a per occurrence minimum equal to 50% of the total aggregate limit.

A licensee or permittee may qualify for liquor liability risk mitigation that reduces the \$1 million insurance coverage requirement if they:

- Stop serving beer, wine, or liquor at midnight for the entire period of the insurance policy - **\$250,000 reduction**

- Have all beer, wine, and liquor servers complete the required alcohol server training course and obtain a SC Alcohol Server Certificate within 60 days of employment - **\$100,000 reduction**
- Have less than 40% of their total sales deriving from beer, wine, and liquor - **\$100,000 reduction**
- Use a forensic digital identification system that validates the ID of anyone attempting to enter the premises between the hours of midnight and 4 a.m. - **\$100,000 reduction**
- Are a nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of Title 26 of the US Code - **\$500,000 reduction**
- Are engaging in a single event for which a Beer and Wine Special Event or Liquor Special Event Permit is obtained - **\$500,000 reduction**

The business must maintain a minimum annual aggregate coverage of at least \$300,000.

Relevant statutes

- SC Code Section 61-2-145

Liability and Damages

A business shall no longer be held liable for more than 50% of the damages from incidents involving DUIs. A person being sued may now point to others who may share some of the responsibility and share in some of the liability if a jury agrees.

Relevant statutes

- SC Code Section 15-38-15
- SC Code Section 15-38-20
- SC Code Section 15-38-30
- SC Code Section 15-38-40
- SC Code Section 61-2-147

Carrying of Concealed Weapons by Authorized Permit Holders into Businesses Selling and Serving Alcohol (Beer, Wine, & Liquor)

A person shall not enter a business which sells alcohol for on-premises consumption with a firearm and consume alcohol.

A person who violates this is guilty of a misdemeanor, and, upon conviction:

- The person must be fined not more than \$2,000 or imprisoned not more than two years, or both.

- A person with a Concealed Weapons Permit will have it revoked for a period of 5 years.

A business may post a sign stating “NO CONCEALABLE WEAPONS ALLOWED” as notice to any person carrying a weapon openly or concealed that doing so is prohibited. The business may request that the person leave or remove the weapon from the business’s premises.

A person refusing to comply is in violation of the law and may, upon conviction:

- Be fined not more than \$200 or imprisoned for not more than 30 days.
- Subsequent violations may result in a 1-year revocation of the person’s Concealed Weapons Permit.

Relevant statutes

- SC Code Section 16-23-465
- SC Code Section 23-31-220

Scholarships Consequences for Alcohol Related Violations

A student with a second or subsequent alcohol-related violation is ineligible for the Palmetto Fellows Scholarship Program 1 year from the date of conviction, adjudication, or plea.

A student with a second or subsequent alcohol-related violation is ineligible for the SC HOPE Scholarship during the next academic year of enrollment.

A student with a second or subsequent alcohol related violation is ineligible for the SC LIFE Scholarship the following fall, spring, and summer terms or their equivalent.

Relevant statutes

- SC Code Section 59-104-20
- SC Code Section 61-4-100
- SC Code Section 61-6-4085
- SC Code of Regulations 62-900.95