

1974 S.C. Op. Atty. Gen. 168 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3788, 1974 WL 21296

Office of the Attorney General

State of South Carolina

Opinion No. 3788

May 27, 1974

**\*1 Re: Consumption of Alcoholic Beverages After Two O'Clock (2:00 A.M.) on the Premises of Business Establishments**

Mr. Donald B. Barkowitz  
Attorney at Law  
P. O. Box 669  
Charleston, South Carolina

Dear Mr. Barkowitz:

You have asked this Office to advise you, Judge Paul M. Hisey and certain law enforcement officials as to the legal restrictions upon consumption of alcoholic beverages in licensed establishments after two o'clock in the morning.

Section 4-29(4), South Carolina Code of Laws (1962), as amended, speaks directly to this question:

Except on Sunday, it shall be lawful to sell and consume alcoholic beverages sold in sealed containers of two ounces or less in any business establishment between the hours of ten o'clock in the morning and two o'clock the following morning . . . (Emphasis added.)

In addition, Section 4-29.10 provides that:

Any person who transports, possesses or consumes-alcoholic liquor except in a manner permitted by this article and any person who violates any of the provisions thereof shall be guilty of a misdemeanor . . . (Emphasis added.)

These sections make it clear that it is unlawful either to sell or to consume alcoholic beverages on licensed premises after 2:00 A. M. In answer to your second question, there is no statutory authorization for consumption 'within a reasonable time' after that hour. Two o'clock is it.

If we can be of further assistance to you in this matter, please feel free to call upon us.

Very truly yours,

Dudley Saleeby, Jr.  
Assistant Attorney General

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