

1974 S.C. Op. Atty. Gen. 194 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3808, 1974 WL 22436

Office of the Attorney General

State of South Carolina

Opinion No. 3808

June 25, 1974

*1 The responsibility for issuing a license to sell alcoholic liquors is imposed upon the Alcoholic Beverage Control Commission and the South Carolina Tax Commission has no statutory duties relative thereto.

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I have the copy of your letter of June 24, 1974, to Mr. Wasson with the attached correspondence. The General Assembly created the Alcoholic Beverage Control Commission in 1967 and transferred to it the powers and duties formerly vested in the Tax Commission “concerning the regulation of alcoholic beverages and beer and wines”. These provisions are found in Section 4–27, et seq., of our Code, and the State's action in granting or refusing a license to sell alcoholic liquors is regulatory.

“ ‘Liquor licenses' are neither ‘contracts' nor ‘rights of property’, but are mere permits issued or granted in the exercise of the police power of the state to do what otherwise would be unlawful to do, and to be enjoyed only so long as the conditions governing their continuance are complied with.” [Feldman v. South Carolina Tax Commission, 203 S.C. 49, 26 S.E.2d 22.](#)

“A state's police power with regard to the protection of health, morals, and welfare of the public includes the right to regulate, by requiring a license ***.” 51 Am.Jur.2d, Licenses, Section 15, p. 19.

It is, therefore, the opinion of this office that the responsibility to issue or deny a license to sell alcoholic liquors is now imposed upon the Alcoholic Beverage Control Commission, and further that the South Carolina Tax Commission has no jurisdiction or discretion in granting or denying the same.

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