



SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION

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MEMORANDUM

May 6, 1999

TO: Mr. R. Austin Gilbert, Jr., Chairman, and Members,
Commission on Higher Education

FROM: Dr. Rayburn Barton

**Public Hearing for Proposed Regulation to
Implement House Bill 3603
Tasting of Alcoholic Beverages in Culinary Arts Courses**

At its meeting on February 4, 1999, the Commission approved the proposed regulation to allow tasting of alcoholic beverages by students under 21 years of age in a culinary arts course in an accredited college or university. As also approved by the Commission, the staff proceeded with the process to promulgate the regulation as required under the provisions of the Administrative Procedures Act. In due course, the Legislative Council published the Notice of Drafting in the State Register on February 26, and published the proposed regulation and the Notice of Public Hearing and Opportunity for Public Comment on March 26. A public hearing before the Commission, with the Chairman presiding, is to be held at least 30 days after publication of the notice of hearing.

No written comments have been submitted to the Commission since publication of the Notice of Drafting or Notice of Public Hearing. However, On December 14, 1998, we sent the proposed regulation to the institutions that we know have culinary arts programs and asked that institution representatives return comments. None of the affected institutions offered suggestions for changing the proposed regulation. We are informed that the College of Charleston or the public technical colleges do not offer tasting and that USC-Columbia requires students who enroll in its tasting course be at least 21 years old. Johnson & Wales University includes tasting at its other campuses, and will allow tasting at the Charleston branch when this regulation is enacted.

The Notice of Public Hearing and Opportunity for Public Comment, Preliminary Fiscal Impact Statement, Statement of Need and Reasonableness, and the text of the regulation are attached.

As required under the Administrative Procedures Act, this meeting constitutes the public hearing, and comments are submitted at this time.

AGY: Commission on Higher Education62
PRD: 19990326
REG:2428
PRI: 3
PRV: 23
STA: Proposed
AUT: 59-103-195
SUB: Tasting of Alcoholic Beverages in Culinary Arts Courses

HST: 2428

BY	DATE	ACTION DESCRIPTION	COM	VOL/ISSUE	EXP DATE	R. NUM
	19990326	Proposed Reg Published in SR		23/3		

TXT:

Document No. 2428
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-103-195

62-100. Tasting of Alcoholic Beverages by Students Under Twenty-One Years of Age in Culinary Arts Course in an Accredited College or University.

Preamble:

The 1998 General Assembly passed House Bill 3803 which stipulates that a college or university accredited by a recognized accrediting agency may allow students who are eighteen years of age or older and enrolled in a culinary course which the State Commission on Higher Education has approved to taste, but not consume or imbibe, any beer, ale, porter, wine, alcoholic liquor, or other similar malt or fermented beverage as part of the required curriculum. The tasting must be only for instructional purposes during classes that are part of the curriculum. The beverage must all times remain in the possession and control of an authorized instructor of the college or university who must be twenty-one years of age or older. The instructor may not offer alcoholic beverages for consumption or imbibition.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons should submit written comments to Gail M. Morrison, Ph.D., Director of Academic Affairs and Licensing Division, Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, South Carolina 29201. Comments must be received before a public hearing which will be held May 6, 1999, at 10:30 a.m., at the same address.

Preliminary Fiscal Impact Statement:

The Commission on Higher Education estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$0.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Tasting of Alcoholic Beverages by Students Under Twenty-One Years of Age in Culinary Arts Course in an Accredited College or University.

Purpose of Regulation: To establish reasonable rules and restrictions for any accredited private or public institution desiring to offer to students under twenty-one years of age the tasting of beer, ale, porter, wine, or other similar malt or fermented beverage or alcoholic liquor as a part of a culinary arts course.

Legal Authority: 1976 Code Section 59-103-195.

Plan for implementation: The regulation will be distributed to all institutions that offer culinary arts programs.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The regulation is being promulgated because, with the passage of House Bill 3603, the 1998 General Assembly prescribed the circumstances under which students under twenty-one years of age enrolled in a culinary arts course could taste alcoholic beverages. Students who enroll in post-secondary institutions are often times younger than twenty-one. The knowledge of the taste of beverages, often used in recipes, assists students in predicting results.

DETERMINATION OF COSTS AND BENEFITS:

Estimate no economic impact or cost for implementation.

UNCERTAINTIES OF ESTIMATES:

Not applicable.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None.

Text:

62-100. Tasting of Alcoholic Beverages by Students Under Twenty-One Years of Age in Culinary Arts Course in an Accredited College or University.

A. A college or university accredited by a recognized accrediting agency may allow students who are eighteen years of age or older and enrolled in a culinary course which the State Commission on Higher Education has approved to taste, but not consume or imbibe, any beer, ale, porter, wine, alcoholic liquor, or other similar malt or fermented beverage as part of the required curriculum. The tasting must be only for instructional purposes during classes that are part of the curriculum. The beverage must at all times remain in the possession and control of an authorized instructor of the college or university who must be twenty-one years of age or older. The instructor may not offer alcoholic beverages for consumption or imbibition.

B. It is the institution's responsibility to establish safeguards and policies to assure compliance with the parameters prescribed by law, to assure that instructors are thoroughly familiar with the parameters allowing the tasting, and to monitor the courses. The institution's policies must include a method by which each student must expectorate rather than swallow so as not to become intoxicated. The institution must require that each student sign a hold harmless statement acknowledging that he or she is willingly participating and holding the institution and the State harmless in case of health or other consequences. The institution must allow each student a choice to participate or not for any reason without effect upon the student's grade.