

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

718B0686

HOUSE BILL NO. 1158

Introduced by: Representative Rounds and Senator Stalzer

1 FOR AN ACT ENTITLED, An Act to revise provisions regarding off-sale delivery licenses for
2 the delivery of alcoholic beverages.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-4-127 be amended to read:

5 35-4-127. A licensee licensed pursuant to subdivision 35-4-2(3) or (5) may apply for an off-
6 sale delivery license as provided by subdivision 35-4-2(23) to deliver alcoholic beverages to a
7 consumer within the boundaries of the municipality that issued the off-sale license. ~~The~~
8 ~~alcoholic beverage for delivery shall be purchased in person and on-site at the licensee's off-sale~~
9 ~~premises. The minimum purchase of alcoholic beverages shall be one hundred fifty dollars.~~ The
10 delivery shall be made during hours of operation pursuant to § 35-4-81.2 by an employee of the
11 licensee who is at least twenty-one years old. The employee shall obtain the signature of a
12 person twenty-one years old or older before delivery of the shipment. The employee shall
13 request that the person signing for the delivery display a valid age-bearing photo identification
14 document issued by this state, another state, or the federal government verifying that the person
15 is twenty-one years old or older. Documentation verifying the identification of the person



1 signing for the delivery shall be retained by the licensee for one year.

2 Any licensee who delivers alcoholic beverages to a person under twenty-one years old is
3 subject to a civil penalty of one thousand dollars for a first offense and two thousand dollars for
4 a second or subsequent offense. Any money collected pursuant to this section shall be deposited
5 in the general fund.