

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

519R0729

HOUSE BILL NO. 1251

Introduced by: Representatives Nygaard, Gibson, and Thompson and Senators Merchant, Ahlers, and Maher

1 FOR AN ACT ENTITLED, An Act to provide for delivery of alcoholic beverages to the
2 consumer by certain off-sale and package retailers.

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

4 Section 1. That chapter 35-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of Title 35 regulating the sale, transportation, and delivery
7 of any alcoholic beverage, any owner or employee, who is at least twenty-one years of age, of
8 a licensee licensed pursuant to subdivision 35-4-2(3), (5), (12), (16), (17), (17A), or (19) or
9 chapter 35-12 may sell and deliver alcoholic beverages to any person in South Dakota to whom
10 alcoholic beverages may be lawfully sold. Any sale and delivery made pursuant to this section
11 shall be for personal consumption and not for resale and shall be made during normal business
12 hours. Any licensee delivering alcoholic beverages pursuant to this section shall hold a
13 transportation company license pursuant to subdivision 35-4-2(8). The individual delivering the
14 alcoholic beverages shall require the recipient to demonstrate, upon delivery, that he or she is
15 at least twenty-one years of age. The recipient shall sign an electronic or paper form or other



1 acknowledgment of receipt of the shipment of the alcoholic beverages. The individual delivering
2 the alcoholic beverages shall refuse delivery when the proposed recipient appears to be under
3 the age of twenty-one years and refuses to present valid identification. Each delivery of
4 alcoholic beverages pursuant to this section constitutes a sale in South Dakota and the licensee
5 shall collect the taxes due to the State of South Dakota and remit any excise, sales, or use tax
6 to the Department of Revenue and Regulation.