

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0492

## HOUSE BILL NO. 1125

Introduced by: Representatives Steinhauer, Ahlers, Diedrich, Greenfield (Lana), Heinemann, Hunhoff, Johns, Lesmeister, Livermont, Lust, May, McCleerey, Peterson (Sue), Pischke, Rasmussen, Ring, Smith, Willadsen, and Zikmund and Senators Peters, Bolin, Cronin, Jensen (Phil), Nelson, Nesiba, Rusch, Wiik, and Youngberg

1 FOR AN ACT ENTITLED, An Act to revise the minimum purchase price for the off-sale  
2 delivery of certain alcohol.

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 ~~subdivisions~~ subdivision 35-4-2(3) or (5) may  
6 apply for an off-sale delivery license as provided by subdivision 35-4-2(23) to deliver ~~alcohol~~  
7 alcoholic beverages to a consumer within the boundaries of the municipality that issued the off-  
8 sale license. The ~~alcohol~~ alcoholic beverages for delivery shall be purchased in person and on-  
9 site at the licensee's off-sale premises. The minimum combined purchase price of ~~alcohol~~  
10 alcoholic beverages and nonalcoholic products for delivery shall be at least one hundred fifty  
11 dollars excluding the application of state and local taxes. The delivery shall be made during  
12 hours of operation pursuant to § 35-4-81 by an employee of the licensee who is at least twenty-  
13 one years old. The employee shall obtain the signature of a person twenty-one years of age or



1 older ~~prior to~~ before delivery of the shipment. The employee shall request that the person  
2 signing for the delivery display a valid age-bearing photo identification document issued by this  
3 state, another state, or the federal government verifying that the person is twenty-one years of  
4 age or older. Documentation verifying the identification of the person signing for the delivery  
5 shall be retained by the licensee for one year.

6 Any licensee who delivers ~~alcohol~~ any alcoholic beverage to a person under twenty-one  
7 years of age is subject to a civil penalty of one thousand dollars for a first offense and two  
8 thousand dollars for a second or subsequent offense. Any ~~money~~ civil penalty collected pursuant  
9 to this section shall be deposited in the general fund.