

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0206

SENATE COMMERCE AND ENERGY ENGROSSED NO. **SB 68** - 1/31/2017

Introduced by: Senators Rusch, Bolin, Kennedy, Maher, Monroe, Netherton, Partridge, Soholt, and Solano and Representatives Tieszen, Ahlers, Bartling, Hawley, Rasmussen, Ring, Smith, Wismer, and York

1 FOR AN ACT ENTITLED, An Act to revise certain alcoholic beverage sampling provisions.

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

3 Section 1. That § 35-4-10.2 be amended to read:

4 35-4-10.2. A licensee holding a license pursuant to subdivision 35-4-2(3) or (5) may provide
5 samples of malt beverages, wine, distilled spirits, liqueurs, and cordials to the general public
6 without obtaining an additional license. The licensee may only offer as samples the malt
7 beverages, wine, distilled spirits, liqueurs, and cordials that the licensee currently has in stock
8 and is offering for sale to the general public. The malt beverage, wine, distilled spirits, liqueur,
9 and cordial samples shall be dispensed at no charge and shall be consumed on the licensed
10 premises during the permitted hours of off-sale. No sample of malt beverage may be larger than
11 three fluid ounces. No sample of wine may be larger than fifty milliliters and no sample of
12 distilled spirits, liqueur, or cordial may be larger than twenty-five milliliters. ~~No more than three~~
13 ~~varieties of malt beverages, three varieties of wines, and three varieties of distilled spirits,~~
14 ~~liqueurs, or cordials may be offered for sampling in any one day. No more than three samples~~



1 ~~may be offered or dispensed to any individual.~~ A violation of this section is a Class 1
2 misdemeanor.

3 Section 2. That chapter 35-4 be amended by adding a NEW SECTION to read:

4 A solicitor licensed pursuant to subdivision 35-4-2(7) may provide samples of malt
5 beverages, wine, distilled spirits, liqueurs, and cordials to the general public. The samples shall
6 be provided on the premises of a retailer licensed to sell the malt beverages, wine, distilled
7 spirits, liqueurs, or cordials being offered and are subject to the limitations established pursuant
8 to § 35-4-10.2. The provisions of this section do not apply to any solicitor of a wholesaler
9 licensed pursuant to subdivision 35-4-2(2) or (15).