

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

846R0117

SENATE BILL NO. 4

Introduced by: Senators Maher, Nelson, Olson (Russell), and Tieszen and Representatives Sorenson, Carson, Faehn, Kirkeby, Lederman, Rounds, and Turbiville at the request of the Interim Committee on Alcoholic Beverage Control and Licensing Laws

1 FOR AN ACT ENTITLED, An Act to revise certain rule-making authority regarding the sale
2 of certain alcoholic beverage container sizes to on-sale licensees.

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

4 Section 1. That § 35-10-1 be amended to read as follows:

5 35-10-1. The secretary may promulgate rules pursuant to chapter 1-26 concerning the
6 following matters involving the sale, purchase, distribution, and licensing of alcoholic beverages
7 under this title:

- 8 (1) The marking of bottles, cans, and other containers of alcoholic beverages so as to
9 show the quantity of alcohol by weight and contents of the container;
- 10 (2) The invoicing of alcoholic beverages to licensees;
- 11 (3) Advertising and the offering of inducements by manufacturers and wholesalers to
12 retailers or retailers to the consumer and may adopt the uniform code on advertising
13 in whole or in part;
- 14 (4) The giving of samples by manufacturer, distiller, wholesaler, and solicitor licensees;



- 1 (5) The conduct of hearings for the suspension or revocation of licenses;
- 2 (6) The prohibition of discriminatory or unfair practices and the preclusion of
3 subterfuges for the accomplishment of such discrimination, including but not limited
4 to, the filing and amendment of price schedules, preservation and conformity to price
5 schedules, limitation of quantity discounts, extensions of credit by manufacturers or
6 wholesalers to retail licensees, prohibiting cash discounts, commercial bribery,
7 prescribing certain types of advertising specialties as being allowable, prohibiting
8 unfair trade practices, requiring sale and delivery in its entirety, prohibiting
9 participation in a violation by any class licensee or foreign dealer, prescribing periods
10 of audit of licensees, limiting advertising that has a utility value to the retailers,
11 prescribing rules for the miscellaneous disposition of liquor as gifts by manufacturers
12 and wholesalers or breakage claimed by manufacturers or wholesalers;
- 13 (7) The reporting of information by corporations licensed under this title or seeking to
14 be licensed under this title relating to the full disclosure of corporate information
15 including stockholders, other licenses held, providing for hearing in the case of
16 voluntary transfer and requiring report in case of involuntary transfers of stock;
- 17 (8) Bottle sizes of alcoholic beverages offered for sale. However, the department may not
18 place any restrictions upon the distribution of 1.75 liter containers to any on-sale
19 licensee, licensed pursuant to subdivision 35-4-2(4) or (6);
- 20 (9) Requiring licensees to furnish breakdowns and statistical information of various
21 types of alcoholic beverages sold to consumers or to retail licensees for the
22 consumers' use;
- 23 (10) The application, determination, and computation of the tax; and
- 24 (11) The determination of purchase price.