

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

960P0580

HOUSE BILL NO. 1203

Introduced by: Representatives Dreyer, McLaughlin, Pederson (Gordon), Pitts, and Tidemann and Senators Albers, Katus, McCracken, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to provide for the sale or consumption of alcoholic
2 beverages upon property adjoining licensed premises.

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

4 Section 1. That § 35-4-75 be amended to read as follows:

5 35-4-75. No on-sale licensee ~~shall~~ may serve alcoholic beverages except on the premises
6 authorized by ~~his~~ the license. However, the board of county commissioners or the governing
7 body of the municipality charged with the approval of alcoholic beverage license issuance, in
8 their respective jurisdictions, may establish regulations permitting the sale and consumption of
9 alcoholic beverages in or upon property which is publicly owned or subject to a public right-of-
10 way, if the property is adjacent to and abutting the premises authorized by the on-sale license.
11 The adjacent property where the sale or consumption of alcoholic beverages is permitted does
12 not constitute a public place as defined in § 35-1-5.3 if the adjacent property has been properly
13 authorized for sale or consumption of alcoholic beverages. The hours of authorized consumption
14 in the adjacent property shall be consistent with the hours permitted for the on-sale license. A
15 violation of this section is a Class 2 misdemeanor.

