

AN ACT

ENTITLED, An Act to allow certain alcoholic beverage licensees to charge a corkage fee for serving wine supplied by customers and to allow customers to remove a partially consumed bottle of wine from certain alcoholic beverage licensees.

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

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

Notwithstanding the provisions of § 35-1-5.6, a licensee that is licensed to sell wine on-sale may permit a customer to bring a sealed and unopened bottle of wine onto the licensed premises for consumption by the customer while eating a meal that was prepared by the licensee and that was served at a table on the licensed premises. The licensee may charge a corkage fee for serving wine supplied by a customer. The customer may carry out the unconsumed portion of the bottle of wine if it is securely resealed by the licensee with a cork or other similar cap and placed in a sealed bag or other container. The licensee shall also attach the receipt for the meal and any corkage fee to the bag or container. A bottle of wine that is recorked and sealed as provided in this section is not a violation of the provisions of § 35-1-9.1 if the cork and the seal have not been disturbed.

Section 2. That chapter 35-1 be amended by adding thereto a NEW SECTION to read as follows:

A licensee that is licensed to sell wine on-sale may permit a customer to carry out the unconsumed portion of a bottle of wine if the customer purchased the bottle of wine from the licensee and consumed a portion of it with a meal that was prepared and served by the licensee at a table on the licensed premises. The licensee shall securely reseat the bottle of wine with a cork or other similar cap and place the bottle in a sealed bag or other container. The licensee shall also attach a receipt for the meal and the wine to the bag or container. A bottle of wine that is recorked and sealed as provided in this section is not a violation of the provisions of § 35-1-9.1 if the cork and the seal have not been disturbed.

An Act to allow certain alcoholic beverage licensees to charge a corkage fee for serving wine supplied by customers and to allow customers to remove a partially consumed bottle of wine from certain alcoholic beverage licensees.

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I certify that the attached Act
originated in the

SENATE as Bill No. 62

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 62
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State