

2026 South Dakota Legislature

House Bill 1201**AMENDMENT 1201A
FOR THE INTRODUCED BILL**

1 **An Act to authorize the use of bingo games, lotteries, and pull-tab devices by**
2 **booster clubs.**

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

4 **Section 1. That § 22-25-25 be AMENDED:**

5 **22-25-25.** The game, bingo, as defined in § 22-25-23, or lottery, as defined in
6 § 22-25-24, may not be construed as gambling or as a lottery within the meaning of § 22-
7 25-1, if:

8 (1) The bingo game or lottery is conducted by a ~~bona~~:

9 (a) Bona fide congressionally chartered veterans' organization; ~~a religious~~

10 (b) Religious, charitable, educational, or fraternal organization; ~~a local~~

11 (c) Local civic ~~or~~, service, or booster club; ~~a political~~

12 (d) Political party; ~~a volunteer~~

13 (e) Volunteer fire department; ~~a local~~

14 (f) Local industrial development corporation as defined in § 5-14-23; or ~~a~~
15 ~~political~~

16 (g) Political action committee or political committee on behalf of any candidate
17 for a political office, which exists under the laws of ~~the State of South~~
18 ~~Dakota~~ this state;

19 (2) The proceeds therefrom do not ~~inure to the~~ directly benefit ~~of~~ any individual;

20 (3) No separate organization or professional person is employed to conduct the bingo
21 game or lottery, or assist therein, except as provided in § 22-25-41;

22 (4) No compensation of any kind in excess of the state minimum wage per hour or
23 sixty dollars, whichever is greater, ~~in value~~ is paid to any person for services
24 rendered during any bingo session in connection with the conduct of the bingo
25 game or in consideration of any lottery. ~~However, the~~ The provisions of this

- 1 subdivision do not apply to games or lotteries conducted in connection with ~~any of~~
2 ~~the following events: a:~~
3 (a) A county fair conducted pursuant to § 7-27-3, ~~the~~;
4 (b) The state fair conducted pursuant to chapter 1-21, ~~i~~; or
5 (c) A civic celebration recognized by resolution or other similar official action of
6 the governing body of a county, municipality, or village;
7 (5) No prize in excess of two thousand dollars is awarded at any one play of bingo;
8 (6) The actual value of any lottery prize is stated before any chances for the lottery are
9 sold. A lottery prize of a stated amount of dollars in value may be given to a person
10 who sells a winning lottery ticket or share as long as the winning lottery ticket or
11 share is selected at random;
12 (7) The organizations authorized under subdivision (1) of this section, before
13 conducting a bingo game or before selling any chances for a lottery, give thirty
14 days' written notice of the time and place thereof to the governing body or
15 designated administrative official of the county or municipality in which it intends
16 to conduct the bingo game or lottery, and the governing body does not pass a
17 resolution objecting thereto. ~~However, any~~ Any organization that conducts a lottery
18 and sells tickets or shares for the lottery state-wide shall provide written notice of
19 the lottery pursuant to this subdivision only to the secretary of state and to the
20 governing body where the drawing for the lottery is held. A municipality pursuant
21 to § 9-29-5 may by ordinance prohibit within the municipality the sale of lottery
22 tickets or shares for the lottery issued pursuant to this section; and
23 (8) No organization authorized to conduct a bingo game or lottery under subdivision
24 (1) of this section ~~may enter~~ enters into any lease or agreement with any other
25 person or organization to provide equipment or services associated with the
26 conduct of a bingo game or lottery. ~~However, this~~ This subdivision does not apply
27 to any device provided under § 22-25-41, or to any lease or agreement with a
28 distributor to provide bingo or lottery equipment and supplies.

29 **Section 2. That § 22-25-41 be AMENDED:**

30 **22-25-41.** ~~No~~ Except as otherwise provided in this section, no coin-operated
31 machine or mechanical pull-tab dispensing device may be sold or otherwise furnished to
32 any organization in this state by a distributor or manufacturer. ~~However, a~~

1 A distributor or manufacturer may sell or furnish a coin or bill operated mechanical
2 pull-tab dispensing device if the device is only sold or furnished to and only used by a
3 ~~fraternal~~;

4 (1) Fraternal or charitable organization, ~~local~~;

5 (2) Local civic or service, or booster club, ~~volunteer~~;

6 (3) Volunteer fire department, ~~or a congressionally~~; or

7 (4) Congressionally chartered veteran's organization that qualifies under § 22-25-
8 25.1.

9 A device sold or furnished under this section may be used at an establishment
10 licensed pursuant to subdivision 35-4-2(4), (6), (12), or (16) that is not owned or
11 operated by the person authorized to purchase the device, but all. Each person authorized
12 to purchase the device is limited to placing one device in no more than two establishments
13 that are not owned or operated by the person. No establishment may have more than one
14 device placed within it. All proceeds from the operation of the device must be retained by
15 the person authorized to purchase the device.