

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

193Y0376

## SENATE BILL NO. 122

Introduced by: Senators Maher, Bolin, Haverly, Jensen (Phil), Killer, Peters, and Youngberg  
and Representatives May, Ahlers, Bartling, Brunner, Johns, and Kaiser

1 FOR AN ACT ENTITLED, An Act to provide for certain alcoholic beverage licensees to allow  
2 consumption of distilled spirits under certain circumstances.

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

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

5 Notwithstanding the provisions of § 35-1-5.1 or 35-1-5.6, a licensee that is licensed to sell wine  
6 or malt beverages on-sale pursuant to § 35-4-2 may permit a customer to bring a sealed and  
7 unopened bottle of distilled spirits onto the licensed premises for consumption by the customer  
8 while eating a meal that was prepared by the licensee and that was served at a table on the  
9 licensed premises. The licensee may charge a pouring fee for serving distilled spirits supplied  
10 by a customer. The customer may carry out the unconsumed portion of the bottle of distilled  
11 spirits if it is securely resealed by the licensee with a cork or other similar cap and placed in a  
12 sealed bag or other container. The licensee shall also attach the receipt for the meal and any  
13 pouring fee to the bag or container.

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

15 A licensee that is licensed to sell wine or malt beverages on-sale pursuant to § 35-4-2 may



1 permit a customer to carry out the unconsumed portion of a bottle of distilled spirits if the  
2 customer consumed a portion of it with a meal that was prepared and served by the licensee at  
3 a table on the licensed premises. The licensee shall securely reseal the bottle of distilled spirits  
4 with a cork or other similar cap and place the bottle in a sealed bag or other container. The  
5 licensee shall also attach the receipt for the meal and the distilled spirits to the bag or container.