

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

592B0322

SENATE BILL NO. 53

Introduced by: Senator Schoenbeck and Representative Rounds

1 FOR AN ACT ENTITLED, An Act to revise certain rule-making authority regarding alcoholic
2 beverage discounts.

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

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

5 35-10-1. The secretary may promulgate rules, pursuant to chapter 1-26, regarding 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 showing
9 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 and wholesaler licensees;
- 15 (5) The conduct of hearings for the suspension or revocation of licenses;



- 1 (6) The prohibition of discriminatory or unfair practices and the preclusion of
2 subterfuges for the accomplishment of discrimination, including the filing and
3 amendment of price schedules, preservation and conformity to price schedules,
4 limitation of quantity discounts, extensions of credit by manufacturers or wholesalers
5 to retail licensees, prohibiting cash discounts, commercial bribery, prescribing certain
6 types of advertising specialties as being allowable, prohibiting unfair trade practices,
7 requiring sale and delivery in its entirety, prohibiting participation in a violation by
8 any class licensee or foreign dealer, prescribing periods of audit of licensees, limiting
9 advertising that has a utility value to the retailers, prescribing rules for the
10 miscellaneous disposition of liquor as gifts by manufacturers and wholesalers or
11 breakage claimed by manufacturers or wholesalers. However, the secretary may not
12 limit quantity discounts or prohibit cash discounts that a retailer offers a consumer
13 except as provided in § 35-4-129;
- 14 (7) The reporting of information by corporations licensed under this title or seeking to
15 be licensed under this title relating to the full disclosure of corporate information
16 including stockholders, other licenses held, providing for hearing in the case of
17 voluntary transfer and requiring report in case of involuntary transfers of stock;
- 18 (8) Bottle sizes of alcoholic beverages offered for sale. However, the department may not
19 place any restrictions upon the distribution of 1.75 liter containers to any on-sale
20 licensee, licensed pursuant to subdivision 35-4-2(4) or (6);
- 21 (9) Requiring licensees to furnish breakdowns and statistical information of various
22 types of alcoholic beverages sold to consumers or to retail licensees for the
23 consumers' use;
- 24 (10) The application, determination, and computation of the tax; and

- 1 (11) The determination of purchase price.