



2020 South Dakota Legislature

House Bill 1176

Introduced by: **Representative Hansen**

1 **An Act to authorize the consumption of alcohol in certain common areas.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **35-4-131. Sale or consumption in area abutting licensed premises.**

5 Notwithstanding §§ 35-2-6.3, 35-4-75, and 35-4-114, an on-sale licensee may sell
 6 malt beverages and wine to be consumed in a common area if the licensee has submitted
 7 an affidavit to the department, and any local governing body that approved the on-sale
 8 license, that is signed by the licensee and the person who owns the common area. The
 9 licensee shall state in the affidavit:

- 10 (1) The licensee has permission to serve alcohol for consumption in the common area;
 11 (2) A description of the dimensions of the common area where malt beverages and
 12 wine may be consumed; and
 13 (3) Any other limitation on the consumption of alcohol imposed by the common area
 14 owner.

15 Before serving alcohol in common areas, the licensee shall also obtain approval
 16 from any local governing body that approved the on-sale license. However, a request
 17 under this section to serve alcohol in common areas shall not be considered a new retail
 18 license nor warrant the reconsideration of any current license the licensee may have.

19 For purposes of this section, the term, common area, means property that is
 20 indoors, owned by a person who leases the premises where the licensee conducts
 21 business, and used in common by the customers of multiple businesses leased by the
 22 same owner. If sale and consumption is authorized under this section, the common area
 23 is not a public place for purposes of § 35-1-5.3.

24 Malt beverages and wine may only be consumed in a common area during the
 25 hours that consumption is permitted on the on-sale licensee's premises.

- 1 A violation of this title by a licensee who serves a malt beverage or wine consumed
- 2 in the common area in accordance with this section is a violation of this title as if the
- 3 violation had occurred on the licensed premises.