



2020 South Dakota Legislature

House Bill 1265

Introduced by: **Representative Rounds**

1 **An Act to revise provisions regarding off-sale delivery licenses for the delivery of**
 2 **alcoholic beverages.**

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

4 **Section 1.** That § 35-4-127 be AMENDED:

5 **35-4-127. Off-sale delivery license.**

6 A licensee licensed pursuant to subdivision 35-4-2(3) or (5) may apply for an off-
 7 sale delivery license as provided by subdivision 35-4-2(23) to deliver alcoholic beverages
 8 to a consumer within the boundaries of the municipality that issued the off-sale license.
 9 ~~The alcoholic beverage for delivery shall be purchased in person and on-site at the~~
 10 ~~licensee's off-sale premises. The minimum purchase of alcoholic beverages shall be one~~
 11 ~~hundred fifty dollars.~~ The delivery shall be made during hours of operation pursuant to
 12 § 35-4-81.2 by an employee of the licensee who is at least twenty-one years old. The
 13 employee shall obtain the signature of a person twenty-one years old or older before
 14 delivery of the shipment. The employee shall request that the person signing for the
 15 delivery display a valid age-bearing photo identification document issued by this state,
 16 another state, or the federal government verifying that the person is twenty-one years
 17 old or older. Documentation verifying the identification of the person signing for the
 18 delivery shall be retained by the licensee for one year.

19 Any licensee who delivers alcoholic beverages to a person under twenty-one years old
 20 is subject to a civil penalty of one thousand dollars for a first offense and two thousand
 21 dollars for a second or subsequent offense. Any money collected pursuant to this section
 22 shall be deposited in the general fund.