

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

447Q0634

## HOUSE COMMERCE ENGROSSED NO. **HB 1268** - 2/13/2009

Introduced by: Representative Dreyer and Senator Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the maximum  
2 number of alcoholic beverage retail licenses that may be held by any person, corporation,  
3 or business.

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

5 Section 1. That § 35-4-4 be amended to read as follows:

6 35-4-4. No person, corporation, or business entity may hold or have an interest in more than  
7 three retail licenses issued under subdivision 35-4-2(3), (4), (6), or (13). However, a person,  
8 corporation, or business entity may hold or have an interest in ~~three~~ additional retail licenses  
9 issued under subdivision 35-4-2(4) if the licensee derives more than fifty percent of the  
10 licensee's annual gross receipts from the sale of food at the location where the license is held.  
11 Any person, corporation, or business entity may hold or have an interest in additional retail  
12 licenses issued under subdivision 35-4-2(3) in municipalities of the first class if the licensee  
13 derives more than fifty percent of the licensee's annual gross receipts from the sale of food,  
14 prepared food, and food ingredients at the location where the license is held. Any such new  
15 licensee under subdivision 35-4-2(3) shall sell its alcoholic beverages, other than malt



1 beverages, in an area which is separated by a physical barrier from the rest of the establishment.  
2 For the purposes of this section, a physical barrier includes a wall or fence erected for the sole  
3 purpose of separating the area in which the alcoholic beverages are sold from the rest of the  
4 establishment. For purposes of this section, location means one contiguous piece of real estate  
5 on which sales are generated by the licensee.