

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

178C0494

## SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB79** - 1/30/99

Introduced by: Senators Albers, Ham, and Vitter and Representatives Weber and Engbrecht

1 FOR AN ACT ENTITLED, An Act to revise the liability for misdemeanor violations of certain  
2 provisions concerning the illegal sale or distribution of tobacco products.

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

4 Section 1. That § 34-46-5 be amended to read as follows:

5 34-46-5. A violation of § 34-46-2 is a Class 2 misdemeanor. A person is not liable for more  
6 than one violation of § ~~34-46-2~~ subdivision 34-46-2(4) on a single day. Reasonable reliance upon  
7 proof of age of the purchaser or the recipient of a tobacco product is a complete defense to any  
8 action brought against a person for the sale or distribution of a tobacco product to a person  
9 under the age of eighteen.

10 Section 2. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 No person may be charged with more than one violation in any twenty-four hour period  
13 which results from sales to persons purchasing during unannounced random inspections.

1 **BILL HISTORY**

2 1/21/99 First read in Senate and referred to Judiciary. S.J. 144

3 1/25/99 Scheduled for Committee hearing on this date.

4 1/25/99 Judiciary Do Pass Amended, Passed, AYES 5, NAYS 2. S.J. 174

5 1/27/99 Referred to Judiciary. S.J. 221

6 1/29/99 Scheduled for Committee hearing on this date.

7 1/29/99 Judiciary Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 251