

State of South Dakota

EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

929Q0466

HOUSE COMMERCE ENGROSSED NO. **SB 90** 3/4/2009

Introduced by: Senators Olson (Russell), Gant, Hanson (Gary), Maher, Nelson, and Nesselhuf and Representatives Rounds, Blake, Dennert, Jensen, Krebs, Novstrup (David), Nygaard, Solberg, Street, and Thompson

1 FOR AN ACT ENTITLED, An Act to increase the number of varieties of malt beverages, wine,
2 distilled spirits, liqueur, and cordials that an off-sale alcoholic beverage licensee may offer
3 for sampling in one day.

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

5 Section 1. That § 35-4-10.2 be amended to read as follows:

6 35-4-10.2. A licensee holding a license pursuant to subdivision 35-4-2(3) or (5) may provide
7 samples of malt beverages, wine, distilled spirits, liqueurs, and cordials to the general public
8 without obtaining an additional license. The licensee may only offer as samples the malt
9 beverages, wine, distilled spirits, liqueurs, and cordials that the licensee currently has in stock
10 and is offering for sale to the general public. The malt beverage, wine, distilled spirits, liqueur,
11 and cordial samples shall be dispensed at no charge and shall be consumed on the licensed
12 premises during the permitted hours of off-sale. No sample of malt beverage may be larger than
13 three fluid ounces. No sample of wine may be larger than fifty milliliters and no sample of
14 distilled spirits, liqueur, or cordial may be larger than twenty-five milliliters. No more than ~~one~~



1 ~~variety of malt beverage, one variety of wine, and one variety of distilled spirits, liqueur, or~~
2 ~~cordial~~ three varieties of malt beverages, three varieties of wines, and three varieties of distilled
3 spirits, liqueurs, or cordials may be offered for sampling in any one day. No more than ~~one~~
4 ~~sample of malt beverage, no more than one sample of wine, and no more than one sample of~~
5 ~~distilled spirits, liqueur, or cordial~~ three samples may be offered or dispensed to any individual.
6 ~~No malt beverage, wine, distilled spirits, liqueur, or cordial may be offered for sampling on any~~
7 ~~Sunday.~~ A violation of this section is a Class 1 misdemeanor.