

AN ACT

ENTITLED, An Act to revise certain rule-making authority regarding the sale of certain alcoholic beverage container sizes to on-sale licensees.

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

Section 1. That § 35-10-1 be amended to read as follows:

35-10-1. The secretary may promulgate rules pursuant to chapter 1-26 concerning the following matters involving the sale, purchase, distribution, and licensing of alcoholic beverages under this title:

- (1) The marking of bottles, cans, and other containers of alcoholic beverages so as to show the quantity of alcohol by weight and contents of the container;
- (2) The invoicing of alcoholic beverages to licensees;
- (3) Advertising and the offering of inducements by manufacturers and wholesalers to retailers or retailers to the consumer and may adopt the uniform code on advertising in whole or in part;
- (4) The giving of samples by manufacturer, distiller, wholesaler, and solicitor licensees;
- (5) The conduct of hearings for the suspension or revocation of licenses;
- (6) The prohibition of discriminatory or unfair practices and the preclusion of subterfuges for the accomplishment of such discrimination, including but not limited to, the filing and amendment of price schedules, preservation and conformity to price schedules, limitation of quantity discounts, extensions of credit by manufacturers or wholesalers to retail licensees, prohibiting cash discounts, commercial bribery, prescribing certain types of advertising specialties as being allowable, prohibiting unfair trade practices, requiring sale and delivery in its entirety, prohibiting participation in a violation by any class licensee or foreign dealer, prescribing periods of audit of licensees, limiting advertising that has

a utility value to the retailers, prescribing rules for the miscellaneous disposition of liquor as gifts by manufacturers and wholesalers or breakage claimed by manufacturers or wholesalers;

- (7) The reporting of information by corporations licensed under this title or seeking to be licensed under this title relating to the full disclosure of corporate information including stockholders, other licenses held, providing for hearing in the case of voluntary transfer and requiring report in case of involuntary transfers of stock;
- (8) Bottle sizes of alcoholic beverages offered for sale. However, the department may not place any restrictions upon the distribution of 1.75 liter containers to any on-sale licensee, licensed pursuant to subdivision 35-4-2(4) or (6);
- (9) Requiring licensees to furnish breakdowns and statistical information of various types of alcoholic beverages sold to consumers or to retail licensees for the consumers' use;
- (10) The application, determination, and computation of the tax; and
- (11) The determination of purchase price.

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I certify that the attached Act originated in the

SENATE as Bill No. 4

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 4
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State