

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

606H0620

HOUSE BILL NO. 1272

Introduced by: Representatives Clark, Abdallah, Flowers, Fryslie, Hansen (Tom), Hennies (Don), Jaspers, Lintz, Pummel, and Rhoden and Senators Diedrich (Larry), Cradduck, Hutmacher, Madden, Olson (Ed), and Reedy

1 FOR AN ACT ENTITLED, An Act to authorize certain wine shipments.

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

3 Section 1. Notwithstanding any other provision of Title 35, a winery licensed in a state that
4 affords South Dakota wineries an equal reciprocal shipping privilege, or a winery located in
5 South Dakota, may ship, for personal use and not for resale, not more than two cases of wine,
6 containing a maximum of nine liters per case, in any calendar year to any resident of South
7 Dakota age twenty-one or over. A winery licensed in South Dakota may ship, for personal use
8 and not for resale, not more than two cases of wine, containing a maximum of nine liters per
9 case, in any calendar year to any resident age twenty-one or over of any state that allows its
10 residents to receive wine sent from outside that state.

11 Section 2. The shipping container of any wine that is sent into or within this state pursuant
12 to section 1 of this Act shall be clearly labeled to indicate that the package contains alcohol and
13 may not be delivered to a minor or to a person who is visibly intoxicated. The shipper shall
14 record on the delivery record the name, address, and date of birth of the person to whom the



1 shipment is delivered from valid identification presented by the person. This section applies only
2 to shipments from states that provide substantial statutory reciprocity.

3 Section 3. No person may advertise shipments authorized under this Act by television, radio,
4 or print media. No shipper located outside South Dakota may advertise such interstate reciprocal
5 wine shipments in South Dakota. Nothing in this Act impairs the distribution of wine through
6 distributors or importing distributors.