

# Alcohol-Related Bills 2010-Present

## **2010**

Introduced: 23

Passed: 9

Applicable bills:

**HB 1213-** Artisan distillers and farm wineries may sell certain distilled spirits to wholesalers and retailers.

- Wineries that ferment distillable materials from an artisan distiller may sell distilled spirits under the artisan distiller's license.

- Failed in committee

- Main sponsors: Krebs, Adelstein

**HB 1251-** Alcoholic beverages maybe delivered to the consumer by certain off-sale and package retailers.

- An owner or employee who is 21-years-old may sell and deliver alcohol to persons to whom alcohol may otherwise be sold.

- Failed in committee

- Main sponsors: Nygaard, Merchant

**SB 3-** Nondiscriminatory pricing required between malt beverage suppliers and malt beverage wholesalers

- Adding a new section to 35-8A-4 to prohibit suppliers from discrimination among wholesalers in the net price of malt beverages.

- Failed in committee

- Main sponsors: Maher, Sorenson

## **2011**

Introduced: 16

Passed: 7

Applicable bills:

**SB 121-** Allow combination on and off-sale malt beverage and on and off-sale wine license.

- Created a combination license for malt beverage and wine sellers.

- Passed

- Main sponsors: Nygaard, Verchio

**SB 143-** Artisan distillers and farm wineries may sell certain distilled spirits to wholesalers and retailers.

- See HB 1213 from 2010.

- Failed on Senate floor
- Main Sponsors: Nygaard, Munsterman

## **2012**

Introduced: 8

Passed: 3

Applicable bills:

**SB 62-** Alcoholic beverage licensees may charge a corkage fee

▪ Any licensee licensed to sell wine may allow a customer to bring a sealed bottle of wine onto the premises for purposes of consuming with a meal, and may charge a corkage fee for serving that wine. The customer may also take any remaining wine home with them, after the licensee reseals the bottle.

- Passed
- Main sponsors: Gray, Solum

## **2013**

Introduced: 7

Passed: 1

Applicable bills:

**HB 1140-** Farm winery taxes

- Amendment to SDCL 35-12-8 to change tax payments to quarterly.
- Passed
- Main sponsors: Verchio, Rampelberg

**SB 73-** Alcoholic beverage purchases by wholesalers deregulated.

▪ Repeals SDCL 35-4-60 requiring wholesalers to purchase alcoholic beverages only from brand owners or brand owner's agent.

- Failed in committee
- Main sponsors: Maher, Heinert

**SB 100-** Authorize certain wine purchases and shipments

▪ Creates a process for a direct shipment permit and fee. Anyone with a permit can sell and ship wine to any person over at 21 in the state. Limits shipment to two cases per month. Permit holders must verify age at time of order and also at time of delivery. Requires permit holders to pay all sales and excise tax due on sales to residents of South Dakota, as well as send a report to the Department of Revenue every year with sales information.

- Failed in committee
- Main sponsors: Adelstein, Rozum

## **2014**

Introduced: 9

Passed: 4

Applicable bills:

**HB 1225-** Special order wine shipping license created

- Very similar to SB 100. Differences: only 12 cases per year allowed, holder of the shipping license must collect the occupational tax according to SDCL 35-5-3, and wholesale tax imposed by SDCL 35-5-6.1.

- Failed in committee
- Main sponsors: Hoffman, Kirkeby

**SB 92-** Require nondiscriminatory pricing between malt beverage suppliers and wholesalers.

- See SB 3 from 2010
- Failed in committee
- Main sponsors: Maher, Rounds

**SB 114-** A wine direct shipper license created

- Creates a wine direct shipment license. Differences from previous bills: \$150 fee, registration of each brand label, offers a defense for a violation of laws regarding underage selling, makes violation a Class 2 misdemeanor to receive more than 12 cases of wine a year, makes it a Class 2 misdemeanor to for a direct shipper to ship wine they did not produce, direct shipper must file quarterly reports, creates a credit for farm wineries that offer direct shipment.

- Passed through Senate, failed in House committee
- Main sponsors: Brown, Cronin