

AN ACT

ENTITLED, An Act to revise the method of sale of certain tobacco products.

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

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

34-46-1. Terms used in this chapter mean:

- (1) "Proof of age," a driver's license, nondriver identification card, or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;
- (2) "Sample," tobacco products distributed to members of the general public at no cost for purposes of promoting the product;
- (3) "Sampling," the distribution of samples to members of the general public in a public place;
- (4) "Self-service display," a display that contains cigarettes or smokeless tobacco, or both, and is located in an area openly accessible to the merchant's consumers, and from which such consumers can readily access cigarettes or smokeless tobacco, or both, without the assistance of the merchant or an employee or agent of the merchant. A display case that holds tobacco products behind locked doors does not constitute a self-service display;
- (5) "Tobacco product," any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco;
- (6) "Tobacco speciality store," a business that derives at least seventy-five percent of its revenue from the sale of tobacco products.

Section 2. That § 34-46-2 be amended to read as follows:

34-46-2. The following actions are unlawful:

- (1) To knowingly sell or distribute a tobacco product to a person under the age of eighteen;

- (2) To purchase or attempt to purchase, to receive or attempt to receive, to possess, or to consume a tobacco product if a person is under the age of eighteen;
- (3) To purchase a tobacco product on behalf of, or to give a tobacco product to, any person under the age of eighteen;
- (4) To sell cigarettes other than in an unopened package originating with the manufacturer and depicting the warning labels required by federal law;
- (5) To sell tobacco products through a vending machine located in a place other than the following:
  - (a) A factory, business, office, or other place not open to the general public;
  - (b) A place that is open to the public but to which persons under the age of eighteen are denied access;
  - (c) An establishment licensed under chapter 35-4 to sell alcoholic beverages for consumption on the premises where sold;
- (6) To sell cigarettes or smokeless tobacco, or both, through a self-service display other than a display that is:
  - (a) A vending machine permitted under subdivision (5) of this section; or
  - (b) Located in a tobacco speciality store; or
- (7) To distribute tobacco product samples in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when the facility is being used primarily by persons under the age of eighteen.

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I certify that the attached Act
originated in the
SENATE as Bill No. 100

\_\_\_\_\_  
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. 100  
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