

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

259R0740

SENATE COMMERCE ENGROSSED NO. **SB 188** - 2/16/2010

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Nelson, Fryslie, Olson (Russell), and Tieszen and Representatives Turbiville, Conzet, Kirkeby, Krebs, Rausch, Romkema, Rounds, and Solum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the sale and display
2 of alcoholic beverages in establishments that sell food.

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

4 Section 1. That § 35-4-121 be amended to read as follows:

5 35-4-121. Any person, corporation, or business entity that is issued a new retail license
6 under subdivision 35-4-2(3) in a municipality of the first class after June 30, 2008, and derives
7 more than fifty percent of the licensee's annual gross receipts from the sale of food, prepared
8 food, and food ingredients at the location where the license is held, shall ~~sell~~ display its
9 alcoholic beverages, other than malt beverages, in an area which is separated by a physical
10 barrier from the rest of the establishment. For the purposes of this section, a physical barrier
11 includes a wall or fence erected for the sole purpose of separating the area in which the alcoholic
12 beverages are ~~sold~~ displayed from the rest of the establishment.

