

AN ACT

ENTITLED, An Act to authorize additional off-sale retail liquor licenses in certain municipalities of the first class, to provide certain restrictions for off-sale licensees, and to allow municipalities and counties to provide restrictions on off-sale licensees.

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

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

35-4-4. No person, corporation, or business entity may hold or have an interest in more than three retail licenses issued under subdivisions 35-4-2(3), (4), (6), or (13). However, a person, corporation, or business entity may hold or have an interest in three additional retail licenses issued under subdivision 35-4-2(4) if the licensee derives more than fifty percent of the licensee's annual gross receipts from the sale of food at the location where the license is held and if the location is in a municipality of the first class. Any person, corporation, or business entity may hold or have an interest in additional retail licenses issued under subdivision 35-4-2(3) in municipalities of the first class whose populations are greater than ten thousand, if the licensee derives less than fifty percent of the licensee's annual gross receipts from the sale of alcoholic beverages at the location where the license is held. Any such new licensee under subdivision 35-4-2(3) shall sell its alcoholic beverages, other than malt beverages, in an area in which persons under the age of twenty-one are not allowed and which is separated by a physical barrier from the rest of the establishment. For the purposes of this section, a physical barrier includes a wall, fence, rope, railing, or other physical feature erected for the sole purpose of restricting the free flow of foot traffic and access to a certain area of a premise. Only persons twenty-one years of age or older may sell or dispense alcoholic beverages under a license issued pursuant to subdivision 35-4-2(3). For purposes of this section, location means one contiguous piece of real estate on which sales are generated by the licensee except any portion licensed under subdivision 35-4-2(17).

Section 2. A municipality or county may require that all licensees under subdivision 35-4-2(3)

erect a physical barrier as described by this Act or as described by an ordinance that may be more restrictive.

An Act to authorize additional off-sale retail liquor licenses in certain municipalities of the first class, to provide certain restrictions for off-sale licensees, and to allow municipalities and counties to provide restrictions on off-sale licensees.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1102

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1102  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_ at \_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State