

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

923A0492

## SENATE BILL NO. 151

Introduced by: Senators Munson (David), Aker, Everist, Hutmacher, Johnson (William), Kloucek, Lawler, Shoener, Staggers, and Whiting and Representatives Jorgensen, Broderick, Chicoine, DeMersseman, Duniphan, Konold, Madden, Napoli, Pederson (Gordon), Schaunaman, and Windhorst

1 FOR AN ACT ENTITLED, An Act to remove a requirement that sales of malt beverages by a  
2 wholesaler to a retailer be by cash only.

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

4 Section 1. That ARSD 64:75:08:01 be amended to read as follows:

5 64:75:08:01. A wholesaler or brewer may not, directly or indirectly, or through a subsidiary  
6 or affiliate corporation or by any officer, stockholder, employee, or partner of any of them,  
7 advance money or credit to a retailer. Sale or delivery of malt beverages may be made to a  
8 retailer ~~for cash only~~ under the thirty-day credit rule as provided by ARSD 64:75:04:02. In  
9 addition to the actual cost of malt beverages, retailers shall pay to the wholesaler not less than  
10 the brewery cost of any redeemable containers used.

11 This section does not apply to municipally operated establishments or establishments  
12 operating pursuant to SDCL 35-4-19 and SDCL 35-4-21 to 35-4-23, inclusive, if the  
13 municipality retains the obligation to make payment for the alcoholic beverages directly to a  
14 wholesaler or brewer.