

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

167C0761

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1199** - 2/4/99

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

Introduced by: Representatives Hunt and Fitzgerald and Senators Halverson and Brown
(Arnold)

1 FOR AN ACT ENTITLED, An Act to restrict the distribution of alcoholic beverages to persons
2 under twenty-one years of age by parents, guardians, or spouses over twenty-one years of
3 age.

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

5 Section 1. That § 35-9-1 be amended to read as follows:

6 35-9-1. It is a Class 1 misdemeanor to sell or give for use as a beverage any alcoholic
7 beverage to any person under the age of eighteen years ~~unless it is done in the immediate~~
8 ~~presence of a parent or guardian or spouse over twenty-one years of age or by prescription or~~
9 ~~direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes:~~

- 10 (1) It is done in the immediate presence of a parent or guardian or spouse over twenty-
11 one years of age while not on the premises of an establishment licensed for the retail
12 sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for which an
13 alcoholic beverage license has been issued pursuant to § 35-4-11.4; or
- 14 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the
15 healing arts for medicinal purposes.

1 Section 2. That § 35-9-1.1 be amended to read as follows:

2 35-9-1.1. It is a Class 2 misdemeanor to sell or give for use as a beverage any alcoholic
3 beverage to any person who is eighteen years of age or older but less than twenty-one years of
4 age ~~unless it is done in the immediate presence of a parent or guardian or spouse over~~
5 ~~twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse~~
6 ~~of the healing arts for medicinal purposes;~~

7 (1) It is done in the immediate presence of a parent or guardian or spouse over twenty-
8 one years of age while not on the premises of an establishment licensed for the retail
9 sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for which an
10 alcoholic beverage license has been issued pursuant to § 35-4-11.4; or

11 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the
12 healing arts for medicinal purposes.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 212

3 1/28/99 Referred to Judiciary. H.J. 240

4 2/1/99 Scheduled for Committee hearing on this date.

5 2/1/99 Judiciary Do Pass Amended, Failed, AYES 6, NAYS 6.

6 2/1/99 Judiciary Deferred to another day.

7 2/3/99 Scheduled for Committee hearing on this date.

8 2/3/99 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 341