

AN ACT

ENTITLED, An Act to prohibit certain activities regarding certain imported cigarettes or tobacco products.

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

Section 1. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as follows:

No dealer, licensed distributor, licensed wholesaler, or any other person in this state may acquire, import, hold, own, possess, sell, or distribute or transport for sale or distribution:

- (1) Any cigarettes or tobacco products intended for export or previously exported from the United States;
- (2) Any cigarettes or tobacco products, the package of which bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes or tobacco products to be sold, distributed, or used in the United States, including labels stating, For Export Only, U.S. Tax-Exempt, For Use Outside U.S., or similar wording; or
- (3) Any cigarettes or tobacco products that the person knows or has reason to know the manufacturer did not intend to be sold, distributed, or used in the United States.

A violation of this section is a Class 1 misdemeanor.

Section 2. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as follows:

Any cigarettes or tobacco products found at any place in this state that have been imported in violation of this Act are declared to be contraband goods and may be seized without a warrant by the secretary, agents or employees of the secretary, or any law enforcement officer of this state when directed to do so by the secretary. Notwithstanding the provisions of § 10-50-36, cigarettes or tobacco products imported in violation of this Act shall be destroyed by the secretary.

Section 3. That chapter 10-50 be amended by adding thereto a NEW SECTION to read as

follows:

In addition to any other remedy provided by law, any person may bring an action for appropriate injunctive or other equitable relief for a violation of section 1 of this Act; actual damages, if any, from the distributor, wholesaler, or other violator sustained by reason of the violation; and, as determined by the court, interest on the damages from the date of the complaint, taxable costs, and reasonable attorney's fees. If the trier of fact finds that the violation is flagrant, it may increase recovery to an amount not in excess of three times the actual damages sustained by reason of the violation.

An Act to prohibit certain activities regarding certain imported cigarettes or tobacco products.

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I certify that the attached Act
originated in the

SENATE as Bill No. 136

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. 136

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 _____
Ass. Secretary of State