

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

671D0553

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **SB136** - 2/16/00

Introduced by: Senators Moore, Albers, and Flowers and Representatives Apa, Davis, Koskan,
and Patterson

1 FOR AN ACT ENTITLED, An Act to prohibit certain activities regarding certain imported
2 cigarettes or tobacco products.

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

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

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

8 (1) Any cigarettes or tobacco products intended for export or previously exported from
9 the United States;

10 (2) Any cigarettes or tobacco products, the package of which bears any statement, label,
11 stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes
12 or tobacco products to be sold, distributed, or used in the United States, including
13 labels stating, For Export Only, U.S. Tax-Exempt, For Use Outside U.S., or similar
14 wording; or

15 (3) Any cigarettes or tobacco products that the person knows or has reason to know the
16 manufacturer did not intend to be sold, distributed, or used in the United States.

1 A violation of this section is a Class 1 misdemeanor.

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

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

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

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

1 **BILL HISTORY**

2 1/19/00 First read in Senate and referred to Commerce. S.J. 118

3 1/25/00 Scheduled for Committee hearing on this date.

4 1/25/00 Commerce Do Pass Amended, Passed, AYES 5, NAYS 1. S.J. 183

5 1/27/00 Senate Do Pass Amended, Passed, AYES 33, NAYS 1. S.J. 230

6 1/28/00 First read in House and referred to Commerce. H.J. 294

7 2/15/00 Scheduled for Committee hearing on this date.

8 2/15/00 Commerce Do Pass Amended, Passed, AYES 10, NAYS 0. H.J. 663

9 2/15/00 Commerce Place on Consent Calendar.