

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

671D0553

SENATE COMMERCE COMMITTEE  
ENGROSSED NO. **SB136** - 1/26/00

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.

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