

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

850I0437

HOUSE BILL NO. 1197

Introduced by: Representatives Nesselhuf and Schafer and Senator Reedy

1 FOR AN ACT ENTITLED, An Act to allow the delivery of malt beverages by an off-sale
2 licensee under certain circumstances.

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

4 Section 1. That § 35-4-74 be amended to read as follows:

5 35-4-74. No off-sale licensee ~~shall~~ may make any delivery of alcoholic beverages outside of
6 the premises described in ~~his~~ the license. However, a licensee licensed pursuant to subdivision
7 35-4-2(17) may deliver malt beverages if the following requirements are met:

8 (1) The delivery is made to a person who is at least twenty-one years of age and not
9 obviously intoxicated at the time; and

10 (2) The delivery of the malt beverages is in conjunction with the delivery of other
11 products and the cost of the malt beverages delivered does not constitute more than
12 twenty-five percent of the total cost of all the products delivered.

13 A violation of this section is a Class 2 misdemeanor.

