

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

562N0622

HOUSE ENGROSSED NO. **HB 1162** - 02/14/2007

Introduced by: Representatives Cutler, Engels, Hunt, Juhnke, Rounds, Turbiville, Wick, and Willadsen and Senators Gant, Dempster, Gray, Kloucek, and Koetzle

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the sales and
2 distribution of tobacco products.

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

4 Section 1. That § 34-46-2 be amended to read as follows:

5 34-46-2. The following actions are unlawful:

- 6 (1) To knowingly sell or distribute a tobacco product to a person under the age of
7 eighteen;
- 8 (2) To purchase or attempt to purchase, to receive or attempt to receive, to possess, or
9 to consume a tobacco product if a person is under the age of eighteen;
- 10 (3) To purchase a tobacco product on behalf of, or to give a tobacco product to, any
11 person under the age of eighteen;
- 12 (4) To sell cigarettes other than in an unopened package originating with the
13 manufacturer and depicting the warning labels required by federal law;
- 14 ~~(4)~~(5) To sell tobacco products through a vending machine located in a place other than the
15 following:



- 1 (a) A factory, business, office, or other place not open to the general public;
- 2 (b) A place that is open to the public but to which persons under the age of
- 3 eighteen are denied access; or
- 4 (c) An establishment licensed under chapter 35-4 to sell alcoholic beverages for
- 5 consumption on the premises where sold;
- 6 ~~(5)~~(6) To distribute tobacco product samples in or on a public street, sidewalk, or park that
- 7 is within five hundred feet of a playground, school, or other facility when the facility
- 8 is being used primarily by persons under the age of eighteen.