

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

562N0622

HOUSE BILL NO. 1162

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 § 34-46-1 be amended to read as follows:

5 34-46-1. Terms used in this chapter mean:

- 6 (1) "Proof of age," a driver's license, nondriver identification card, or other generally
7 accepted means of identification that contains a picture of the individual and appears
8 on its face to be valid;
- 9 (2) "Sample," tobacco products distributed to members of the general public at no cost
10 for purposes of promoting the product;
- 11 (3) "Sampling," the distribution of samples to members of the general public in a public
12 place;
- 13 (4) "Self-service display," a display that contains any tobacco product and is located in
14 an area openly accessible to the general public, and from which the general public
15 can readily access a tobacco product without the assistance of a salesperson. A



1 display case that holds tobacco products behind locked doors does not constitute a
2 self-service display;

3 (5) "Tobacco product," any item made of tobacco intended for human consumption,
4 including cigarettes, cigars, pipe tobacco, and smokeless tobacco.

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

6 34-46-2. The following actions are unlawful:

7 (1) To knowingly sell or distribute a tobacco product to a person under the age of
8 eighteen;

9 (2) To purchase or attempt to purchase, to receive or attempt to receive, to possess, or
10 to consume a tobacco product if a person is under the age of eighteen;

11 (3) To purchase a tobacco product on behalf of, or to give a tobacco product to, any
12 person under the age of eighteen;

13 (4) To sell cigarettes other than in an unopened package originating with the
14 manufacturer and depicting the warning labels required by federal law;

15 ~~(4)~~(5) To sell tobacco products through a vending machine located in a place other than the
16 following:

17 (a) A factory, business, office, or other place not open to the general public;

18 (b) A place that is open to the public but to which persons under the age of
19 eighteen are denied access; or

20 (c) An establishment licensed under chapter 35-4 to sell alcoholic beverages for
21 consumption on the premises where sold;

22 (6) To sell tobacco products through any vending machine if such products are placed
23 together with any nontobacco product, other than matches, in the vending machine;

24 (7) To sell or distribute tobacco products through a self-service display other than a

1 vending machine permitted pursuant to subdivision (5);

2 ~~(5)~~(8) To distribute tobacco product samples in or on a public street, sidewalk, or park that

3 is within five hundred feet of a playground, school, or other facility when the facility

4 is being used primarily by persons under the age of eighteen.