

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

805P0131

## SENATE BILL NO. 98

Introduced by: Senators Jerstad, Duenwald, Garnos, and Smidt (Orville) and Representatives Miles, Hunt, and Nelson

1 FOR AN ACT ENTITLED, An Act to regulate establishments in the business of providing  
2 obscene material.

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

4 Section 1. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 No establishment may sell, distribute, or use obscene material or provide obscene material  
7 without obtaining a license from the county in which the establishment is located. The  
8 establishment shall submit an application on a form prescribed by the county along with the  
9 license fee. The license fee shall be established by the county. The county may grant the license  
10 if the establishment has met the requirements of sections 2 and 3 of this Act. The license expires  
11 one year from the date of issuance. The annual renewal fee shall be established by the county.

12 Section 2. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 The Department of Health shall inspect a commercial establishment seeking licensure  
15 pursuant to section 1 of this Act. No license may be issued or renewed until the establishment



1 has passed an inspection by the Department of Health. The applicant for initial licensure or  
2 renewal shall submit the inspection report to the county.

3 Section 3. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 No licensee may operate in any area that lies within one thousand feet from the facilities and  
6 grounds of any school, church, child welfare agency, public park, public playground, or public  
7 pool, including the facilities and grounds itself. No establishment licensed pursuant to section  
8 1 of this Act may be closer than two hundred fifty feet from any street.

9 Section 4. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 No licensee may operate between the hours of twelve midnight and eight a.m. of the  
12 following day. In addition, no licensee may operate on Sunday.

13 Section 5. That chapter 22-24 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 No new establishment for the sale, distribution, or use of obscene material may be  
16 constructed unless a permit is obtained by the municipality in which the establishment is to be  
17 located. If the location of the establishment is not within the boundary of any municipality, a  
18 permit shall be obtained from the county in which the establishment is to be located.