

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

382S0070

HOUSE BILL NO. 1137

Introduced by: Representatives Kloucek, Bolin, Hickey, Iron Cloud III, Killer, Kirschman,
Lucas, Schrempp, and Stricherz and Senators Bradford, Begalka, and
Nygaard

1 FOR AN ACT ENTITLED, An Act to prohibit the sale of caffeinated alcoholic beverages.

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

3 Section 1. No person may sell or offer to sell any caffeinated alcoholic beverage. A violation
4 of this section is a Class 1 misdemeanor. For the purposes of this section, a caffeinated alcoholic
5 beverage is:

6 (1) A beverage that is fermented in a manner similar to beer, from which some or all of
7 the fermented alcohol has been removed and replaced with distilled ethyl alcohol;
8 that contains at least one half of one percent alcohol by volume; that is treated by
9 processing, filtration, or another method of manufacture that is not generally
10 recognized as a traditional process in the production of beer as described in 27 CFR
11 25.55; and to which is added caffeine or other stimulants; or

12 (2) A beverage that contains at least one half of one percent alcohol by volume; that is
13 treated by processing, filtration, or another method of manufacture that is not
14 generally recognized as a traditional process in the production of beer as described



1 in 27 CFR 25.55; to which is added a flavor or other ingredient containing alcohol,
2 except for hop extract; to which is added caffeine or other stimulants; for which the
3 producer is required to file a formula for approval with the United States Alcohol and
4 Tobacco Tax and Trade Bureau pursuant to 27 CFR 25.55; and that is not exempt
5 pursuant to 27 CFR 25.55(f).