

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

480R0728

HOUSE BILL NO. 1253

Introduced by: Representatives Bolin, Engels, Jensen, Juhnke, Kopp, and Lederman and
Senators Maher, Gillespie, Kloucek, and Nelson

1 FOR AN ACT ENTITLED, An Act to refer to a vote of the people a bill to authorize smoking
2 in certain establishments under certain conditions.

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

4 Section1. The following bill, which is hereby agreed to, is referred to a vote of the people
5 of the State of South Dakota at the next general election:

6 FOR AN ACT ENTITLED: An Act to authorize smoking in certain establishments under certain
7 conditions.

8 BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

9 Section 1. Notwithstanding any other provision of chapter 35-4, smoking is allowed in any
10 enclosed area of an establishment that is licensed to sell alcoholic beverages for consumption
11 on the premises pursuant to chapter 35-4 if the enclosed area is restricted to persons twenty-one
12 or older or is a retail space of a licensed gaming establishment as defined in § 42-7B-18. If the
13 enclosed area where smoking is allowed pursuant to this section is connected to or housed in
14 a restaurant or other public place where smoking is prohibited, the doorway between the
15 enclosed area and the public place shall remain closed when not actively used. Any enclosed



1 area where smoking is allowed pursuant to this section shall be posted as a "smoking area."