

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

259R0740

## SENATE ENGROSSED NO. **SB 188** - 2/18/2010

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Nelson, Fryslie, Olson (Russell), and Tieszen and Representatives Turbiville, Conzet, Kirkeby, Krebs, Rausch, Romkema, Rounds, and Solum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the sale and display  
2 of alcoholic beverages in certain establishments.

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

4 Section 1. That § 35-4-121 be amended to read as follows:

5 35-4-121. Any person, corporation, or business entity that is issued a new retail license  
6 under subdivision 35-4-2(3) in a municipality of the first class after June 30, 2008, and derives  
7 more than fifty percent of the licensee's annual gross receipts from the sale of food, prepared  
8 food, and food ingredients at the location where the license is held, shall ~~sell~~ display its  
9 alcoholic beverages, other than malt beverages, in an area which is separated by a physical  
10 barrier from the rest of the establishment. For the purposes of this section, a physical barrier  
11 includes a wall or fence erected for the sole purpose of separating the area in which the alcoholic  
12 beverages are ~~sold~~ displayed from the rest of the establishment.

13 Section 2. That § 35-4-122 be amended to read as follows:

14 35-4-122. Any person, corporation, or business entity that is issued a new retail license



1 under subdivision 35-4-2(3) after June 30, 2009, and derives less than fifty percent of the  
2 licensee's annual gross receipts from the sale of alcoholic beverages at the location where the  
3 license is held shall ~~sell~~ display its alcoholic beverages, other than malt beverages, in an area  
4 which is separated by a physical barrier from the rest of the establishment. For the purposes of  
5 this section, a physical barrier includes a wall or fence erected for the sole purpose of separating  
6 the area in which the alcoholic beverages are ~~sold~~ displayed from the rest of the establishment.