

SB 221 -- Redline

Engrossed to Enrolled -- regulate the retail sale of nicotine products, and to provide a penalty therefor.

Deletions ~~struck~~ · Insertions underlined

~~26.979.17~~26.979.18 101st Legislative Session 221 South Dakota Legislature Senate Bill 221 ~~HOUSE~~ENROLLED
~~ENGROSSED~~AN This ~~A~~ bill ~~CT~~ has ENTITLED ~~been~~ An extensively ~~Act amended to (hoghoused)~~ regulate and the may retail
~~no sale longer of be~~ nicotine consistent ~~products, with and the to original~~ provide intentiona ~~of penalty~~
~~the therefor. - sponsor.~~

~~Introduced~~ B ~~by:~~ E IT ENACTED BY THE LEGISLATURE OF THE STATE OF S OUTH DAKOTA :

~~Senator Karr An Act to regulate the retail sale of nicotine products, and to provide a penalty therefor.~~

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and ~~Overstrikes~~26.979.18 ~~indicate~~2 ~~deleted~~221 ~~language.~~ (c) Is manufactured, formulated, sold,
distributed, or marketed with the intent to avoid the provisions of this chapter;

~~26.979.17 2 221 (c) Is manufactured, formulated, sold, distributed, or marketed with the intent to avoid~~
~~the provisions of this chapter;~~

A separate application and a separate license are required for each place of business ~~Overstrikes~~SB221
~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 3 221 of a retailer where a nicotine product is sold at
retail.

~~26.979.17 3 221 of a retailer where a nicotine product is sold at retail.~~

~~Overstrikes~~SB221 ~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 4 221 Section 6.

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~~Overstrikes~~SB221 ~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 5 221 For purposes of this Act, the vending
machine retailer is responsible for compliance with all provisions of this Act.

~~26.979.17 5 221 For purposes of this Act, the vending machine retailer is responsible for compliance~~
~~with all provisions of this Act.~~

~~Overstrikes~~SB221 ~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 6 221 The records must include information
detailing the name, source, origin, manufacturer, and address of the person supplying, and a copy of the
purchase invoice, of the nicotine products in the licensee's inventory.

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~~and address of the person supplying, and a copy of the purchase invoice, of the nicotine products in the~~
~~licensee's inventory.~~

~~Overstrikes~~SB221 ~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 7 221 If a licensee has been determined by
the department to have violated any provision of this chapter, the secretary must conduct an inspection
of the licensee within six months of the determination.

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~~this chapter, the secretary must conduct an inspection of the licensee within six months of the~~
~~determination.~~

~~Overstrikes~~SB221 ~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 8 221 A retailer who fails to comply with
this section within sixty days from the revocation of the license is subject to a fine of five thousand
dollars, imposed by the department.

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~~of the license is subject to a fine of five thousand dollars, imposed by the department.~~

~~Overstrikes~~SB221 ~~indicate~~ENROLLED ~~deleted~~26.979.18 ~~language.~~ 9 221 Expenditures from the fund must be
budgeted through the general appropriation bill.

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(1) To knowingly sell or distribute a ~~tobacco product~~ nicotine product, as defined in section 2 of this
Act, to a person under the age of twenty-one;

(2) To purchase or attempt to purchase, to receive or attempt to receive, to possess, or to consume a
~~tobacco~~ nicotine product, as defined in section 2 of this Act, if a person is under the age of twenty-
one;

(3) To purchase a ~~tobacco product~~ nicotine product, as defined in section 2 of this Act, on behalf of,
or to give a ~~tobacco~~ nicotine product to, any person under the age of twenty-one;

(4) To sell ~~cigarettes~~ nicotine products, as defined in section 2 of this Act, other than in an unopened
package originating with the manufacturer and depicting the warning labels required by federal law;

(5) To sell ~~tobacco products~~ nicotine products, as defined in section 2 of this Act, through a vending
~~machine~~ machine, ~~located in a place other than a place that is open to the public but to which persons~~
~~under the age of twenty-one are denied access at all times,~~ except as otherwise provided in section 8 of
this Act;

(6) To sell ~~cigarettes or smokeless tobacco, or both,~~ nicotine products, as defined in section 2 of this

Act, through a self-service ~~display~~display; ~~other than a display that is:~~

~~(a) or A(7) vending~~To machine~~distribute permitted~~samples under of subdivision~~nicotine (5) products, as defined in section 2 of this section;~~Act, in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when the facility is being used primarily by persons under the age of twenty-one.

~~or (b) Located in a tobacco speciality store;~~

~~or (7) To distribute tobacco product samples samples of nicotine products, as defined in section 2 of this Act, in or on a public street, sidewalk, or park that is within five hundred feet of a playground, school, or other facility when the facility is being used primarily by persons under the age of twenty-one.~~

~~A~~Except as otherwise provided in this section, a merchant shall conspicuously post a notice, on the merchant's premises, stating in text at least one inch in height, that "No~~no~~person under the age of 21~~twenty-one~~twenty-one may be sold ~~tobacco~~nicotine products."products, Overstrikes~~as indicated~~defined~~deleted in language, section 2 of this Act.~~

~~26.979.17 10 221 Any owner, lessee, or person having control of any cigarette vending machine shall post, in a conspicuous place on each machine in use within the state, a warning which shall be printed in bold type letters each of which shall be at least one-half inch high and which shall be kept in easily legible form and repair stating:~~

~~"Any person under 21 years of age is forbidden by law to purchase cigarettes from this machine." nicotine products, as defined in section 2 of this Act.~~

SB221 ENROLLED 26.979.18 10 221 Section 21.

Each county state's attorney or a local law enforcement officer designated by the state's attorney shall annually conduct unannounced, random inspections at various locations where ~~tobacco~~-nicotine products, as defined in section 2 of this Act, are sold or distributed to ensure compliance with this chapter.

No person may sell a ~~vapor~~-nicotine product, as defined in section 2 of this Act, other than in an unopened package originating with the manufacturer and depicting the warning labels required by federal law,law, ~~or sell a vapor product through self-service display other than a display that is:~~

~~(1) A vending person machine who permitted~~violates under this subdivision~~section 34-46-2(5); is subject to a fine of two hundred fifty dollars, imposed by the Department of Revenue.~~

~~or (2) Located in a tobacco specialty store.~~

~~A violation of person who violates this section is a Class 2 misdemeanor.~~

~~A person is not liable for more than one violation of this section on a single day subject to a fine of Overstrikes indicate deleted language.~~

~~26.979.17 11 221 two hundred fifty dollars, imposed by the Department of Revenue.~~

Underscores~~SB221 indicate~~ENROLLED new 26.979.18 language-11 221 An Act to regulate the retail sale of nicotine products, and to provide a penalty therefor.

~~Overstrikes~~Received indicate at deleted this languageExecutive Office I certify that the attached Act originated in this _____ day of _____, the:

at _____ M.

Senate as Bill No.

221 By Secretary of the Senate for the Governor The attached Act is hereby approved this _____ day of President of the Senate _____, A.D., 2026 Attest:

Governor Secretary of the Senate STATE OF SOUTH DAKOTA, ss.

Office of the Secretary of State Speaker of the House Filed _____, 2026 Attest:

at _____ o'clock _____ M.

Chief Clerk of the House Secretary of State Senate Bill No.

221 By File No.

_____ Asst.

Secretary of State Chapter No.

_____ SB221 ENROLLED