

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0428

SENATE BILL NO. 41

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to authorize retailers to choose whether to submit
2 pseudoephedrine purchase records electronically or in writing.

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

4 Section 1. That § 34-20D-8 be amended to read as follows:

5 34-20D-8. If offering for sale a product containing pseudoephedrine or ephedrine as an
6 active ingredient, a retailer shall, before making such a sale, require and make a record of the
7 identification of the person purchasing the product containing pseudoephedrine or ephedrine.
8 For purposes of this section, the term, identification, means a document issued by a
9 governmental agency which contains a description of the person or a photograph of the person,
10 or both, and gives the person's date of birth, such as a ~~driver's~~ driver license, passport, or
11 military identification card. The retailer shall maintain the record of identification, including the
12 purchaser's name and date of birth. On August 1, 2006, and no later than the fifth day of every
13 month thereafter, the retailer shall ~~send~~ submit, electronically or in writing, any such records to
14 the Office of the Attorney General. No retailer may use or maintain the record for any private
15 or commercial purpose or disclose the record to any person, except as authorized by law. The



- 1 retailer shall disclose the record, upon request, to a law enforcement agency for a law
- 2 enforcement purpose.