

INITIATIVE PETITION

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November 8, 2016, for their approval or rejection pursuant to the Constitution of the State of South Dakota.

Title: **An initiated measure to criminalize the transfer of tobacco and tobacco paraphernalia**

Attorney General Explanation: The initiated measure prohibits a person or business from transferring tobacco, tobacco pipes, or tobacco rolling paper to another person or business in this state. In the measure, "tobacco" means cigarettes, cigars, cigarillos, or loose tobacco. "Transfer" includes the sale, delivery, trade, or gift. A transfer of tobacco or tobacco paraphernalia in violation of this measure is a crime. The severity of the maximum criminal penalty increases based upon the quantity of the tobacco or tobacco paraphernalia transferred. In addition, a civil penalty up to ten thousand dollars may be imposed.

If approved, this measure will result in a loss of state and local tax and license revenues. Also, this measure will likely be challenged in court on constitutional grounds. If the challenge is successful, the State of South Dakota may be required to pay money damages, attorney fees and costs.

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S.D. SEC. OF STATE

The text of the proposed law is as follows:

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA.

Section 1. No person or business may transfer tobacco, in the form of cigarettes, cigars, cigarillos, or loose tobacco, or a tobacco pipe or tobacco rolling paper, from one person or business to another person or business in the State of South Dakota. It is a Class 1 misdemeanor to transfer two ounces or less of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 6 felony to transfer more than two ounces but less than one-half pound of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 5 felony to transfer one-half pound but less than one pound of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 4 felony to transfer one to ten pounds of tobacco, tobacco pipes, or tobacco rolling papers. It is a Class 3 felony to transfer more than ten pounds of tobacco, tobacco pipes, or tobacco rolling papers. In addition to any criminal penalty imposed upon conviction of a violation of this section, a civil penalty, not to exceed ten thousand dollars, may be imposed.

INSTRUCTIONS TO SIGNERS:

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
1 SIGN ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
2 SIGN ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
3 SIGN ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION
4 SIGN ----- PRINT	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER ----- CITY OR TOWN	DATE OF SIGNING ----- COUNTY OF REGISTRATION

Filed this 10th day of June 2015

Shantal Kuba
SECRETARY OF STATE

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S.D. SEC. OF STATE

Consistent South Dakota
345 Jennings Ave
Hot Springs SD 57747

27 May 2015

Honorable Shantel Krebs, Secretary of State
Capitol Building
500 East Capitol Avenue Ste 204
Pierre, SD 57501-5070

Secretary Krebs;

Attached is the petition form we propose to circulate to initiate a law in South Dakota, titled by the Attorney General, "An initiated measure to criminalize the transfer of tobacco and tobacco paraphernalia."

Bob Newland, Sponsor
345 Jennings Ave, Hot Springs SD 57747

Sworn to before me this 26th day of May, 2015.

My commission expires:
12-30-2020

Signature of officer administering oath

SHARI ELIZABETH WINSLOW
NOTARY PUBLIC
SOUTH DAKOTA
Legal Assistant
Title of officer administering oath

Andrew Ziegler, Sponsor
2901 S Hawthorne Ave, Sioux Falls SD 57105

Sworn to before me this 29th day of May, 2015.

ALAN GEBHARD
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires 9-2-17

Signature of officer administering oath

Notary Public
Title of officer administering oath