



South Dakota

State Profile and Underage Drinking Facts

State Population: 814,180
Population Ages 12–20: 102,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	31.0	32,000
Past-Month Binge Alcohol Use	21.5	22,000
Ages 12–14		
Past-Month Alcohol Use	4.3	1,000
Past-Month Binge Alcohol Use	2.4	1,000
Ages 15–17		
Past-Month Alcohol Use	26.3	9,000
Past-Month Binge Alcohol Use	15.6	5,000
Ages 18–20		
Past-Month Alcohol Use	57.8	21,000
Past-Month Binge Alcohol Use	43.0	16,000
		Number
Alcohol-Attributable Deaths (under 21)		15
Years of Potential Life Lost (under 21)		909

	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	57.0	12

Laws Addressing Minors in Possession of Alcohol

Underage Possession of Alcohol

Possession is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Underage Consumption of Alcohol

Consumption is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Internal Possession by Minors

Internal possession is not explicitly prohibited.

Underage Purchase of Alcohol

Purchase is prohibited and there is NO ALLOWANCE for youth purchase for law enforcement purposes.

False Identification for Obtaining Alcohol

Provision(s) Targeting Minors

- Use of a false ID to obtain alcohol is a criminal offense.
- Penalty may include driver’s license suspension through a judicial procedure.

Provisions Targeting Retailers

- Specific affirmative defense—the retailer inspected the false ID and came to a reasonable conclusion based on its appearance that it was valid.
- Retailer has the authority to detain a minor suspected of using a false ID in connection with the purchase of alcohol.

Laws Targeting Underage Drinking and Driving

BAC Limits: Youth (Underage Operators of Noncommercial Motor Vehicles)

- BAC limit: 0.02
- BAC level at or above the limit is per se (conclusive) evidence of a violation
- Applies to drivers under age 21

Loss of Driving Privileges for Alcohol Violations by Minors (“Use/Lose Laws”)

Use/lose penalties apply to minors under age 21.

Type(s) of Violation Leading to Driver’s License Suspension, Revocation, or Denial

- Underage purchase
- Underage possession
- Underage consumption

Authority To Impose Driver’s License Sanction

- Mandatory

Length of Suspension/Revocation

- Minimum: 30 days
- Maximum: 365 days

Graduated Driver’s License

Learner Stage

- Minimum entry age: 14
- Minimum learner-stage period: 3 months with driver education; 6 months without
- There is no minimum supervised driving requirement

Intermediate Stage

- Minimum age: 14 years, 3 months
- Unsupervised night driving
 - Prohibited after: 10 p.m.
 - Primary enforcement of the night-driving rule
- No passenger restrictions

License Stage

- Minimum age to lift restrictions: 16

Laws Targeting Alcohol Suppliers

Furnishing Alcohol to Minors

Furnishing is prohibited with the following exception(s): EITHER

- Parent/guardian OR
- Spouse

Compliance Check Protocols

No data

Penalty Guidelines for Sales to Minors

No data

Responsible Beverage Service

Voluntary Beverage Service Training

- Applies to both on-sale and off-sale establishments
- Applies to both new and existing outlets

Incentive for Training

- Mitigation of fines or other administrative penalties for sales to minors

Minimum Ages for Off-Premises Sellers

- Beer: Not specified
- Wine: 21
- Spirits: 21

Minimum Ages for On-Premises Sellers

- Beer: 18 for servers and 21 for bartenders
- Wine: 18 for servers and 21 for bartenders
- Spirits: 18 for servers and 21 for bartenders

Condition(s) That Must Be Met in order for an Underage Person To Sell Alcoholic Beverages

- Manager/supervisor is present.

Dram Shop Liability

There is no statutory liability.

Social Host Liability Laws

There is no statutory liability.

Host Party Laws

No State-imposed liability for hosting underage drinking parties

Direct Sales/Shipments of Alcohol by Producers

Direct sales/shipments from producers to consumers are not permitted.

Note: Exception: A farm winery (any winery producing wines with a majority of the ingredients grown or produced in South Dakota) may ship no more than 12 cases of wine per person per calendar directly to a resident of another State, if the State to which the wine is sent allows residents of the State to receive wine sent from outside that State.

Keg Registration

- Keg definition: 8.00 or 16.00
- Purchaser information collected:
 - Purchaser's name and address
- Warning information to purchaser: Not required
- Deposit: Not required
- Provisions do not specifically address disposable kegs.

Note: A “keg” is defined as an 8- or 16-gallon reusable plastic or metal container.

Alcohol Pricing Policies

Home Delivery

- Beer: Prohibited
- Wine: Prohibited
- Spirits: Prohibited

Alcohol Tax

Beer (5 percent alcohol)

- Specific excise tax: \$0.27 per gallon

Wine (12 percent alcohol)

- Specific excise tax: \$0.93 per gallon
- Ad valorem excise tax (on-premises sales): 2 percent
- Ad valorem excise tax (off-premises sales): 2 percent
- Ad valorem tax applied at wholesale level

Spirits (40 percent alcohol)

- Specific excise tax: \$3.93 per gallon
- Ad valorem excise tax (on-premises sales): 2 percent
- Ad valorem excise tax (off-premises sales): 2 percent
- Ad valorem tax applied at wholesale level

Drink Specials

No law

Wholesale Pricing

Pricing restrictions exist.

Beer (5 percent alcohol)

- Minimum markup/Maximum discount: Yes—no sales below cost
- Price posting requirements: Post
- Retailer credit: Not permitted

Wine (12 percent alcohol)

- Minimum markup/Maximum discount: Yes—no sales below cost
- Price posting requirements: Post—10 days minimum hold only if price amended to match a competitor's post down
- Retailer credit: Restricted—30 days maximum

Spirits (40 percent alcohol)

- Minimum markup/Maximum discount: Yes—no sales below cost
- Price posting requirements: Post—10 days minimum hold only if price amended to match a competitor's post down
- Retailer credit: Restricted—30 days maximum

South Dakota State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Attorney General's Office and Department of Public Safety	
<i>Methods by which local and State enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> No data	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol-Related Fatality Investigations	Yes
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	
Primary State agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Unknown
Such laws are also enforced by local law enforcement agencies	No data
<i>Such laws are also enforced by local law enforcement agencies</i>	
No data	
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	
Number of minors found in possession by State law enforcement agencies	Yes
Number pertains to the 12 months ending	5,123
Data include arrests/citations issued by local law enforcement agencies	05/31/2010
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by State agencies	804
Number of licensees that failed State compliance checks	131
Numbers pertain to the 12 months ending	12/31/2010
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	No
Number of licensees that failed local compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the State ³	Unknown
Total amount in fines across all licensees	No data
Numbers pertain to the 12 months ending	No data
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	
Number of suspensions imposed by the State ⁴	Yes
Total days of suspensions across all licensees	13
Numbers pertain to the 12 months ending	24
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	
Number of license revocations imposed ⁵	1
Numbers pertain to the 12 months ending	12/31/2010
Additional Clarification	
No data	

¹ Or having consumed or purchased per State statutes

² Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors

³ Does not include fines imposed by local agencies

⁴ Does not include suspensions imposed by local agencies

⁵ Does not include revocations imposed by local agencies

Underage Drinking Prevention Programs Operated or Funded by the State: Programs SPECIFIC TO Underage Drinking	
SPF SIG	
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Numbers pertain to the 12 months ending	05/31/2010
Program has been evaluated	No
Evaluation report is available	Not applicable
URL for evaluation report	Not applicable
URL for more program information	No data
<p>Program description: South Dakota’s Strategic Prevention Framework State Incentive Grant (SD SPF SIG) is designed to expand and enhance the sophistication of South Dakota’s infrastructure to more effectively:</p> <ul style="list-style-type: none"> • Prevent the onset and reduce the progression of substance abuse. • Reduce substance abuse–related consequences. • Decrease risk factors and increase protective factors within communities. • Build prevention capacity and infrastructure at the State and community levels. <p>South Dakota identified underage drinking as one target.</p>	

Underage Drinking Prevention Programs Operated or Funded by the State: Programs RELATED TO Underage Drinking	
EUDL	
URL for more program information	No data
Program description: No data	

Additional Information Related to Underage Drinking Prevention Programs	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Program description: The State seeks collaborative efforts from every sector in the State, including Tribal communities.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Program description: Not applicable	
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	No
Best practice standards description: Not applicable	
Additional Clarification	
No data	

State Interagency Collaboration	
<i>A State-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Unknown

<i>Committee contact information:</i>	
No data	
<i>Agencies/organizations represented on the committee:</i>	
No data	
<i>A Web site or other public source exists to describe committee activities</i>	No data
URL or other means of access	No data

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by	Division of Alcohol/Drug Abuse
Plan can be accessed via	http://sdspsfig.wikispaces.com/
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Unknown
Prepared by	No data
Report can be accessed via	No data
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<i>Compliance checks/decoy operations in retail outlets:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Checkpoints and saturation patrols:</i>	
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Programs that target youth in the child welfare system:</i>	
Estimate of State funds expended	Data unavailable
Estimate based on the 12 months ending	Data unavailable
<i>Other programs:</i>	
Programs or strategies included	No data
Estimate of State funds expended	No data
Estimate based on the 12 months ending	No data

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No data
Fines	No data
Fees	No data
Other	No data
<i>Description of funding streams and how they are used:</i> No data	
Additional Clarification	
No data	