

State Report

South Dakota

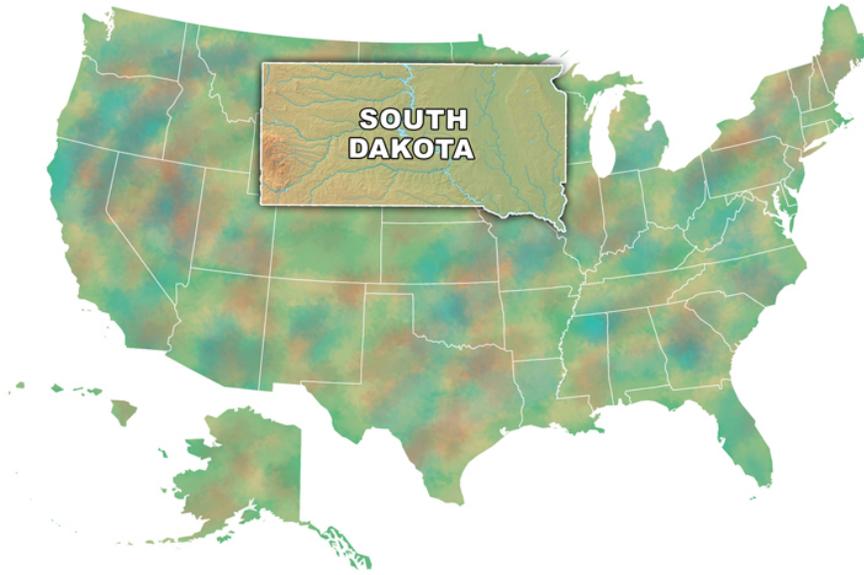
This state report is excerpted from:

The 2013 Report to Congress on the Prevention and Reduction of Underage Drinking

submitted to Congress by The U.S. Department of Health and Human Services.

To obtain more information and a copy of the full Report to Congress go to:

<https://www.stopalcoholabuse.gov>



South Dakota

State Profile and Underage Drinking Facts*

State Population: 824,082
Population Ages 12–20: 99,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	30.4	30,000
Past-Month Binge Alcohol Use	21.1	21,000
Ages 12–14		
Past-Month Alcohol Use	5.0	2,000
Past-Month Binge Alcohol Use	3.0	1,000
Ages 15–17		
Past-Month Alcohol Use	26.6	8,000
Past-Month Binge Alcohol Use	16.6	000
Ages 18–20		
Past-Month Alcohol Use	57.8	20,000
Past-Month Binge Alcohol Use	42.1	15,000
Alcohol-Attributable Deaths (under 21)		15
Years of Potential Life Lost (under 21)		914
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	18.0	4

* See Appendix C for data sources.

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.

Distance Limitations for New Alcohol Outlets Near Universities and Schools

Colleges and Universities

Limitations on outlet siting:

- Off-premises outlets: Yes—no license on campus
- On-premises outlets: Yes—no license on campus
- Alcohol products: Beer, wine, spirits

Primary and Secondary Schools

No distance limitation

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

Retailer Interstate Shipments of Alcohol

Retailer interstate shipments are prohibited for all types of beverages.

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> Department of Revenue (DOR)	
<i>Methods by which local and state enforcement agencies coordinate their efforts to enforce laws prohibiting underage drinking:</i> DOR asks local law enforcement agencies to conduct compliance checks and then forward the results to DOR. Compliance checks are not required to be completed, and law enforcement agencies are not required to submit the data to DOR. Based on the reports DOR receives, it takes appropriate action (i.e., suspensions, fines). Local law enforcement would pursue any criminal action against the individual if they so choose.	
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	No
<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>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	DOR
Such laws are also enforced by local law enforcement agencies	No
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession ¹ by state law enforcement agencies	5,894
Number pertains to the 12 months ending	06/30/2011
Data include arrests/citations issued by local law enforcement agencies	Yes
<i>State conducts underage compliance checks/decoy operations² to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	No
Data are collected on these activities	No
Number of licensees checked for compliance by state agencies	Data not collected
Number of licensees that failed state compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
<i>Local agencies conduct underage compliance checks/decoy operations to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	890
Number of licensees that failed local compliance checks	135
Numbers pertain to the 12 months ending	12/31/2010
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	Yes
Number of fines imposed by the state ³	123
Total amount in fines across all licensees	\$141,550
Numbers pertain to the 12 months ending	12/31/2010
<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁴	12
Total days of suspensions across all licensees	95
Numbers pertain to the 12 months ending	12/31/2010

State collects data on license revocations imposed on retail establishments specifically for furnishing minors	Yes
Number of license revocations imposed ⁵	0
Numbers pertain to the 12 months ending	12/31/2010
Additional Clarification	
None given	

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**

Strategic Prevention Framework State Incentive Grant (SPF SIG)

Number of youth served (from 6-1-10 through 5-30-11, the state was in the Assessment and Planning stages of SPF SIG and no implementation of services had begun)	0
Number of parents served	0
Number of caregivers served	0
Numbers pertain to the 12 months ending	05/31/2011
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	http://www.sdspfsg.wikispaces.com

Program description: South Dakota’s SPF SIG is designed to expand and enhance the sophistication of South Dakota’s infrastructure to more effectively:

- 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.

South Dakota identified underage drinking as one of two targets.

**Underage Drinking Prevention Programs Operated or Funded by the State:
Programs RELATED TO Underage Drinking**

Enforcing the Underage Drinking Laws (EUDL)

URL for more program information:
<http://dss.sd.gov/behavioralhealthservices/community/diversionprograms.asp>

Program description: The Department of Social Services – Prevention Program receives EUDL funding from our Office of Highway Safety for the purpose of providing an alcohol diversion program. The curriculum used for the program is Prime for Life (<http://www.primeforlife.org/homepage.cfm?CFID=663556&CFTOKEN=82350299>).

Additional Information Related to Underage Drinking Prevention Programs

State collaborates with federally recognized Tribal governments in the prevention of underage drinking

Description of collaboration: The state seeks collaborative efforts from every sector in the state, including Tribal communities. The state presently funds three coalitions serving reservations in the state and funds four additional programs that provide prevention services to Native Americans as one of their target populations.

<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>	Yes
Best practice standards description:	
<ul style="list-style-type: none"> • Inclusion in a federal list or registry of evidenced based interventions; or • Being reported (with positive effects on the primary targeted outcome) in a peer-reviewed journal; or • Documented effectiveness supported by other sources of information and the consensus judgment of informed experts based on the following guidelines: <ul style="list-style-type: none"> – The intervention is based on a theory of change that is documented in a clear logic or conceptual model; – The intervention is similar in content and structure to interventions that appear in registries and/or the peer-reviewed literature; – The intervention is supported by documentation that it has been effectively implemented in the past, and multiple times, in a manner attentive to scientific standards of evidence and with results that show a consistent pattern of credible and positive effects; and – The intervention is reviewed and deemed appropriate by a panel of informed prevention experts that includes: well-qualified prevention researchers who are experienced in evaluating prevention interventions similar to those under review, local prevention practitioners, and key community leaders as appropriate (e.g., officials from law enforcement and education sectors or elders within indigenous cultures). 	
Additional Clarification	
None given	

State Interagency Collaboration	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	Yes
Committee contact information:	
Name: SPF SIG Advisory Council. Project Director – Shawnie Rechtenbaugh	
E-mail: shawnie.rechtenbaugh@state.sd.us	
Address: No data	
Phone: 605-773-3123	
Agencies/organizations represented on the committee:	
Department of Health	
Department of Social Services	
John T. Vucurevich Foundation	
Attorney at Law	
National Guard	
Human Service Agency	
Volunteers of America	
Veterans Affairs	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: sdspfsig.wikispaces.com/5.+Advisory+Council	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: Department of Social Services – Prevention Program	
Plan can be accessed via: sdspfsig.wikispaces.com	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Plan can be accessed via: Not applicable	

Additional Clarification

Once the SPF SIG grant ends in 2014, the state will publish a report on underage drinking prevention.

State Expenditures for the Prevention of Underage Drinking

<i>Compliance checks/decoy operations in retail outlets:</i>		
Estimate of state funds expended		\$29,654
Estimate based on the 12 months ending		09/30/2011
<i>Checkpoints and saturation patrols:</i>		
Estimate of state funds expended		\$13,635
Estimate based on the 12 months ending		12/31/2011
<i>Community-based programs to prevent underage drinking:</i>		
Estimate of state funds expended		\$0
Estimate based on the 12 months ending		05/31/2011
<i>K–12 school-based programs to prevent underage drinking:</i>		
Estimate of state funds expended		\$0
Estimate based on the 12 months ending		05/31/2011
<i>Programs targeted to institutes of higher learning:</i>		
Estimate of state funds expended		\$0
Estimate based on the 12 months ending		05/31/2011
<i>Programs that target youth in the juvenile justice system:</i>		
Estimate of state funds expended		\$0
Estimate based on the 12 months ending		05/31/2011
<i>Programs that target youth in the child welfare system:</i>		
Estimate of state funds expended		\$0
Estimate based on the 12 months ending		05/31/2011
<i>Other programs:</i>		
Programs or strategies included:	None	
Estimate of state funds expended		No data
Estimate based on the 12 months ending		No data

Funds Dedicated to Underage Drinking

State derives funds dedicated to underage drinking from the following revenue

<i>streams:</i>		
Taxes		No
Fines		No
Fees		No
Other		No data

Description of funding streams and how they are used:

No data

Additional Clarification

There is no state funding for prevention. The state uses federal funds for all prevention programming.