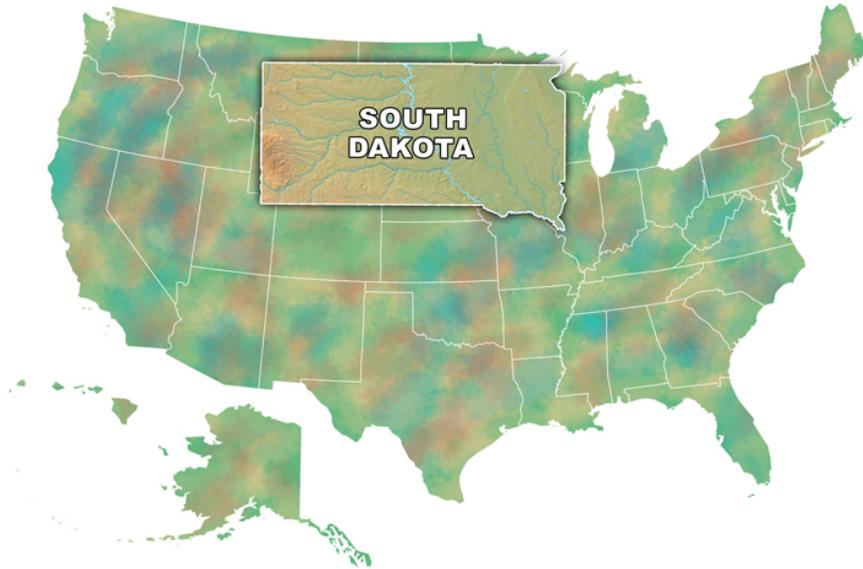


**State Report**

**South Dakota**

This document is excerpted from:

**The June 2015 Report to Congress on the Prevention and Reduction of Underage Drinking**



# South Dakota

## State Profile and Underage Drinking Facts\*

**State Population: 833,354**  
**Population Ages 12–20: 98,000**

	Percentage	Number
<b>Ages 12–20</b>		
Past-Month Alcohol Use	28.2	28,000
Past-Month Binge Alcohol Use	19.5	19,000
<b>Ages 12–14</b>		
Past-Month Alcohol Use	4.1	1,000
Past-Month Binge Alcohol Use	2.6	1,000
<b>Ages 15–17</b>		
Past-Month Alcohol Use	25.9	8,000
Past-Month Binge Alcohol Use	16.4	5,000
<b>Ages 18–20</b>		
Past-Month Alcohol Use	54.0	18,000
Past-Month Binge Alcohol Use	39.0	13,000
<b>Alcohol-Attributable Deaths (under 21)</b>		15
<b>Years of Potential Life Lost (under 21)</b>		883
	<b>Percentage of All Traffic Fatalities</b>	<b>Number</b>
<b>Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC &gt; 0.01</b>	26.0	5

\* 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.

#### *Provision(s) 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*

- Discretionary

***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
- 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 of 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 is that a farm winery license (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.

## Home Delivery

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

## Alcohol Pricing Policies

### 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 wholesale): 2 percent
- Ad valorem excise tax (off-premises wholesale): 2 percent

#### *Spirits (40 percent alcohol)*

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

### 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

<b>State Agency Information</b>	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i> Department of Revenue (DOR)	
<b>Enforcement Strategies</b>	
<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>	
Primary state agency responsible for enforcing laws addressing direct sales/shippments of alcohol to minors	Department of Revenue
Such laws are also enforced by local law enforcement agencies	No
<b>Enforcement Statistics</b>	
<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	5,752
Data include arrests/citations issued by local law enforcement agencies	6/30/2012
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine if alcohol retailers are complying with laws prohibiting sales to minors</i>	
Data are collected on these activities	No
Number of retail licensees in state <sup>3</sup>	Data not collected
Number of licensees checked for compliance by state agencies (including random checks)	Data not collected
Number of licensees that failed state compliance checks	Data not collected
Numbers pertain to the 12 months ending	Data not collected
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Data not collected
<i>State conducts random underage compliance checks/decoy operations</i>	
Number of licensees subject to random state compliance checks/decoy operations	No
Number of licensees that failed random state compliance checks	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>	
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	Yes
Number of licensees that failed local compliance checks	1,045
Numbers pertain to the 12 months ending	108
	12/31/2011
<b>Sanctions</b>	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state <sup>4</sup>	Yes
Total amount in fines across all licensees	108
Smallest fine imposed	\$101,300
Largest fine imposed	Unknown
Numbers pertain to the 12 months ending	Unknown
	12/30/2011

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	9
Total days of suspensions across all licensees	93
Shortest period of suspension imposed (in days)	1
Longest period of suspension imposed (in days)	45
Numbers pertain to the 12 months ending	12/31/2012
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	0
Numbers pertain to the 12 months ending	12/31/2012
<b>Additional Clarification</b>	
No data	

<sup>1</sup> Or having consumed or purchased per state statutes.

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

<sup>3</sup> Excluding special licenses such as temporary, seasonal, and common carrier licenses.

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

<b>Underage Drinking Prevention Programs Operated or Funded by the State</b>	
The state does not fund any drinking prevention programs with state funds.	
Program serves specific or general population	No data
Number of youth served	No data
Number of parents served	No data
Number of caregivers served	No data
Program has been evaluated	No data
Evaluation report is available	No data
URL for evaluation report:	No data
URL for more program information:	No data
<b>Program Description:</b> No data	

<b>Additional Underage Drinking Prevention Programs Operated or Funded by the State</b>	
No response.	
URL for more program information: No data	
<b>Program description:</b> No data	
<b>Additional Clarification</b>	
No data	

<b>Additional Information Related to Underage Drinking Prevention Programs</b>	
<i>State collaborates with federally recognized Tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: When federal funding for prevention initiatives becomes available, Tribal governments are solicited to become applicants for funding.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	Yes
Description of program: With our SPF SIG and block grant funding, the 23 local coalitions in the state focus on environmental strategies as a component of their work plans.	

<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies):	No
Agency(ies) within your state: Department of Social Services	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: To ensure best practice standards, we utilize evidence-based practices (EBPs) that emphasize alcohol awareness and sales. These EBPs are represented in the following programs: Project Success, which educates students on how alcohol affects their development, including the causes and effects of substance abuse and the impacts on the family, and they learn coping skills; Communities Mobilizing for Change on Alcohol, which engages various community institutions in a joint effort to decrease alcohol abuse and drunk driving; Compliance checks, which are shown to reduce crime and alcohol-related problems; and Responsible Beverage Server Training, which teaches servers to be responsible alcohol servers.	
<b>Additional Clarification</b>	
No data	

<b>State Interagency Collaboration</b>	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	No
<i>Committee contact information:</i>	
Not applicable	
<i>Agencies/organizations represented on the committee:</i>	
Not applicable	
<i>A website or other public source exists to describe committee activities</i>	
Not applicable	

<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: The Prevention Program within the Department of Social Services has funded 23 local community coalitions with federal funds whose focus is on binge drinking and underage drinking. The state has completed a 5-Year Strategic Plan that focuses on alcohol use by adolescents and young adults. Plan can be accessed via: Website is being redesigned.	
<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	
<b>Additional Clarification</b>	
No response	

<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Date not available
<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	\$12,310
Estimate based on the 12 months ending	12/31/2012
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data

<i>K-12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	No data
<i>Other programs:</i>	
Programs or strategies included:	No data
Estimate of state funds expended	\$0
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*

*streams:*

Taxes	No
Fines	No
Fees	No
Other	No data

*Description of funding streams and how they are used:*

No data

**Additional Clarification**

No state funds are allocated for funding alcohol prevention programming in the state.