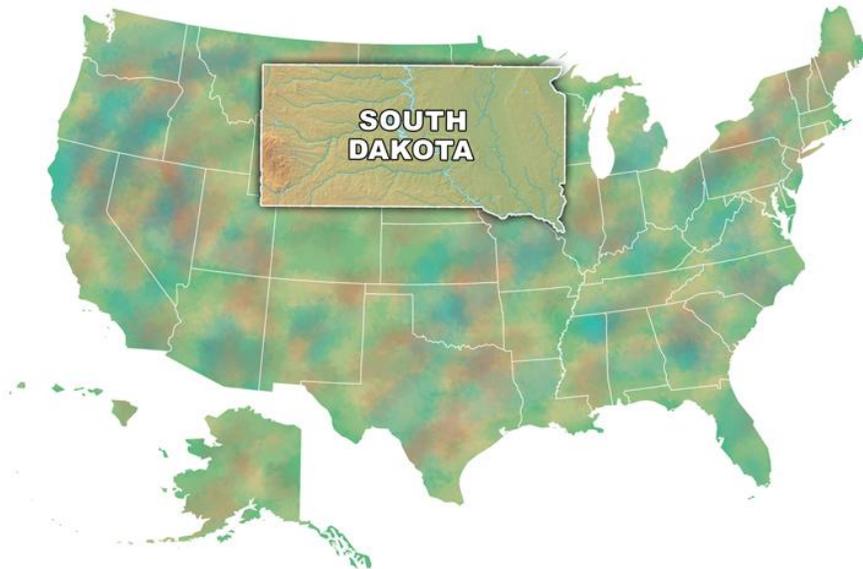


State Report

South Dakota

This document is excerpted from:

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



South Dakota

State Profile and Underage Drinking Facts*

State Population: 844,877
 Population Ages 12–20: 98,000

	Percentage	Number
Ages 12–20		
Past-Month Alcohol Use	25.5	25,000
Past-Month Binge Alcohol Use	17.9	18,000
Ages 12–14		
Past-Month Alcohol Use	3.6	1,000
Past-Month Binge Alcohol Use	2.1	1,000
Ages 15–17		
Past-Month Alcohol Use	22.8	7,000
Past-Month Binge Alcohol Use	15	5,000
Ages 18–20		
Past-Month Alcohol Use	49.6	17,000
Past-Month Binge Alcohol Use	36.4	12,000
Alcohol-Attributable Deaths (under 21)		15
Years of Potential Life Lost (under 21)		883
	Percentage of All Traffic Fatalities	Number
Traffic Fatalities, 15- to 20-Year-Old Drivers with BAC > 0.01	12	1

* 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 year 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

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Department of Revenue (DOR)	
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	Yes
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	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>	
Number of minors found in possession by state law enforcement agencies	4,926
Number pertains to the 12 months ending	6/30/2013
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>	
Data are collected on these activities	No
Number of retail licensees in state ³	Do not collect
Number of licensees checked for compliance by state agencies (including random checks)	Do not collect
Number of licensees that failed state compliance checks	Do not collect
Numbers pertain to the 12 months ending	6/13/2013
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Not applicable
<i>State conducts random underage compliance checks/decoy operations</i>	
Number of licensees subject to random state compliance checks/decoy operations	NA
Number of licensees that failed random state compliance checks	NA
<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	946
Number of licensees that failed local compliance checks	86
Numbers pertain to the 12 months ending	6/30/2013
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish minors</i>	
Number of fines imposed by the state ⁴	81
Total amount in fines across all licensees	\$81,500
Smallest fine imposed	Unknown
Largest fine imposed	Unknown
Numbers pertain to the 12 months ending	6/30/2013

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of suspensions imposed by the state ⁵	4
Total days of suspensions across all licensees	45
Shortest period of suspension imposed (in days)	Unknown
Longest period of suspension imposed (in days)	Unknown
Numbers pertain to the 12 months ending	6/30/2013
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing minors</i>	Yes
Number of license revocations imposed ⁶	0
Numbers pertain to the 12 months ending	6/30/2013
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 Excluding special licenses such as temporary, seasonal, and common carrier licenses

⁴ Does not include fines imposed by local agencies

⁵ Does not include suspensions imposed by local agencies

⁶ Does not include revocations imposed by local agencies

Underage Drinking Prevention Programs Operated or Funded by the State

The state does not operate or use state general funds to fund underage drinking programming.

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

Program Description: No data

Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data

URL for more program information: No data

Program description: No data

Additional Clarification

No data

Additional Information Related to Underage Drinking Prevention Programs

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

Description of collaboration: The state current funds one program for underage drinking with Strategic Prevention Framework State Incentive Grant (SPF SIG) federal dollars on the Sisseton-Wahpeton Reservation in the state.

State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing Yes

Program description: The state is using SPF SIG and Substance Abuse Prevention Treatment Block Grant (SAPTBG) dollars to fund local community coalitions for social marketing, social norms campaigns, and media advocacy campaigns.

State has adopted or developed best practice standards for underage drinking prevention programs Yes

Agencies/organizations that established best practices standards:	
Federal agency(ies):	No
Agency(ies) within your state: Department of Social Services (DSS) Prevention Program	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: Local coalitions are required to utilize Evidence-Based Programs within local communities and schools with the federal grant dollars they receive from the state for programming.	
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>	Yes
<i>Committee contact information:</i>	
Name: Sandy Diegel	
E-mail: sdiegel@jtvf.org	
Address: John T. Vucurevich Foundation, 2800 Jackson Blvd., Suite 410, Rapid City, SD 57702	
Phone: 605-343-3141	
<i>Agencies/organizations represented on the committee:</i>	
Office of the Attorney General	
Tribal Representative	
Behavioral Health Representative	
Representative from the Department of Social Services Leadership	
SD National Guard	
Representatives from the Prevention Network	
Representative from Veteran's Administration	
Education representative	
<i>A website or other public source exists to describe committee activities</i>	Yes
URL or other means of access: http://sdprevention.wikispaces.com/SD+Prevention+Network+Home	

Underage Drinking Reports	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	Yes
Prepared by: The Behavioral Health Workgroup addressed the entire spectrum of behavioral issues in the state including prevention. This document formed the basis for the development of the 5-year strategic plan that includes underage drinking issues.	
Plan can be accessed via: Five-Year Plan: http://sdprevention.wikispaces.com/SD+Prevention+Network+Home	
Lt. Governor's report: http://dss.sd.gov/behavioralhealthservices/index.asp	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	Yes
Prepared by: DSS has prepared an internal report on the process and outcome information related to the SPF SIG-funded underage drinking coalitions. Final report will be completed spring 2015.	
Plan can be accessed via: This interim report has not been posted on the website.	
Additional Clarification	
No data	

State Expenditures for the Prevention of Underage Drinking	
<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	\$13,440
Estimate based on the 12 months ending	6/30/2013

<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013
<i>Other programs:</i>	
Programs or strategies included: None supported with State funds.	
Estimate of state funds expended	\$0
Estimate based on the 12 months ending	6/30/2013

Funds Dedicated to Underage Drinking	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No
Fines	No
Fees	No
Other	No
<i>Description of funding streams and how they are used:</i>	
Not applicable	
Additional Clarification	
The Prevention Program for underage drinking contains no general funds. The funds utilized for underage drinking activities include the following: SAPT block grant funds, SPF SIG funds, and funds from the Office of Highway Safety.	