

Disclaimer:

This document is not intended to provide legal advice. Laws on alcohol sales and service may vary greatly by city, county or state. For complete information on the alcohol laws in effect in your region, please contact the liquor authority in your state and/or municipality.

South Dakota

STATE LIQUOR AUTHORITY	State of South Dakota Department of Revenue 445 E. Capitol Avenue Pierre, South Dakota 57501-3100 Phone: 605-773-3311 Fax: 605-773-6729 General Internet Web Site: www.state.sd.us/drr2/revenue.html
AGE TO CONSUME	21 (see below)
AGE TO SERVE	21 to pour; 18 if 50% of total sales are from food; the establishment has an on-sale license, and an employee or the retailer who is at least 21 is on the premises. If licensee has on-premise wine license, servers need to be at least 21.
AGE TO POUR	21
AGE TO SELL (PACKAGED LIQUOR)	21; no age limit if have only a package off-sale beer license and 50% of total sales are for other than beer.
MINORS ALLOWED ON PREMISE?	No one under the age of 21 may loiter on a licensed premise.
CAN PARENTS SERVE?	A person under the age of 18 may consume alcohol outside of a retail establishment if they are in the presence of a parent, guardian or spouse who is at least 21 years of age. A person between the ages of 18 and 20 may consume alcohol in a retail establishment if they are in the immediate presence of a parent, guardian or spouse who is at least 21 years of age.
HOURS OF SERVICE	On Premise Establishments Monday thru Sunday, 7:00 a.m. until 2:00 a.m. (no sales from 2:01 a.m. Sunday until 7:00 a.m. on Monday). Restaurants may request Sunday sales, 11:00 a.m. to midnight. Local ordinances may be stricter. No selling alcohol on Memorial Day or Christmas Day. Off Premise/Retail Stores: Package liquor stores - Monday thru Saturday, 7:00 a.m. until midnight. Local ordinances may provide for Sunday opening, or may be stricter. Package Beer Licensees 7:00 a.m. until 2:00 a.m. 7 days a week. Local ordinances may be stricter. On & Off Sale Beer Licensees 7:00 a.m. until 2:00 a.m. 7 days a week. Local ordinances may be stricter. On Sale Wine Licensees 12 noon until 12 midnight 7 days a week (Restaurants and hotel/motel facilities). Local ordinances may be stricter.
ACCEPTED ID'S	<ul style="list-style-type: none"> ▪ State ID's ▪ State driver's license ▪ Military ID's with picture ▪ Passports
LEGAL LEVEL OF INTOXICATION WHILE DRIVING	.08 BAC
DRAM SHOP LAW	No
ID CONFISCATION	SDCL 35-9-2.1 allows a merchant to detain someone they believe is under the age of 21 or is using a false identification if they have posted a notice stating they may detain a person they believe is under the age of 21, or is using a false identification, in a reasonable manner and for a reasonable amount of time in order to reasonably verify their identification and to inform law enforcement officers or parents of a minor.

South Dakota (continued)

HAPPY HOUR & OTHER SERVICE RESTRICTIONS	South Dakota law does not specifically address Happy Hour. The law allows a licensee to offer a food and drink combination for a special price under the circumstances that the licensee can not sell below wholesale cost (drink). There is no difference between "happy hour", "drink specials" and/or "promotion" as the statute only refers to selling below wholesale cost.
PENALTIES FOR SERVING OR SELLING TO A MINOR	Providing alcohol to a person under 18 is a Class 1 misdemeanor punishable by a maximum of 1 year imprisonment and/or \$1,000 fine. Providing to a person 18 to 20 is a Class 2 misdemeanor punishable by a maximum of 30 days imprisonment and/or \$200 fine and driving privileges revoked or restricted for 1st offense for 30 days to one year; 2nd and subsequent offenses - 60 days to 1 year. Purchasing alcohol for a person under 21 is a Class 1 misdemeanor punishable by a maximum of 1 year imprisonment and/or \$1,000 fine.
WARNING SIGNS REQUIRED ON EFFECTS OF ALCOHOL ON FETUS?	All licensed premises shall prominently display the health warning sign explaining the dangers faced by pregnant women who consume alcohol, provided by the Department of Human Services. The sign shall be displayed in such a manner as to provide an unobstructed view to the customers of such licensee. Failure to display such sign is a petty offense.

ADDENDUM: SOUTH DAKOTA'S DRAM SHOP LAW

None.