

# REMINDERS FOR LIQUOR/BEER RETAILERS

**Licensed retailers may only buy or receive alcoholic beverages from wholesalers properly licensed by the State of South Dakota.**

SDCL 35-4-60

Retail licensees must pay for malt beverages upon sale and delivery by a wholesaler.

ARSD 64:75:04:02

No person under the age of twenty-one (21) may purchase, attempt to purchase, possess, or consume alcoholic beverages.

SDCL 35-9-2

**It is a Class 1 misdemeanor for any licensee to sell or give for use as a beverage any alcoholic beverage to any person under the age of eighteen years.**

SDCL 35-9-1

It is a Class 2 misdemeanor to sell or give for use as a beverage any alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one years of age unless:

- It is done in the immediate presence of a parent or guardian or spouse over twenty-one years of age
- By prescription or direction of a duly licensed practitioner or nurse of the healing arts for medicinal purposes.

SDCL 35-9-1.1

Anyone making an underage sale of alcohol may be subject to a driver's license suspension.

SDCL 35-9-7

Anyone misrepresenting his/her age with the use of any type of document for the purpose of purchasing alcoholic beverages is guilty of a Class 2 misdemeanor.

SDCL 35-9-2

No one under the age of twenty-one years may sell, serve, dispense, or consume alcoholic beverages.

If an alcoholic beverage licensee meets the following criteria, employees at least eighteen years of age may sell or serve alcoholic beverages if:

(1) less than 50% of the gross business transacted is from the sale of alcoholic beverages; or

(2) the licensee or an employee that is at least twenty-one years of age is on the premises when the alcoholic beverage is sold or served.

SDCL 35-4-79 & 35-4-79.4

It is a Class 2 misdemeanor for any person occupying a motor vehicle located upon a public highway or the right-of-way of a public highway to consume any alcoholic beverage or have a package or any receptacle containing an alcoholic beverage in that person's possession unless the seal of the original package remains unbroken or the alcoholic beverage is so removed from the passenger area of the motor vehicle that no occupant of the motor vehicle has access to it.

SDCL 35-1-9.1