

# **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

No retailer with any type of off sale license may make any delivery of alcoholic beverages outside of the premises authorized by the license unless they qualify for and have obtained an off-sale delivery license.

SDCL 35-4-74,

35-4-127

No retailer with an on-sale license shall serve alcoholic beverages outside the premises authorized by the license.

SDCL 35-4-75

The person named on the license must be the owner or actual lessee of the premises where the business is conducted and must be the sole owner of the business operated under the license

SDCL 35-2-6.3

No license may be reissued or transferred until all municipal and state sales and use tax incurred by the licensee have been paid and all property taxes which the licensee is liable for have been paid or are not delinquent. All taxes must be current, including unemployment tax.

SDCL 35-2-24

An alcohol licensee that violates any law or regulation governing licensees is subject to revocation or suspension of its alcohol license.

SDCL 35-2-10, 35-2-21

An alcohol licensee whose agents or employees **sell or serve alcohol to a person under the legal age** is subject to a mandatory civil penalty. The civil penalty is \$500 for a first offense within 24 months and is \$1,000 for a second offense within 24 months. The civil penalty is doubled if the agent or employee making the illegal sale has not been certified by an alcohol training program approved by the Department of Revenue. A third or subsequent violation subjects the licensee to revocation or suspension. A list of the approved alcohol training programs can be found on Revenue's website at <https://dor.sd.gov/businesses/taxes/alcohol/> at the bottom of the page.

SDCL 35-2-10.1

No retail licensee may allow alcoholic beverages to be sold, served, or consumed between the hours of 2:00 am and 7:00 am. Local ordinances may be more restrictive.

SDCL 35-4-81.2

**The sales tax license and any alcohol license MUST be in the same name.**

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