

2022 South Dakota Legislature

Senate Bill 101**AMENDMENT 101B FOR THE INTRODUCED BILL**

1 **An Act to revise provisions regarding the sale or service of alcoholic beverages by**
2 **persons under the age of twenty-one.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 35-4-79.4 be AMENDED:**

5 **35-4-79.4.** Notwithstanding the provisions of § 35-4-79, any on-sale or off-sale
6 licensee may permit persons eighteen years ~~old~~ or older to sell or serve alcoholic
7 beverages if less than fifty percent of the gross business transacted by the establishment
8 is from the sale of alcoholic beverages, or the licensee or an employee of the licensee that
9 is at least twenty-one years of age is on the premises when the alcoholic beverage is sold
10 or served. For the purposes of this section, the term, to sell or serve alcoholic beverages,
11 ~~does not include~~ includes tending bar or drawing, pouring, or mixing alcoholic beverages.
12 Any person tending bar or drawing, pouring, or mixing alcoholic beverages pursuant to
13 this section must be certified by a nationally recognized alcohol management program.

14 ~~Except as otherwise provided in this section, any on-sale or off-sale licensee in a~~
15 ~~second or third-class municipality may permit a person nineteen years or older, who is~~
16 ~~certified by a nationally recognized alcohol management program, to draw, pour, mix,~~
17 ~~serve, and sell alcoholic beverages if the licensee or an employee of the licensee that is~~
18 ~~at least twenty year years of age is on the premises when the alcoholic beverage is sold~~
19 ~~or served.~~

20 A violation of this section is a Class 2 misdemeanor.