



2026 South Dakota Legislature

House Bill 1236

Introduced by: **Representative Pourier**

1 **An Act to establish civil liability for furnishing alcohol to an obviously intoxicated**
2 **person.**

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

4 **Section 1. That § 35-4-78 be AMENDED:**

5 **35-4-78.** No licensee, or any employee or agent of a licensee, may sell, or serve
6 any alcoholic beverage to any person who is obviously intoxicated. A violation of this
7 section is a Class 1 misdemeanor.

8 ~~However, no licensee is civilly liable to any injured person or the injured person's~~
9 ~~estate for any injury suffered, including any action for wrongful death, or property damage~~
10 ~~suffered because of the intoxication of any person due to the sale or consumption of any~~
11 ~~alcoholic beverage in violation of the provisions of this section.~~