



## 2020 South Dakota Legislature

# House Bill 1081

HOUSE EDUCATION ENGROSSED

Introduced by: **Representative Reed**

1 **An Act to exempt from alcoholic beverage regulations certain uses of alcohol by**  
 2 **postsecondary institutions.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **35-1-14. Production and storage of alcoholic beverages--Postsecondary**  
 6 **institutions--Purposes--Exemptions--Prohibitions.**

7 As used in this section, the term, postsecondary institution, includes any  
 8 postsecondary institution, technical institute, or private college or university located within  
 9 this state.

10 A postsecondary institution may produce and securely store up to two hundred  
 11 gallons of distilled spirits, up to two hundred gallons of malt beverage, and up to two  
 12 hundred gallons of wine each year for purposes of research and offering bona fide  
 13 educational courses instructing students in the production and serving of distilled spirits,  
 14 malt beverage, or wine. A postsecondary institution is not deemed a manufacturer or  
 15 retailer under this title. Only students enrolled in a course, faculty, researchers, or  
 16 research participants directly involved in the purposes of this section may consume alcohol  
 17 produced under this section.

18 The production and storage of alcohol under this section is exempt from any  
 19 licensing required by this title, or any tax or fee imposed by this title. Any distilled spirits,  
 20 malt beverage, or wine produced under this section may only be consumed for classroom  
 21 instruction or research and may not be donated, sold, or offered for sale.

22 No person under age twenty-one may be a student in a course offered under this  
 23 section, nor may any person under the age of twenty-one consume distilled spirits, malt  
 24 beverage, or wine produced under this section. No person may, while consuming alcohol  
 25 as permitted by this section, have a blood alcohol content that is at or above 0.08 percent,  
 26 by weight.