



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR

March 9, 2023

KRISTI NOEM | GOVERNOR

The Honorable Larry Rhoden
President of the Senate
500 East Capitol Avenue
Pierre, SD 57501

Dear Mr. President and Members of the Senate,

I respectfully return to you Senate Bill 108 with my VETO. Senate Bill 108 is an Act to provide an educational exception to consumption prohibitions for person over eighteen years of age who are required to taste an alcoholic beverage as part of a course. This bill would enable underage South Dakotans to consume alcohol.

Senate Bill 108 raises several questions because of flawed language. While the intent may be different, nothing in this bill limits the sale, service, or consumption of alcohol to specific class locations or specific class times. SDCL 35-1-14 allows consumption of alcohol, but then section three attempts to permit taste but not consumption – this creates conflicting language. Such specifications are not necessary under current law, which keeps the drinking age at 21.

This flawed language creates potential loopholes that pose problems for law enforcement. Officers encountering underage students with alcohol on their breath or in their system must determine if this exception to underage drinking laws applies before writing a citation. We should respect the work of law enforcement by not needlessly making their jobs any tougher.

This legislation amends a statute that we created in 2020, which was carefully crafted to allow alcohol in these classes under a specific set of protections. I signed that legislation because of the key provision preventing students under the age of 21 from participating in courses that produced and consumed alcoholic beverages. To strike this provision after just a couple of years undermines the basic premise of that legislation. I ask the legislature to honor the intent of the 2020 legislative compromise allowing these classes to be created.

The sponsors have cited workforce as their reason for bringing this legislation. While I appreciate their acknowledgement that South Dakota has the strongest economy in the nation, I don't believe that allowing underage students to consume alcohol will solve specific workforce issues. Those industries have continued to grow and thrive, both before and after the legislation I signed only three years ago.

For these reasons, I oppose Senate Bill 108 and ask that you sustain my VETO.

Respectfully submitted,


Kristi Noem
Governor

CC: Hugh Bartels, Speaker of the House
Monae Johnson, Secretary of State