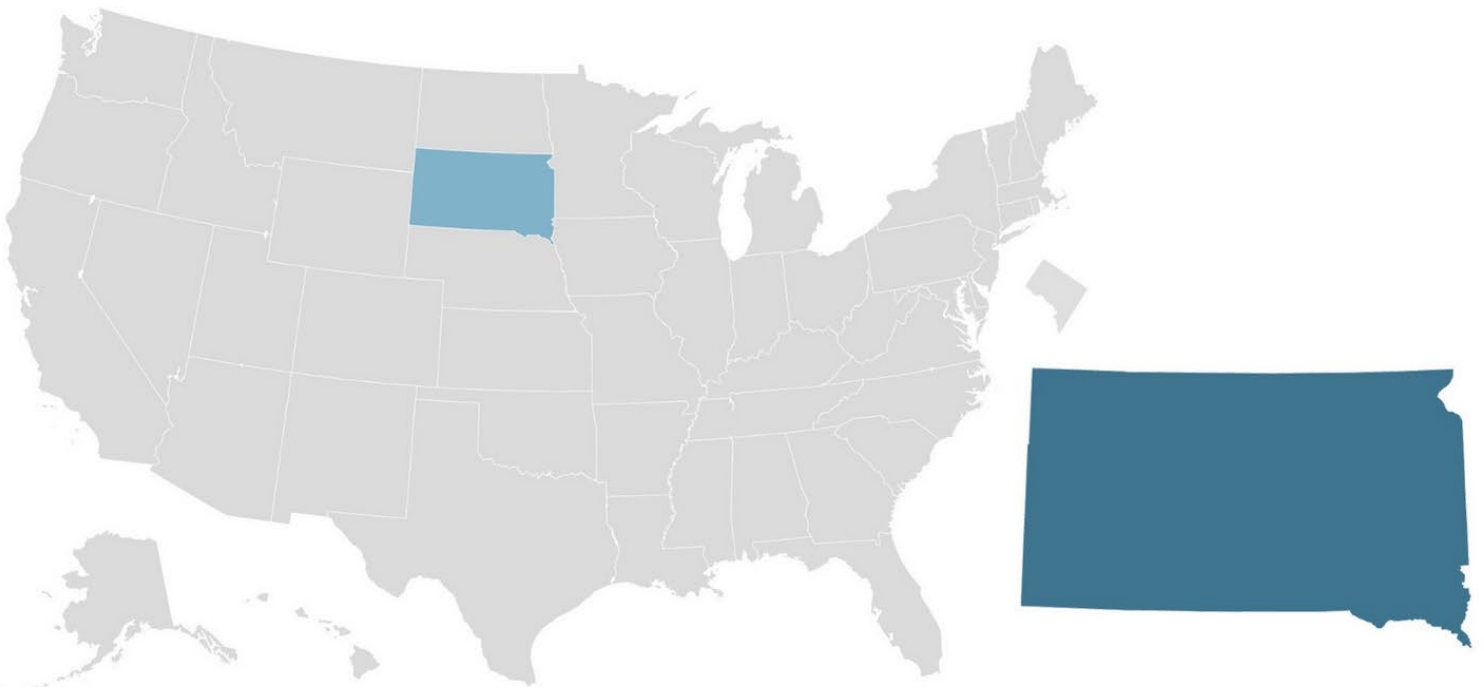




**SAMHSA**  
Substance Abuse and Mental Health  
Services Administration

**South Dakota**

# 2022 STATE REPORTS – UNDERAGE DRINKING PREVENTION AND ENFORCEMENT



**ICCPUD**

**THE INTERAGENCY COORDINATING COMMITTEE  
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

ICCPUD

This *State Report* is required by the Sober Truth on Preventing (STOP) Underage Drinking Act (Pub. L. 109-422), enacted by Congress in 2006 and reauthorized in December 2016 as part of the 21st Century Cures Act (Pub. L. 114-255). The STOP Act requires an annual report “on each State’s performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.” As directed by the STOP Act, the State Reports were prepared by the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD), chaired by Miriam Delphin-Rittmon, Ph.D., the Assistant Secretary for Mental Health and Substance Use, U.S. Department of Health and Human Services (HHS).

**Time Period Covered by this *State Report*:** This *State Report* primarily includes data from calendar year 2020 and 2021. Regional and state profile data were drawn from the most recently available federal survey data as of 2020. State legal data reflect the status of the law as of January 1, 2021. State survey data, collected in 2021, were drawn from the most recent 12-month period in which the states maintained the data.

**Source of Data:** For each state, overall population information was taken from 2010 Census data. Data about the portion of each state’s population comprising 12-to 20-year-olds, as well as facts about past-month alcohol use and binge use, were averaged from the 2017 through 2020 National Surveys on Drug Use and Health (NSDUH), SAMHSA’s Center for Behavioral Health Statistics and Quality (CBHSQ), and the NSDUH special data analysis (2021). Confidence intervals for these estimates are available from CBHSQ’s Division of Surveillance and Data Collection on request. The Centers for Disease Control and Prevention’s Alcohol-Related Disease Impact (ARDI) application (updated May 2022) served as the resource for data about alcohol-attributable deaths from 2015–2019 among youth under age 21. ARDI was also the source for state-level data on years of potential life lost as a result of underage alcohol-related fatalities. The National Center for Statistics and Analysis’s Fatality Analysis Reporting System (FARS) provided the 2020 data used to present statistics about fatalities among 15- to 20-year-old drivers. State legal policy data were obtained from the following sources: 1) the National Institute on Alcohol Abuse and Alcoholism’s Alcohol Policy Information System (APIS) website (<https://alcoholpolicy.niaaa.nih.gov/>); 2) legal research planned and managed by the ICCPUD.

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# SOUTH DAKOTA



THE INTERAGENCY COORDINATING COMMITTEE  
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)



## South Dakota

State Population: 892,717

Population Ages 12–20: 104,000

Past-Month Alcohol Use	
<b>Ages 12–20</b>	
Past-Month Alcohol Use – Number (Percentage)	20,000 (19.6%)
Past-Month Binge Alcohol Use – Number (Percentage)	15,000 (14.1%)
<b>Ages 12–14</b>	
Past-Month Alcohol Use – Number (Percentage)	1,000 (2.5%)
Past-Month Binge Alcohol Use – Number (Percentage)	0 (0.6%)
<b>Ages 15–17</b>	
Past-Month Alcohol Use – Number (Percentage)	5,000 (16.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	4,000 (11.0%)
<b>Ages 18–20</b>	
Past-Month Alcohol Use – Number (Percentage)	14,000 (41.1%)
Past-Month Binge Alcohol Use – Number (Percentage)	11,000 (31.6%)
<b>Adults Ages 21+</b>	
Past-Month Alcohol Use – (Percentage)	383,000 (62.4%)
Past-Month Binge Alcohol Use – (Percentage)	179,000 (29.2%)
Average Age of Initiation	
Average Age of Initiation	15.9
Alcohol-Attributable Deaths and Years of Potential Life Lost Under the Age of 21 <sup>1</sup>	
Alcohol-Attributable Deaths (under 21)	18
Years of Potential Life Lost (under 21)	999
Fatal Crashes Involving a 15- to 20-Year-Old Driver With Blood Alcohol Concentration (BAC) > 0.01% <sup>2</sup>	
Number of Fatalities Involving 15- to 20-Year-Old Driver With BAC > 0.01%	5
Percentage of All Fatal Crashes Involving a 15- to 20-Year-Old Driver	29%

<sup>1</sup> The Alcohol-Related Disease Impact Application was updated May 2022 to reflect new methodology for calculating the average annual alcohol-attributable deaths, and it reflects national and state annual averages from 2015–2019.

<sup>2</sup> Alcohol-related fatalities are estimates derived from a sophisticated statistical procedure. The estimates are rounded to the nearest whole number; however, percentages as displayed are calculated from the unrounded estimates and may not equal those calculated from the rounded estimates. Totals may not equal the sum of components due to independent rounding.



## Behavioral Health Overview<sup>1</sup>

The Department of Social Services is organized into five distinct categories: Behavioral Health Services, Medical Services, Children and Family Services, Legal Services, and the Secretariat. The Management Team was created to include the Chief Financial Officer, Director of Legal Services, Communications Administrator, Chief of Behavioral Health, Director of Medical Services, Chief of Children and Family Services and the Deputy Secretary.

The Deputy Secretary also serves as the Chief of Operations who oversees the operational needs of the Department and provides oversight for the new Office of Licensing and Accreditation. This office oversees the licensing and accreditation of family foster homes; child placement agencies; shelter care facilities; group care centers for minors; residential treatment centers; intensive residential treatment centers; independent living preparation programs; registration and licensure of family child care homes; group family child care homes; day care centers; before and after school programs; and accreditation of substance use disorder inpatient and outpatient treatment providers; community mental health centers; and prevention programs.

The Division of Behavioral Health ensures children and adults with mental health and substance use disorders in South Dakota communities can choose and receive effective services needed to promote resilience and recovery. The Human Services Center, the Division of Behavioral Health and Office of Prevention and Crisis Services falls within the Division of Behavioral Health. The Office of Prevention and Crisis Services ensures youth and young adults are provided community-based substance use prevention services as well as suicide prevention and crisis services to educate, empower and promote healthy lifestyles.

Substance use disorder treatment services are provided by community-based agencies spread throughout the State of South Dakota. Services include outpatient, intensive outpatient, day treatment, medically monitored intensive inpatient treatment, clinically managed low intensity residential treatment, clinically managed residential detoxification, and specialty programs including intensive methamphetamine treatment and treatment for pregnant and parenting women.

Substance use prevention services are provided by prevention providers who tailor their prevention efforts around the needs of their community, using effective community-based, school-based and/or individual evidence-based programs. South Dakota has three prevention resource centers which provide regional support to students, parents, educators, community groups, community agencies, law enforcement and others interested in prevention resource materials or support.

Community-based mental health services are provided by 11 private, non-profit Community Mental Health Centers (CMHCs). Each CMHC is governed by a local Board of Directors and each CMHC is responsible for providing services in a specific geographic service area. Primary populations include adults with serious mental illness and children with serious emotional

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<sup>1</sup> Extracted from fiscal year (FY) 2022/2023 – (South Dakota) State Behavioral Health Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Planning Step One. Assess the strengths and needs of the service system to address the specific populations.

disturbances and their families, including those with co-occurring mental health and substance use disorders.

In addition, The Division of Behavioral Health provides mental health and substance use disorder services to adult offenders incarcerated by the Department of Corrections. The Resource Coordination Program connects inmates to community-based services upon their release. Community-based services are made available statewide for justice involved youth and adults through contracts with community provider

## Prevention

The Office of Prevention and Crisis Services oversees the statewide substance use prevention system, maintaining expenditures of not less than 20% of the Substance Abuse Prevention and Treatment Block Grant. South Dakota is divided into three main regions that three Prevention Resource Centers (PRCs) serve, ensuring coverage to all 66 counties of the state. The six identified primary prevention strategies are:

1. *Information Dissemination*: PRCs and prevention providers are responsible for providing knowledge and increasing awareness of the nature and extent of substance use, addiction and the effects on individuals, families, and communities.
2. *Education*: contracted prevention providers provide school-based substance use prevention programming.
3. *Community Based*: contracted prevention providers provide the following services:
  - Building and sustaining substance use prevention coalitions.
  - Creating local needs assessments as well as an individual strategic plan.
  - Providing resources to communities related to substance use and/or abuse.
4. *Environmental*: Contracted prevention providers provide the following services:
  - Assisting with the development and review of local substance use policies within their communities.
  - Assisting communities to maximize enforcement procedures related to the availability and distribution of substances.
5. *Alternatives*: The Office of Prevention and Crisis Services supports the development and operation of community sponsored substance free events for youth through contracted prevention providers.
6. *Problem Identification and Referral*: The Office of Prevention and Crisis Services contracts with prevention providers to offer structured prevention programming for high risk youth. These programs serve individuals identified at risk of developing a substance use disorder.

The Office of Prevention and Crisis Services contracts with 21 substance use prevention providers to provide prevention programming in the state of South Dakota. Substance use prevention focuses on helping people develop the knowledge, attitude, and skills they need to make good choices about harmful behaviors of substance misuse or abuse. Each substance use prevention provider tailors their prevention efforts around the needs of their community, using effective community-based, school-based and/or individual evidence-based programs.

School-based programming focuses on classroom presentations, early identification, screening, and referral to services. Community-based programming focuses on establishing or changing community standards, policies, and attitudes towards substance use. Individual-based

programming focuses on targeted interventions to high-risk individuals to reduce the likelihood of developing a substance use disorder.

## Treatment

As of April 2021, there are 44 substance use disorder treatment programs accredited by the Office of Licensure and Accreditation. The Division of Behavioral Health (DBH) contracts with 34 of them. The broad spectrum of services includes:

- Early intervention
- Outpatient services (early intervention, outpatient treatment and intensive outpatient treatment)
- Day treatment
- Clinically managed residential detoxification
- Clinically managed low intensity residential services
- Medically monitored intensive inpatient treatment
- Pregnant women and women with dependent children services
- Intensive Methamphetamine treatment

Any individual with a co-occurring disorder related to the client’s primary substance use disorder may utilize block grant dollars if indigent funding requirements are met. Eleven accredited/contracted substance use disorder treatment agencies receive state funding from lottery and gaming revenue to specifically target individuals with a primary gambling disorder.

## Expenditures for Substance Abuse Prevention and Treatment

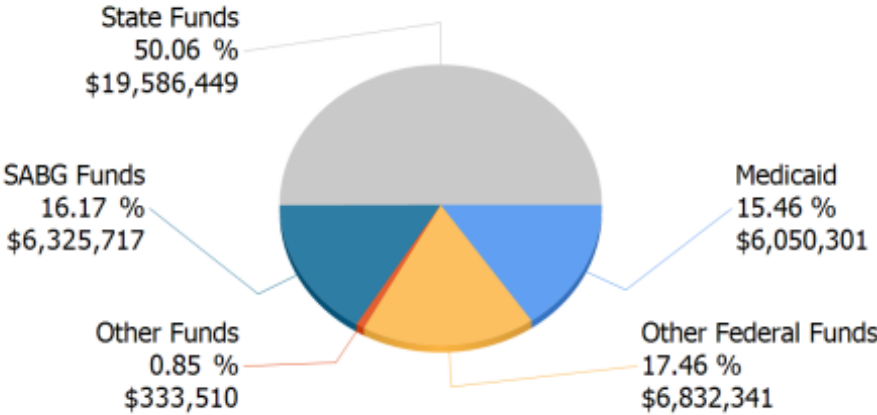
All states receive federal funds for substance abuse prevention through SABG funds administered by the Substance Abuse and Mental Health Administration (SAMHSA). Exhibit 1 shows the sources that South Dakota used for expenditures on substance abuse prevention and treatment in 2021. As indicated, state funds and other federal funds account for the largest sources (50.06 percent and 17.46 percent, respectively).<sup>2</sup>

States submit Behavioral Assessment and Plan reports that include their priorities for use of SABG funds, as well as planned expenditures. For FY 2022–2023, South Dakota did not designate preventing underage alcohol use as a priority for use of SABG funds.<sup>3</sup>

<sup>2</sup> WebBGAS State Profile, 2021 SABG and Community Mental Health Block Grant (MHBG) Reports – South Dakota 2021.

<sup>3</sup> FY 2022/2023 – (South Dakota) State Behavioral Assessment and Plan, SABG, CSAP, Division of State Programs, Center for Substance Abuse Treatment, Division of State and Community Assistance: Table 1: Priority Areas and Annual Performance Indicators.

**Exhibit 1: Sources of South Dakota’s FY20 Expenditures for Substance Abuse Prevention and Treatment**





## State Performance: Laws, Enforcement, and Programs

As mandated by the STOP Act, this report details South Dakota's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. The following sections address these measures:

***State Laws and Policies:*** These underage drinking prevention policies have been identified as best practices (or as promising practices suitable for ongoing evaluation) and fall into six categories:

- underage possession or purchase of alcohol
- underage drinking and driving
- alcohol availability
- sales and delivery to consumers at home
- alcohol pricing
- enforcement policies

***STOP Act State Survey Data:*** The STOP Act requires annual reporting of data from the 50 states and the District of Columbia on their performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking. Administered since 2011, the STOP Act State Survey collects data on the following topics:

- enforcement programs to promote compliance with underage drinking laws and regulations
- programs targeted to youth, parents, and caregivers to deter underage drinking
- state interagency collaborations to implement prevention programs, best-practice standards, collaborations with tribal governments, and participation in underage drinking media campaigns
- state expenditures on the prevention of underage drinking

## Underage Possession or Purchase of Alcohol

South Dakota-Underage Possession	
Is underage possession of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> <li>• Is possession allowed if parent or guardian is present or consents?</li> <li>• Is possession allowed if spouse is present or consents?</li> </ul>	Yes Yes
Is there an exception based on location?	No

South Dakota-Underage Consumption	
Is underage consumption of alcoholic beverages prohibited?	Yes
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> <li>• Is consumption allowed if parent or guardian is present or consents?</li> <li>• Is consumption allowed if spouse is present or consents?</li> </ul>	Yes Yes
Is there an exception based on location?	No

South Dakota (3675)-Underage Internal Possession	
Is underage internal possession of alcoholic beverages prohibited?	No law
Are there exceptions based on family relationships?	
<ul style="list-style-type: none"> <li>• Is internal possession allowed if parent or guardian is present or consents?</li> <li>• Is internal possession allowed if spouse is present or consents?</li> </ul>	N/A N/A
Is there an exception based on location?	N/A

South Dakota-Underage Purchase and Attempted Purchase	
Is the purchase of alcoholic beverages prohibited?	Yes
May youth purchase for law enforcement purposes?	No

South Dakota-Underage False Identification for Obtaining Alcohol	
Provisions Targeting Minors	
Is the use of false identification (ID) prohibited?	Yes
Does the use of a false ID result in minor's driver's license suspension?	Yes, through a judicial process

Provisions Targeting Suppliers	
Is the lending or transferring or selling of a false ID prohibited?	No
Is the production of a false ID in the context of underage alcohol sales specifically prohibited?	No
Retailer Support Provisions	
Is there an incentive for the retailer to use electronic scanners for information digitally encoded on valid IDs?	No
Do state statutes or regulations mandate that state driver's licenses for persons under 21 be easily distinguishable from licenses for persons 21 and over?	No
May the retailer seize apparently false IDs without fear of prosecution even if the ID is ultimately deemed valid?	No
Does an affirmative defense exist for the retailer?	Yes
<ul style="list-style-type: none"> <li>Is it a specific affirmative defense (retailer reasonably believed ID was valid after examining it)?</li> </ul>	Yes
<ul style="list-style-type: none"> <li>Is it a general affirmative defense (retailer reasonably believed purchaser was over 21)?</li> </ul>	No
Does the retailer have the right to sue the minor for use of a false ID?	No
May the retailer detain a minor who used a false ID?	Yes

### Underage Drinking and Driving

South Dakota-Youth Blood Alcohol Concentration Limits (Underage Operators of Noncommercial Motor Vehicles)	
What is the maximum blood alcohol concentration (BAC) limit for an underage driver of a motor vehicle?	0.02
Does a BAC level in excess of limit automatically establish a violation (per se violation)?	Yes
What is the minimum age to which the limit applies?	0
What is the maximum age to which the limit applies?	21
South Dakota-Loss of Driving Privileges for Alcohol Violations by Minors ("Use/Lose" Laws)	
Is there a "use/lose" law that suspends or revokes a minor's driving privileges for alcohol violations?	Yes

What types of violation lead to license suspension or revocation?	
• Purchase of alcohol	Yes
• Possession of alcohol	Yes
• Consumption of alcohol	Yes
The law applies to people under what age?	21
Is suspension or revocation mandatory or discretionary?	Discretionary
What is the length of suspension/revocation?	
Minimum number of days	30
Maximum number of days	365

South Dakota-Graduated Driver's Licenses	
<b>Learner Stage</b>	
What is the minimum age for permit to drive with parents, guardians or other adults (other than instructors)?	14
What is the minimum number of months driver must hold learner permit before advancing to intermediate stage?	6 with driver education; 9 months without
What is the minimum number of hours of driving with parents, guardians or adults before advancing to intermediate stage?	50 (10 of which must be at night and 10 of which must be in inclement weather)
<b>Intermediate Stage</b>	
What is the minimum age for driving without adult supervision?	14 years, 3 months
For night driving, when does adult supervision requirement begin?	10:00 PM
Can law enforcement stop a driver for night driving violation as a primary offense?	Yes
Are there restrictions on passengers?	No
Can law enforcement stop driver for violation of passenger restrictions as a primary offense?	N/A
<b>License Stage</b>	
What is the minimum age for full license privileges and lifting of restrictions?	16

### Alcohol Availability

South Dakota-Furnishing Alcohol to Minors	
Is furnishing of alcoholic beverages to minors prohibited?	Yes
Are there exceptions based on family relationships?	
• Is furnishing allowed if the parent or guardian supplies the alcohol?	Yes

• Is furnishing allowed if the spouse supplies the alcohol?	Yes
Is there an exception based on location?	No
<b>Affirmative Defense for Sellers and Licensees</b>	
Does law require seller/licensee to be exonerated of furnishing to a minor if the minor has not been charged?	No

<b>South Dakota-Responsible Beverage Service (RBS)—Voluntary</b>	
Is there a state law pertaining to Beverage Service Training?	Yes, voluntary
If training is mandatory, who must participate?	N/A
If training is voluntary, which of the following incentives are offered?	
• Defense in dram shop liability lawsuits	No
• Discounts in dram shop liability insurance, license fees, or other	No
• Mitigation of fines or other administrative penalties for sales to minors or intoxicated persons	Yes
• Protection against license revocation for sales to minors or sales to intoxicated persons	No
Does the RBS law apply to on-premises establishments (such as bars and restaurants) or off-premises establishments (such as liquor stores)?	Both
Does the RBS law apply to new or existing licensees?	Both

<b>South Dakota-Minimum Ages for Sellers of Alcohol – Off-Premises (i.e., Liquor Stores)</b>	
What is the minimum age requirement for off-premises retail establishments?	
Beer	18
Wine	18
Spirits	18
Does a manager or supervisor have to be present when an underage person is selling beverages?	No
Notes: An off-sale licensee may permit persons 18 years old or older to sell alcoholic beverages if less than 50 percent of its gross business transacted is from alcoholic beverage sales or the licensee or an employee that is at least 21 years of age is on the premises when the alcoholic beverage is sold.	

<b>South Dakota-Minimum Age for Alcohol Servers and Bartenders – On-Premises (i.e., Restaurants and Bars)</b>	
What is the minimum age requirement for servers in on-premises establishments?	
Beer	18

Wine	18
Spirits	18
What is the minimum age requirement for bartenders in on-premises establishments?	
Beer	21
Wine	21
Spirits	21
Does a manager or supervisor have to be present when an underage person is selling beverages?	No

#### South Dakota-Distance Limitations Applied to New Alcohol Outlets Near Universities, Colleges, and Primary and Secondary Schools

<b>Colleges and Universities</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	Yes, but no license on campus.
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	Yes, but no license on campus.
To which alcohol products does requirement apply?	Beer, wine, and spirits
Notes: An alcoholic beverage or special events license may be issued by the Board of Regents for periodic sale of beer or wine for consumption at a site that involves the performing arts, intercollegiate athletics, fund raising, a reception, or conference.	
<b>Primary and Secondary Schools</b>	
Is there a distance requirement for off-premises outlets (i.e., liquor stores)?	No
Is there a distance requirement for on-premises outlets (i.e., restaurants and bars)?	No
To which alcohol products does requirement apply?	N/A

#### South Dakota-Dram Shop Liability

Does a statute create dram shop liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A
Does the statute limit elements or standards of proof?	N/A
Does common law dram shop liability exist?	No

#### South Dakota-Social Host Liability

Does a statute create social host liability?	No
Does the statute limit damages that may be recovered?	N/A
Does the statute limit who may be sued?	N/A

Does the statute limit elements or standards of proof?	N/A
Does common law social host liability exist?	No

South Dakota-Prohibitions Against Hosting Underage Drinking Parties	
Does a statute prohibit hosting underage drinking parties?	Yes
Is the statute specific to underage parties, or a general prohibition against permitting underage drinking on the property?	Specific
What action by underage guest triggers a violation?	Consumption
Property type covered by the law?	Residential/outdoor/other
What level of knowledge by the host is required?	Knowledge (Host must have actual knowledge of party)
Does host's preventive action protect him/her from being held liable?	Yes
Are there any exceptions for underage guests?	No
Notes: The "preventive action" provision in South Dakota allows the defendant to avoid criminal liability by establishing, as an affirmative defense, that immediately upon learning of the illegal consumption, he or she took action to stop the illegal consumption and to secure the contraband alcoholic beverages.	

South Dakota-Keg Registration	
How is a keg defined (in gallons)?	8.00 or 16.00
Prohibitions	
Is it illegal to possess an unregistered or unlabeled keg and if so, what is the penalty?	No
Is it illegal to destroy the label on a keg, and if so, what is the penalty?	No
What purchaser information is collected?	
Must the retailer collect the name and address?	Yes
Must the retailer collect the ID number, name and address on license or other government information?	No
Must the retailer collect the address at which keg will be consumed?	No
Must warning information be given to purchaser?	Not required
Is a deposit required?	No
Does law cover disposable kegs?	No
Notes: A "keg" is defined as an 8- or 16-gallon reusable plastic or metal container.	

South Dakota-High-Proof Grain Alcohol Beverages	
Are there restrictions on the sale of high-proof grain alcohol beverages?	No
Are restrictions based on Alcohol by Volume (ABV)?	N/A
Are there exceptions to restrictions?	N/A

### Sales and Delivery to Consumers at Home

South Dakota-Retailer Interstate Shipments of Alcohol	
Are out-of-state retailers prohibited from sending interstate shipments to in-state consumers?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

South Dakota-Direct Shipments/Sales	
May alcohol producers ship directly to consumers?	Yes
What alcohol types may be shipped?	Wine
Must purchaser make mandatory trip to producer before delivery is authorized?	No
Age verification requirements	
Must the producer/shipper verify purchaser's age before sale?	Yes
Must the common carrier (deliverer) verify age of recipients?	Yes
State approval/permit requirements	
Must the producer/manufacture obtain state license or permit?	Yes
Must the common carrier (deliverer) be approved by a state agency?	Yes
Recording/reporting requirements	
Must the producer/manufacture record/report purchaser's name?	Yes
Must the common carrier (deliverer) record/report recipient's name?	Yes
Shipping label requirements	
Must the label state "Package contains alcohol"?	Yes
Must the label state "Recipient must be 21 years old"?	Yes



South Dakota-Home Delivery	
Is home delivery of alcohol permitted?	
Beer	Prohibited
Wine	Prohibited
Spirits	Prohibited

South Dakota- Direct to Consumer	
Is there a policy allowing on-premises retailers to deliver alcohol to a consumer at home?	No
Which on-premises retailers can provide delivery of alcoholic beverages? <ul style="list-style-type: none"> <li>• Restaurant</li> <li>• Bar license</li> <li>• Third party license</li> </ul>	N/A N/A N/A
Which types of alcohol are permitted to be delivered? <ul style="list-style-type: none"> <li>• Beer</li> <li>• Wine</li> <li>• Spirits</li> <li>• Mixed Drinks</li> </ul>	N/A N/A N/A N/A
Requirements and Restrictions	
Are there restrictions in place addressing details of the delivery? <ul style="list-style-type: none"> <li>• Hours limited</li> <li>• Amount of alcohol limited</li> <li>• Food requirement</li> </ul>	N/A N/A N/A
Are there certain requirements that the delivery person must meet? <ul style="list-style-type: none"> <li>• Must be 21</li> <li>• Must check ID at point of delivery</li> <li>• Must receive payment regardless of delivery completion</li> </ul>	N/A N/A N/A

## Alcohol Pricing

South Dakota-Alcohol Taxes	
Beer	
Control system for beer?	No
Specific excise tax per gallon for 5% alcohol beer	\$0.27

Ad valorem excise tax (for on-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 5% alcohol beer	
Wholesale tax rate (if applicable)	
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 3.2 – 6% alcohol beer if applicable	
<b>Wine</b>	
Control system for wine?	No
Specific excise tax per gallon for 12% alcohol wine	\$0.93
Ad valorem excise tax (for on-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	2.00%
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 12% alcohol wine	
Wholesale tax rate (if applicable)	2.00%
Retail tax rate (if applicable)	

If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 6 – 14% alcohol wine if applicable	
<b>Spirits</b>	
Control system for spirits?	No
Specific excise tax per gallon for 40% alcohol spirits	\$3.93
Ad valorem excise tax (for on-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	2.00%
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Ad valorem excise tax (for off-premises sales) on total receipts for 40% alcohol spirits	
Wholesale tax rate (if applicable)	2.00%
Retail tax rate (if applicable)	
If retail tax rate applies, is there an exemption from general sales tax?	No
<ul style="list-style-type: none"> <li>• General sales tax rate</li> </ul>	Not relevant
<ul style="list-style-type: none"> <li>• Sales tax adjusted retail tax rate (the retail tax minus the general sales tax, where there is an exemption from the general sales tax)</li> </ul>	Not relevant
Additional taxes for 15 – 50% alcohol spirits if applicable	

#### South Dakota-Low-Price, High-Volume Drink Specials

Are on-premises retailers prohibited from offering the following types of drink specials?	
Free beverages	No
Multiple servings at one time	No

Multiple servings for same price as single serving	No
Reduced price for a specified day or time (i.e., happy hours)	No
Unlimited beverages for fixed price	No
Increased volume without increase in price	No

South Dakota-Wholesaler Pricing Restrictions	
<b>Beer</b>	
Are volume discounts to retailers allowed?	None
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	Yes, no sales below cost
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	No
<b>Wine</b>	
Are volume discounts to retailers allowed?	None
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	Yes, no sales below cost
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post (10 days minimum hold only if price amended to match a competitor's post down)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days maximum)
<b>Spirits</b>	
Are volume discounts to retailers allowed?	None
Must wholesalers establish a minimum markup or maximum discount for each product sold to retailers?	Yes, no sales below cost
Must wholesalers publicly post and hold (i.e., not reduce) prices for a set period of time?	Post (10 days minimum hold only if price amended to match a competitor's post down)
Is wholesaler permitted to extend credit to retailer and if so, what is the maximum time period?	Yes (30 days maximum)

## Enforcement Policies

South Dakota-Compliance Check Protocols	
Does the state have a written protocol for when an underage decoy is used in compliance checks?	No
What is the minimum age a decoy may be to participate in a compliance check?	N/A
What is the maximum age a decoy may be to participate in a compliance check?	N/A
Are there appearance requirements for the decoy?	N/A
Does decoy carry ID during compliance check?	N/A
May decoy verbally exaggerate his or her actual age?	N/A
Is decoy training mandated, recommended, prohibited, or not specified?	N/A

South Dakota-Penalty Guidelines for Sales to Minors	
Are there written guidelines for penalties that are imposed on retailers for furnishing to a minor?	No data
What is the time period for defining second, third, and subsequent offenses?	N/A
What is the penalty for the first offense?	N/A
What is the penalty for the second offense?	N/A
What is the penalty for the third offense?	N/A
What is the penalty for the fourth offense?	N/A

## South Dakota State Survey Responses

State Agency Information	
<i>Agency with primary responsibility for enforcing underage drinking laws:</i>	
Department of Revenue	
Enforcement Strategies	
<i>State law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	Yes
<i>Local law enforcement agencies use:</i>	
Cops in Shops	No
Shoulder Tap Operations	No
Party Patrol Operations or Programs	No
Underage Alcohol–Related Fatality Investigations	No
<i>State has a program to investigate and enforce direct sales/shipment laws</i>	Yes
Primary state agency responsible for enforcing laws addressing direct sales/shipments of alcohol to minors	Department of Revenue
Such laws are also enforced by local law enforcement agencies	Yes
Enforcement Statistics	
<i>State collects data on the number of minors found in possession</i>	Yes
Number of minors found in possession <sup>1</sup> by state law enforcement agencies	186
Number pertains to the 12 months ending	12/31/2020
Data include arrests/citations issued by local law enforcement agencies	No
<i>State conducts underage compliance checks/decoy operations<sup>2</sup> to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	No
Data are collected on these activities	No
Number of retail licensees in state <sup>3</sup>	4,978
Number of licensees checked for compliance by state agencies (including random checks)	Not applicable
Number of licensees that failed state compliance checks	Not applicable
Numbers pertain to the 12 months ending	Not applicable
Compliance checks/decoy operations conducted at on-sale, off-sale, or both retail establishments	Not applicable
<i>State conducts random underage compliance checks/decoy operations</i>	Not applicable
Number of licensees subject to random state compliance checks/decoy operations	Not applicable
Number of licensees that failed random state compliance checks	Not applicable
<i>Local agencies conduct underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors</i>	Yes
Data are collected on these activities	Yes
Number of licensees checked for compliance by local agencies	96
Number of licensees that failed local compliance checks	14
Numbers pertain to the 12 months ending	12/31/2020
Sanctions	
<i>State collects data on fines imposed on retail establishments that furnish to minors</i>	Yes
Number of fines imposed by the state <sup>4</sup>	12
Total amount in fines across all licensees	\$11,500
Smallest fine imposed	\$500
Largest fine imposed	\$2,000
Numbers pertain to the 12 months ending	12/31/2020

<i>State collects data on license suspensions imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of suspensions imposed by the state <sup>5</sup>	0
Total days of suspensions across all licensees	0
Shortest period of suspension imposed (in days)	0
Longest period of suspension imposed (in days)	0
Numbers pertain to the 12 months ending	12/31/2020
<i>State collects data on license revocations imposed on retail establishments specifically for furnishing to minors</i>	Yes
Number of license revocations imposed <sup>6</sup>	0
Numbers pertain to the 12 months ending	12/31/2020

#### Additional Clarification

No data

<sup>1</sup> Or having consumed or purchased per state statutes.

<sup>2</sup> Underage compliance checks/decoy operations to determine whether alcohol retailers are complying with laws prohibiting sales to minors.

<sup>3</sup> Excluding special licenses such as temporary, seasonal, and common carrier licenses.

<sup>4</sup> Does not include fines imposed by local agencies.

<sup>5</sup> Does not include suspensions imposed by local agencies.

<sup>6</sup> Does not include revocations imposed by local agencies.

#### Underage Drinking Prevention Programs Operated or Funded by the State

##### South Dakota Substance Use Prevention Programming

Number of youth served	32,419
Number of parents served	N/A
Number of caregivers served	N/A
Program has been evaluated	Yes
Evaluation report is available	No
URL for evaluation report:	Not applicable
URL for more program information:	<a href="https://dss.sd.gov/form/sandpubs/docs/BH/SUD_Prev_flyer.pdf">https://dss.sd.gov/form/sandpubs/docs/BH/SUD_Prev_flyer.pdf</a>

**Program Description:** The state of South Dakota funds substance use prevention programming with the use of federal dollars through Substance Abuse Prevention and Treatment (SAPT) Block Grant and state general funds. The state contracts with accredited prevention providers to provide school- and community-based primary prevention programming targeting underage alcohol and illicit drug use. Prevention providers provide a variety of interventions, including community awareness, classroom-based programming such as LifeSkills or Project Success, environmental strategies to reduce youth access to alcohol, alternative activities, and early identification and intervention for youth identified at risk for a Substance Use Disorder (SUD).

#### Additional Underage Drinking Prevention Programs Operated or Funded by the State

No data

#### Additional Clarification

No data

#### Additional Information Related to Underage Drinking Prevention Programs

<i>State collaborates with federally recognized tribal governments in the prevention of underage drinking</i>	Yes
Description of collaboration: The State contracts with two prevention providers who provide substance use prevention programming on two federally recognized reservations in South Dakota.	
<i>State has programs to measure and/or reduce youth exposure to alcohol advertising and marketing</i>	No
Description of program: Not applicable	
<i>State collaborates with/participates in media campaigns to prevent underage drinking</i>	No
Federal campaigns:	Not applicable

Regional and local media campaigns:	Not applicable
Local school district efforts:	Not applicable
Other:	Not applicable
<i>State collaborates with/participates in SAMHSA’s national media campaign, “Talk. They Hear You.”</i>	Not applicable
State officially endorses TTHY efforts	Not applicable
State commits state resources for TTHY	Not applicable
State forwards TTHY materials to local areas	Not applicable
Other: Not applicable	Not applicable
<i>State procures funding for TTHY</i>	Not applicable
Pro bono	Not applicable
Donated air time	Not applicable
Earned media	Not applicable
Other:	Not applicable
<i>State has adopted or developed best practice standards for underage drinking prevention programs</i>	Yes
Agencies/organizations that established best practices standards:	
Federal agency(ies): SAMHSA	Yes
Agency(ies) within your state: Department of Social Services	Yes
Nongovernmental agency(ies):	No
Other:	No
Best practice standards description: South Dakota has identified evidence-based programs that are relevant to the cultural and racial composition of the state's youth and young adult population. The state provides funding to implement these evidence-based programs in communities and reservations in South Dakota through regional and local prevention providers. The state also requires the use of the Strategic Prevention Framework (SPF) by each contracted prevention provider.	
<b>Additional Clarification</b>	
No data	
<b>State Interagency Collaboration</b>	
<i>A state-level interagency governmental body/committee exists to coordinate or address underage drinking prevention activities</i>	No
<i>Committee contact information:</i>	
Not applicable	
<i>Agencies/organizations represented on the committee:</i>	
Not applicable	
<i>A website or other public source exists to describe committee activities</i>	Not applicable
URL or other means of access: Not applicable	
<b>Underage Drinking Reports</b>	
<i>State has prepared a plan for preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Plan can be accessed via: Not applicable	
<i>State has prepared a report on preventing underage drinking in the last 3 years</i>	No
Prepared by: Not applicable	
Report can be accessed via: Not applicable	
<b>Additional Clarification</b>	
No data	
<b>State Expenditures for the Prevention of Underage Drinking</b>	
<i>Compliance checks in retail outlets:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available



<i>Checkpoints and saturation patrols:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Community-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>K–12 school-based programs to prevent underage drinking:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs targeted to institutes of higher learning:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the juvenile justice system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Programs that target youth in the child welfare system:</i>	
Estimate of state funds expended	Data not available
Estimate based on the 12 months ending	Data not available
<i>Other programs:</i>	
Programs or strategies included:	Data not available
Estimate of state funds expended:	Data not available
Estimate based on the 12 months ending:	Data not available
<b>Funds Dedicated to Underage Drinking</b>	
<i>State derives funds dedicated to underage drinking from the following revenue streams:</i>	
Taxes	No data
Fines	No data
Fees	No data
Other: No data	No data
<i>Description of funding streams and how they are used:</i>	
No data	
<b>Additional Clarification</b>	
No data	





**THE INTERAGENCY COORDINATING COMMITTEE  
ON THE PREVENTION OF UNDERAGE DRINKING (ICCPUD)**

ICCPUD