

## 2022 South Dakota Legislature

**Senate Bill 101****AMENDMENT 101A 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 tending bar or drawing, pouring, or mixing alcoholic beverages.

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

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