

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

275N0761

HOUSE BILL NO. 1309

Introduced by: Representatives Peters and Wick and Senator McNenny

1 FOR AN ACT ENTITLED, An Act to increase the penalty for selling or giving an alcoholic
2 beverage to certain persons under the age of twenty-one.

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

4 Section 1. That § 35-9-1 be amended to read as follows:

5 35-9-1. It is a Class 1 misdemeanor to sell or give for use as a beverage any alcoholic
6 beverage to any person under the age of eighteen years unless:

7 (1) It is done in the immediate presence of a parent or guardian or spouse, who is at least
8 twenty-one years of age, while not on the premises of an establishment licensed for
9 the retail sale of alcoholic beverages pursuant to § 35-4-2 or at a special event for
10 which an alcoholic beverage license has been issued pursuant to § 35-4-11.4; or

11 (2) It is done by prescription or direction of a duly licensed practitioner or nurse of the
12 healing arts for medicinal purposes.

13 If a violation of this section is a contributing factor in a person's death, the person violating
14 this section is guilty of a Class 6 felony.

15 Section 2. That § 35-9-1.1 be amended to read as follows:

16 35-9-1.1. It is a ~~Class 2~~ Class 1 misdemeanor to sell or give for use as a beverage any



1 alcoholic beverage to any person who is eighteen years of age or older but less than twenty-one
2 years of age unless it is done in the immediate presence of a parent or guardian or spouse over
3 twenty-one years of age or by prescription or direction of a duly licensed practitioner or nurse
4 of the healing arts for medicinal purposes. If a violation of this section is a contributing factor
5 in a person's death, the person violating this section is guilty of a Class 6 felony.