

AN ACT

ENTITLED, An Act to prohibit a social host from permitting the underage consumption of alcoholic beverages on the social host's premises and to provide penalties therefor.

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

Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

No person, acting as a social host, may, knowingly, permit any person under the age of eighteen to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on or at the premises of the person acting as social host. Any violation of this section is a Class 1 misdemeanor.

Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

No person, acting as a social host, may, knowingly, permit any person aged eighteen, nineteen, or twenty to illegally consume any alcoholic beverage, regardless of the source of the alcoholic beverage, on or at the premises of the person acting as social host. Any violation of this section is a Class 2 misdemeanor.

Section 3. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

It is a defense against a conviction for a violation of sections 1 and 2 of this Act that, immediately upon learning of the illegal consumption, the social host or an agent of the social host took effective and appropriate action to stop the illegal consumption and to secure or to attempt to secure the contraband alcoholic beverages.

Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

It is not a defense of a violation of sections 1 and 2 of this Act that the social host was not physically present on or at the premises if the social host knew that illegal consumption of alcoholic beverages would occur in his or her absence.

Section 5. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as follows:

For purposes of this Act, the term, social host, means anyone who hosts a social gathering and knowingly condones the illegal consumption of alcohol by underage persons on property that the host controls.

An Act to prohibit a social host from permitting the underage consumption of alcoholic beverages on the social host's premises and to provide penalties therefor.

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I certify that the attached Act originated in the

SENATE as Bill No. 163

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 163  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State