

Age of servers & legal time to serve: state law effective July 1, 2010

compiled by the South Dakota Retailers Association in conjunction with the South Dakota Department of Revenue

License	Serving days and times*	Age of servers
<ul style="list-style-type: none"> ● PB: Off-sale malt beverage §35-4-2(17) 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Seven days a week, including Sundays. <u>Memorial Day:</u> Yes <u>Christmas Day:</u> Yes</p>	<ul style="list-style-type: none"> ● <u>If the sale of alcoholic beverages constitutes less than fifty percent of the gross business transacted by the establishment</u>, the minimum age to sell alcoholic beverages is 18. There is no requirement to have an employee age 21 or older on duty. (§35-4-79.1) ● <u>If the business derives 50% or more of their gross business from the sale of alcoholic beverages</u>, the minimum age is 21 to sell alcoholic beverages. ● <u>If less than 50% of the gross business is from the sale of alcoholic beverages</u>, then an employee age 18 or older may sell or serve alcoholic beverages as long as there is an employee on the premises who is at least 21 years of age. An employee under the age of 21 may not, however, tend bar or draw or mix alcoholic beverages. (§35-4-79) ● <u>If 50% or more of the business transacted is from the sale of alcoholic beverages</u>, then an employee selling the alcohol must be at least 21 years of age. <p>The minimum age is 21 to mix or pour alcoholic beverages.</p>
<ul style="list-style-type: none"> ● PF: Off-sale malt beverage & South Dakota farm wines §35-4-2(17a) 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Seven days a week, including Sundays. <u>Memorial Day:</u> Yes <u>Christmas Day:</u> Yes</p>	
<ul style="list-style-type: none"> ● PL: Off-sale package liquor §35-4-2(3) §35-4-2(5) 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Monday through Saturday. May sell spirits, wine and malt beverages on Sundays if the local governing body has passed an ordinance allowing it. <u>Memorial Day:</u> May sell spirits, wine and malt beverages if the local governing body has passed an ordinance allowing it. <u>Christmas Day:</u> No</p>	
<ul style="list-style-type: none"> ● RB: On/off sale malt beverage §35-4-2(16) 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Seven days a week, including Sundays. <u>Memorial Day:</u> Yes <u>Christmas Day:</u> Yes</p>	
<ul style="list-style-type: none"> ● RL: On-sale liquor 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Monday through Saturday. May sell spirits, wine and malt beverages on Sundays if approved by the local governing body. (§35-4.2.1) <u>*Memorial Day:</u> May sell spirits, wine and malt beverages if the local governing body has passed an ordinance allowing it. <u>*Christmas Day:</u> No</p>	
<ul style="list-style-type: none"> ● RR: On-sale liquor in non-smoking full-service restaurant §35-4-2(4) §35-4-2(6) 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Monday through Saturday. May sell spirits, wine and malt beverages on Sundays if approved by the local governing body. (§35-4.2.1) <u>*Memorial Day:</u> May sell spirits, wine and malt beverages if the local governing body has passed an ordinance allowing it. <u>*Christmas Day:</u> No</p>	
<ul style="list-style-type: none"> ● RW: On/off sale wine §35-4-2(12) 	<p><u>Hours of sale:</u> 7 a.m. to 2 a.m. <u>Days of sale:</u> Seven days a week, including Sundays. <u>Memorial Day:</u> Yes <u>Christmas Day:</u> Yes</p>	

IMPORTANT NOTE FOR ALL LICENSEES: This chart shows what is permitted under state law. Local ordinances may be more restrictive than the state law, so check with your local officials regarding local ordinances.

Malt beverage: beer, or alcohol coolers that have the term “malt-based” on the label

Video lottery establishments: A person must be at least 21 years of age to enter an area where there is video lottery. That includes serving alcohol in that area.

*If the establishment holds an on/off sale malt beverage license in addition to their on sale liquor license, under state law they may sell malt beverages on Memorial Day and Christmas Day. Local ordinances may be more restrictive.