

7 NEW STATE LAWS in effect July 1st 2022



1

Age to Bartend

Some establishments with on-sale alcohol licenses may permit employees age 18 or older to tend bar, draw, pour, or mix alcoholic beverages, as long as the following conditions are met:

- less than 50% of the gross sales are from the sale of alcohol **OR**
- the licensee or an employee at least 21 years old is on the premises at the time of sale or service **AND**
- the employee who is mixing or pouring the alcoholic beverage has been certified by a nationally-recognized alcohol management program, such as ServSafe Alcohol (which SDRA offers), TAM, or TIPS

A list of approved training programs can be found on the South Dakota Department of Revenue website: dor.sd.gov/businesses/taxes/alcohol/#training

2

Delta-8 THC becomes an age-restricted product

Customers must be 21 or older to purchase products intended for human consumption containing delta-8 tetrahydrocannabinol, THC-O acetate, or hexahydrocannabinol. The new law also makes it illegal for a customer under the age of 21 to purchase, attempt to purchase, receive or attempt to receive, possess or consume these products, which have psychoactive and intoxicating effects.

The legislation can be read here: mylrc.sdlegislature.gov/api/Documents/235111.pdf.

3

Medical Use of Cannabis - Employer Rights

The legislature has affirmed employer rights regarding medical use of cannabis. The new law:

- Makes it clear that a person cannot perform a safety-sensitive job while under the influence of cannabis.
- Clarifies that an employer isn't required to allow use, possession, transfer, display or transportation of marijuana in the workplace, expanding the employer protections already in law.
- Allows employers to establish and enforce a drug-free workplace policy that may include a drug testing program that complies with state and federal law.
- Clarifies that a person cannot smoke or vape cannabis if under the age of 21.

Read the legislation here: mylrc.sdlegislature.gov/api/Documents/232289.pdf

4

Common Paymasters

The definition of an "employing unit" has been revised to include a common paymaster. The new law will allow more flexibility when a business that is part of a group of related business entities handles the payroll for more than one of those entities. State administrative rules will also need to be amended to clarify definitions.

The legislation can be read here: mylrc.sdlegislature.gov/api/Documents/235685.pdf

5

Campground Liability Protection

Campground owners and their employees will have some civil liability immunity under a new law that establishes immunity from liability for the inherent risks of camping, including dangers and hazards posed by features of the natural world, uneven and unpredictable terrain, natural bodies of water, weather, wildlife, insects, and other campers or visitors acting in a negligent manner. The campground would have to conspicuously post warning signs of any known dangerous, inconspicuous conditions. In addition, any written contract entered into by a private campground would have to contain a specific warning notice about liability.

The legislation, including what is and isn't covered, and requirements of the business can be read here: mylrc.sdlegislature.gov/api/Documents/235861.pdf

6

Ejecting Customers from Lodging Establishments

Hotels, campgrounds and RV parks may eject customers without refunding their rental payment, as per the establishment's cancellation policy, without having to go through court proceedings. The law specifies a number of potential reasons for ejection, including:

- Nonpayment for accommodations or services
- Disorderly conduct or complaints from other guests
- Use of the premises for an unlawful act
- Bringing an explosive or destructive device onto the premises
- Obtaining accommodations under false pretenses
- Violations of local, state or federal laws

The establishment must meet criteria laid out in the new law, and ejections could not be for a discriminatory reason that violates the state human rights laws. The new law can be read here: mylrc.sdlegislature.gov/api/Documents/235122.pdf

7

Catalytic Converters - Recordkeeping

Scrap metal businesses will be required to take certain steps for each transaction involving the purchase of a catalytic converter, including:

- Keeping records of the date, location, and value of each transaction involving the purchase of a detached catalytic converter - regardless of the purchase price
- Obtaining the name, street address, city, state, and signature of the person selling the equipment
- Obtaining a photocopy of the seller's driver license or other government-issued picture ID card
- Recording a description of the predominant types of nonferrous metal property involved in the transaction, including the weight, quantity, or volume of the scrap nonferrous metal.
- The name of the employee representing the scrap metal business in the transaction.

The legislation can be read in its entirety here: mylrc.sdlegislature.gov/api/Documents/236238.pdf



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