

Office/Contact: Office of the President

Source: SDCL Title 35 (Alcoholic Beverages); SDBOR Policies 6.14 and 4.7.1; University Policy 4:7

Link: [https://sdlegislature.gov/Statutes/Codified\\_Laws/DisplayStatute.aspx?Type=Statute&Statute=35](https://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=35);

<https://public.powerdms.com/SDRegents/documents/1723026>;

<https://public.powerdms.com/SDRegents/documents/1726701>;

<https://www.sdstate.edu/policies/upload/Drug-Free-Environment.pdf>

Associated Forms: [Alcoholic Beverage Sales Permit e S 2 \(e\)3.tTc 0 o\(a\)3.3 \(\(e\)3.tTo05 Tw 2.413 w 2.t3.3 \(\(e\)3.3 \(\(e6 \(e\)](#)

Dakota Law and SDBOR Policy 6.14.

- b. South Dakota Codified Law (“SDCL”) 35-2-6.1 prohibits the issuance of a license to sell alcoholic beverages on the campus of any state educational institution, including the University. However, the statute contains two (2) exceptions to this blanket prohibition.
  - i. The first exception allows the issuance of an alcoholic beverage license to engage in the periodic retail sale of malt beverages or wine for consumption on-site at a location and time, authorized by the SDBOR, that involves the performing arts, intercollegiate athletics, fund raising, a reception, a conference, or an occasional or scheduled event at a facility used for performing arts, intercollegiate athletics, events, or receptions.
  - ii. The second exception allows the issuance of a special events license for a special event authorized by the SDBOR that involves the performing arts, intercollegiate athletics, fund raising, a9 (ai)-2lcimt10.6 (u)2 (an)2 (u002 Tc -0.002 Tw 0 -1.14i)-2.e55bi)9.2 (r)-

2. The time period for the activity must be a single contiguous time period for a separate defined occurrence (e.g. a dinner, a conference, a reception, a concert, a sporting competition within the defined areas,

- d. Handling disorderly and/or intoxicated customers.
  7. Attendees may be ejected without refund, arrested, or refused sale or possession of alcoholic beverages for any of the following:
    - a. Unruly, disruptive, or illegal behavior;
    - b. Giving alcoholic beverages to a minor;
    - c. Intoxication or impairment;
    - d. Abusive or offensive language or gestures;
    - e. Throwing of any objects;
    - f. Failure to follow instructions given by event personnel, security, and/or law enforcement; or
    - g. Any other conduct deemed inappropriate by event personnel, security, and/or law enforcement.
  8. Adequate security personnel shall be in place to monitor attendee behavior and ensure compliance with this policy and applicable law.
  9. There must be at least one (1) alcohol-free zone, of comparable viewing to alcohol zones, designated and appropriately marked for the event where no alcoholic beverage may be sold, consumed, or possessed.
- iii. A separate pre-game Permit may be issued for a Permitted Event that occurs in conjunction with student athletic events under the following terms and conditions:
1. The area must be for the Permit holder to entertain guests for home sporting events. Attendance is limited to adult patrons and guests who have received a personal written invitation and must not be open to access by the general public.
  2. The Permitted Event must be conducted during pre-game only, last no more than three (3) hours, and end no later than at the beginning of the sporting event.
  3. The Permitted Event must be conducted in a secured area surrounded by a fence or other method to control access to and from the area. There must be no more than two (2) entry points manned by security personnel where identification is checked to verify age. No one under the legal drinking age shall be admitted into the alcohol service and consumption area of a Permitted Event. The area shall be clearly marked and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area. Individuals may not bring in their own Alcoholic Beverage into a designated sale area.
  4. For pre-game permitted events held in specially designated box seat or loge areas, adult patrons and guests may be accompanied by youth for whom they are responsible, but only if such youth are, at all times, under the supervision and control of such adult patrons. Only patrons who hold tickets to seats in those areas shall be allowed into the area during the

games.

- iv. A Permitted Event must be one requiring paid admission through purchase of a ticket or through payment of a registration fee, or one where admission is by written, personal invitation. Events generally open to participation by the public without admission charges or without written personal invitation shall not be eligible for an Alcoholic Beverage P

form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.

2. The Permit holder and the Vendor must indemnify the University, the SDBOR, and the State of South Dakota for any and all claims that may arise that are related to the sale or consumption of Alcoholic Beverages at the Permitted Event.
3. For purposes of this section, when the Permit holder is a University employee acting within the course and scope of employment, such Permit holder will not be required to be listed in the insurance policy and will not be required to indemnify the University, the SDBOR, and the State of South Dakota.
4. For the purposes of this section, when the Vendor has its own insurance coverage including liquor legal liability in the amounts and coverage limits sufficient to meet the needs of the University, the Permit holder's insurance coverage will not need to (i) include liquor legal liability, or

sale of alcoholic beverages on University Property to student education for the prevention or intervention of alcohol and drug misuse.

- i. The University President, or designee, will prepare an annual report of University Permits approved by the University President, or designee, during the last fiscal year and transmit the report to the Executive Director by August 1. The report will contain the following information: (1) the date, (2) a brief description of the event, (3) the Permit holder, (4) the Vendor, (5) the University facility, and (6) description of any alcohol-related incidents.

#### 4. Procedures

- a. Groups or individuals wishing to obtain authorization for the sale of Alcoholic Beverages in accordance with SDBOR Policy 6.14 and this policy must submit a fully completed *Alcoholic Beverage Sales Permit Application* with the reservation or facility use agreement for review and routing through the applicable facility use reservation process to the University President, or designee.
- b. A fully completed *Alcoholic Beverage Sales Permit Application* and all required documents, including a facility reservation or facility use agreement, security plans, and any other requested information must be submitted within a reasonable time period prior to the proposed event. Once the facility manager has signed, the application and accompanying documents will route through the approved electronic process to the University-designated food and beverage provider, applicant, Safety and Security, and the University President, or designee, for review.
- c. The University President, or designee, will review the application, required documents, and internal unit approvals.
- d. The University President, or designee, may require additional review of facility use reservations, facility use agreements, security plans, food and Alcoholic Beverage contracts, and other supporting information and documentation by other University officials to inform the President's, or designee's, decision whether to approve or deny an application.
  - i. If the application is not approved, the University President, or designee, will indicate the reason for the disapproval.
  - ii. If the application is approved, the University President, or designee, will approve a Permit for the Permitted Event.
- e. Following the University President's, or designee's, decision and signature, a copy of the fully completed application will be provided to the facility manager.
- f. Upon approval of an *Alcoholic Beverage Sales Permit Application* and receipt of the Permit for a Permitted Event, the Permit holder or University approved Vendor may submit a copy of the Permit with their request for an alcoholic beverage license or a special events license

5. Responsible Administrator

The University President, or designee, is responsible for the annual and ad hoc review of this policy and its procedures, as well as approval of this policy.

SOURCE: Approved by President on 07/21/2016. Revised; Approved by President on 07/29/2021. Revised; Approved by President on 10/04/2022. Revised; Approved by President on 09/29/2023. Revised 01/30/2024 (clerical).