

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2242

Introduced by

Senators Kelsh, Kringstad

Representatives Hausauer, Maragos

1 A BILL for an Act to amend and reenact sections 57-39.2-03.2 and 57-40.2-03.2 of the North
2 Dakota Century Code, relating to the rate of sales and use taxes on sales, storage, use, or
3 consumption of alcoholic beverages; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 57-39.2-03.2 of the North Dakota Century Code
6 is amended and reenacted as follows:

7 **57-39.2-03.2. Sales tax on alcoholic beverages and tobacco products.**

8 Notwithstanding any other provision of law, the sales taxes imposed by this chapter apply to the
9 gross receipts of retailers from all sales at retail of alcoholic beverages as defined in section
10 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for
11 consumption on the premises or through off-sale outlets for consumption off the premises, and
12 cigarettes, cigars, and other tobacco products, provided that gross receipts from the sale
13 thereof means and includes any other taxes imposed on such merchandise or its use or on the
14 retail or other sale thereof. Notwithstanding any other provision of law, there is imposed a tax
15 of seven percent on the gross receipts of retailers from all sales at retail of alcoholic beverages
16 for consumption off the premises where purchased, and six percent on the gross receipts of
17 retailers from sales at retail of alcoholic beverages for consumption on the premises where
18 purchased, which is in lieu of and not in addition to any other tax imposed by this chapter.

19 **SECTION 2. AMENDMENT.** Section 57-40.2-03.2 of the North Dakota Century Code
20 is amended and reenacted as follows:

21 **57-40.2-03.2. Use tax on alcoholic beverages and tobacco products.**

22 Notwithstanding any other provision of law, the use taxes imposed by this chapter apply to the
23 storage, use, or consumption in this state of alcoholic beverages as defined in section 5-01-01,
24 whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption

1 on the premises or through off-sale outlets for consumption off the premises, and cigarettes,
2 cigars, and other tobacco products, provided that gross receipts from the sale thereof mean
3 and include any other taxes imposed on such merchandise or its use or on the retail or other
4 sale thereof. Notwithstanding any other provision of law, there is imposed a tax of seven
5 percent on the storage, use, or consumption in this state of alcoholic beverages, originally
6 purchased for consumption off the premises where purchased and six percent on the storage,
7 use, or consumption in this state of alcoholic beverages originally purchased for consumption
8 on the premises where purchased, which is in lieu of and not in addition to any other tax
9 imposed by this chapter.

10 **SECTION 3. EFFECTIVE DATE.** This Act is effective for taxable events occurring after
11 June 30, 1998.