

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2441

Introduced by

Senators Krebsbach, Tollefson, Watne

Representatives Bellew, Carlson, Wald

1 A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota
2 Century Code, relating to the performance of official duties in licensed alcoholic beverage
3 premises.

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

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the 1999 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**
8 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**
9 **premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.** Except
10 as permitted in this section and section 5-02-06, any person under twenty-one years of age
11 manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to
12 purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages
13 other than during a religious service, being under the influence of alcoholic beverages, or being
14 in possession of alcoholic beverages, or furnishing money to any person for such purchase, or
15 entering any licensed premises where alcoholic beverages are being sold or displayed, except
16 a restaurant when accompanied by a parent or legal guardian, or in accordance with section
17 5-02-06, or if the person is a law enforcement officer or other public official entering the
18 premises in the performance of official duty, is guilty of a class B misdemeanor. The court may,
19 under this section, refer the person to an outpatient addiction facility licensed by the state
20 department of human services for evaluation and appropriate counseling or treatment. The
21 offense of consumption occurs in the county of consumption or the county where the offender is
22 arrested.

23 **SECTION 2. AMENDMENT.** Section 5-02-06 of the 1999 Supplement to the North
24 Dakota Century Code is amended and reenacted as follows:

5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -

Exceptions. Except as permitted in this section, any licensee who dispenses alcoholic beverages to a person under twenty-one years of age, or who permits such a person to remain on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person under twenty-one years of age may remain in a restaurant where alcoholic beverages are being sold if the restaurant is separated from the room in which alcoholic beverages are opened or mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, if the person is employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages, or if the person is a law enforcement officer or other public official entering the premises in the performance of official duty. Any person under twenty-one years of age may remain in an area of a site where beer, wine, or sparkling wine is sold in accordance with the conditions of an event permit issued pursuant to section 5-02-01.1. Any person who is nineteen years of age or older but under twenty-one years of age may be employed by the restaurant to serve and collect money for alcoholic beverages, if the person is under the direct supervision of a person twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic beverages. Any establishment where alcoholic beverages are sold may employ persons from eighteen to twenty-one years of age to work in the capacity of musicians under the direct supervision of a person twenty-one or more years of age.