

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2190

Introduced by

Senators Klein, Lyson

Representatives Clark, Severson

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 persons under twenty-one years of age and licensed premises where
3 alcohol beverages are sold.

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

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the North Dakota Century Code is
6 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.**

10 1. Except as permitted in this section and section 5-02-06, ~~any a~~ a person under
11 twenty-one years of age ~~manufacturing~~ may not manufacture or attempting
12 attempt to manufacture ~~alcoholic beverages~~, purchasing purchase or attempting
13 attempt to purchase ~~alcoholic beverages~~, consuming consume or having have
14 recently consumed ~~alcoholic beverages~~ other than during a religious service, ~~being~~
15 ~~be~~ under the influence of ~~alcoholic beverages~~, or ~~being~~ ~~be~~ in possession of
16 ~~alcoholic beverages~~, or ~~furnishing~~ furnish money to any person for ~~such the~~
17 purchase, ~~or entering~~ of an alcoholic beverage.

18 2. A person under twenty-one years of age may not enter any licensed premises
19 where alcoholic beverages are being sold or displayed; except a restaurant when
20 accompanied by a parent or legal guardian, or in accordance with section 5-02-06,
21 or if the person is a law enforcement officer or other public official ~~entering~~ enters
22 the premises in the performance of official duty, ~~or if the person enters the~~
23 premises for training, education, or research purposes under the supervision of a

1 person twenty-one or more years of age with prior notification of the local licensing
2 authority.

3 3. A violation of this section is ~~guilty of~~ a class B misdemeanor.

4 4. The court may, under this section, refer the person to an outpatient addiction
5 facility licensed by the state department of human services for evaluation and
6 appropriate counseling or treatment. The offense of consumption occurs in the
7 county of consumption or the county where the offender is arrested.

8 **SECTION 2. AMENDMENT.** Section 5-02-06 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**
11 **Exceptions.**

12 1. Except as permitted in this section, any licensee who dispenses alcoholic
13 beverages to a person under twenty-one years of age, or who permits such a
14 person to remain on the licensed premises while alcoholic beverages are being
15 sold or displayed, is guilty of a class A misdemeanor, subject to sections 5-01-08,
16 5-01-08.1, and 5-01-08.2.

17 2. Any person under twenty-one years of age may remain in a restaurant where
18 alcoholic beverages are being sold ~~if:~~

19 a. If the restaurant is separated from the room in which alcoholic beverages are
20 opened or mixed and gross sales of food are at least equal to gross sales of
21 alcoholic beverages which are consumed in the dining area, ~~if:~~

22 b. If the person is employed by the restaurant as a food waiter, food waitress,
23 busboy, or busgirl under the direct supervision of a person twenty-one or
24 more years of age and is not engaged in the sale, dispensing, delivery, or
25 consumption of alcoholic beverages, ~~or if:~~

26 c. If the person is a law enforcement officer or other public official ~~entering~~ who
27 enters the premises in the performance of official duty; ~~or~~

28 d. If the person enters the restaurant for training, education, or research
29 purposes under the supervision of a person twenty-one or more years of age
30 with prior notification of the local licensing authority.

1 3. Any person under twenty-one years of age may remain in an area of a site where
2 beer, wine, or sparkling wine is sold in accordance with the conditions of an event
3 permit issued pursuant to section 5-02-01.1.

4 4. Any person who is nineteen years of age or older but under twenty-one years of
5 age may be employed by the restaurant to serve and collect money for alcoholic
6 beverages, if the person is under the direct supervision of a person twenty-one or
7 more years of age, but may not be engaged in mixing, dispensing, or consuming
8 alcoholic beverages. Any establishment where alcoholic beverages are sold may
9 employ persons from eighteen to twenty-one years of age to work in the capacity of
10 musicians under the direct supervision of a person twenty-one or more years of
11 age.