

HOUSE BILL NO. 1395

Introduced by

Representatives Grosz, Wrangham

1 A BILL for an Act to amend and reenact sections 5-02-05 and 5-02-05.1 of the North Dakota
2 Century Code, relating to the consumption of alcoholic beverages.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **5-02-05. Dispensing prohibited on certain days - Penalty.** Any person who
7 dispenses or permits the consumption of alcoholic beverages on licensed premises ~~after one~~
8 between two a.m. on Sundays, before and twelve noon on Sundays, ~~or between the hours of~~
9 ~~one two a.m. and eight a.m. on all other days of the week, or who dispenses alcoholic~~
10 ~~beverages or permits consumption of alcoholic beverages on licensed premises on Christmas~~
11 ~~Day, after one two a.m. on Thanksgiving Day, or after six p.m. on Christmas Eve is guilty of a~~
12 class A misdemeanor.

13 **SECTION 2. AMENDMENT.** Section 5-02-05.1 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **5-02-05.1. Sunday alcoholic beverage permit - Penalty.**

16 1. Any city or county may issue a Sunday alcoholic beverage permit to a qualified
17 alcoholic beverage licensee licensed under this chapter or to a publicly owned or
18 operated facility. This permit is required to dispense or permit the consumption of
19 alcoholic beverages on Sunday after twelve noon unless another permit is
20 otherwise allowed by law. For purposes of this section, "qualified alcoholic
21 beverage licensee" has the same meaning as in section 5-02-01.1. A county may
22 not issue a permit under this section to a retail alcoholic beverage establishment
23 located within the geographical boundaries of a city.

- 1 2. The authority for issuing the permit rests solely with the governing body of the city
2 or county. A permit may be granted only upon proper application to and approval
3 by the governing body, and must include payment of a fee determined by the
4 governing body. A permit granted by the city or county may be effective for more
5 than one Sunday.
- 6 3. Under the permit, alcoholic beverages may be distributed and dancing may be
7 permitted in the establishment or facility. A city or county may permit dancing and
8 the distribution of alcoholic beverages between the hours of twelve noon on
9 Sunday and ~~one~~ two a.m. on Monday. The general public may be permitted to
10 participate in the consumption of alcoholic beverages distributed under the
11 authority of the permit. The establishment or facility granted the permit shall
12 enforce the requirements of this section.
- 13 4. Any person who dispenses, sells, or permits the consumption of alcoholic
14 beverages in violation of this section, or who furnishes information required by this
15 section which is false or misleading, is guilty of a class A misdemeanor.