

Fifty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1357

Introduced by

Representatives Williams, Hanson

Senators Heitkamp, O'Connell, Thane

1 A BILL for an Act to amend and reenact sections 5-01-08, 5-01-09, and 5-02-06 of the North
2 Dakota Century Code, relating to persons under twenty-one years of age and licensed
3 premises where 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. An individual 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~~ individual is a law enforcement officer or other public official
22 entering who enters the premises in the performance of official duty, or if the
23 individual enters the premises under the supervision of a law enforcement officer
24 and with the permission of that individual's parent or guardian, if under eighteen

years of age, to purchase or possess alcoholic beverages as a part of a compliance survey program.

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

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

SECTION 2. AMENDMENT. Section 5-01-09 of the North Dakota Century Code is amended and reenacted as follows:

5-01-09. Delivery to certain persons unlawful. Any person knowingly delivering alcoholic beverages to a person under twenty-one years of age, except as allowed under section 5-02-06, or to a habitual drunkard, an incompetent, or an obviously intoxicated person is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.

SECTION 3. AMENDMENT. Section 5-02-06 of the North 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~~ an individual under twenty-one years of age, or who permits ~~such a person~~ an individual under twenty-one years of age 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.

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

a. 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~~;

b. If the ~~person~~ individual is employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of ~~a person~~ an individual 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~~;

- 1 c. If the individual is a law enforcement officer or other public official ~~entering~~
2 who enters the premises in the performance of official duty; or
3 d. If the individual enters the restaurant under the supervision of a law
4 enforcement officer and with the permission of that individual's parent or
5 guardian, if under eighteen years of age, to purchase and possess alcoholic
6 beverages as part of a compliance survey program.
- 7 3. Any person under twenty-one years of age may remain in an area of a site where
8 beer, wine, or sparkling wine is sold in accordance with the conditions of an event
9 permit issued pursuant to section 5-02-01.1.
- 10 4. Any person who is nineteen years of age or older but under twenty-one years of
11 age may be employed by the restaurant to serve and collect money for alcoholic
12 beverages, if the person is under the direct supervision of a person twenty-one or
13 more years of age, but may not be engaged in mixing, dispensing, or consuming
14 alcoholic beverages. Any establishment where alcoholic beverages are sold may
15 employ persons from eighteen to twenty-one years of age to work in the capacity of
16 musicians under the direct supervision of a person twenty-one or more years of
17 age.