

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1413

Introduced by

Representatives Wrangham, Headland, S. Kelsh, Norland

Senator Traynor

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 an underage person in a licensed alcohol establishment.

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

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

6 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**
7 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**
8 **premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.**

9 1. Except as permitted in this section and section 5-02-06, a person under
10 twenty-one years of age may not manufacture or attempt to manufacture,
11 purchase or attempt to purchase, consume or have recently consumed other than
12 during a religious service, be under the influence of, be in possession of, or furnish
13 money to any person for the purchase of an alcoholic beverage, ~~or~~.

14 2. A person under twenty-one years of age may not enter any licensed premises
15 where alcoholic beverages are being sold or displayed, except a:

16 a. A restaurant ~~when~~ if accompanied by a parent or legal guardian, ~~or in~~;

17 b. In accordance with section 5-02-06, ~~or if~~;

18 c. If the person is an independent contractor or the independent contractor's
19 employee engaged in contract work and is not engaged in selling, dispensing,
20 delivering, or consuming alcoholic beverages;

21 d. If the person is a law enforcement officer or other public official who enters
22 the premises in the performance of official duty; ~~or if~~

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

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

4. The court ~~may~~, under this section, may refer the person to an outpatient addiction facility licensed by the state department of human services for evaluation and appropriate counseling or treatment.

5. The offense of consumption occurs in the county of consumption or the county where the offender is arrested.

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

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

1. 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~~

2. A 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, or 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.

3. A person under twenty-one years of age may enter and remain on the licensed premises if the person is an independent contractor or the independent contractor's employee engaged in contract work and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages; if the person is a law enforcement officer or other public official who enters the premises in the

1 performance of official duty; or if the person enters the licensed premises for
2 training, education, or research purposes under the supervision of a person
3 twenty-one or more years of age with prior notification of the local licensing
4 authority.

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

8 5. Any person who is nineteen years of age or older but under twenty-one years of
9 age may be employed by ~~the~~ a restaurant as provided in subsection 2 to serve
10 and collect money for alcoholic beverages, if the person is under the direct
11 supervision of a person twenty-one or more years of age, but may not be engaged
12 in mixing, dispensing, or consuming alcoholic beverages.

13 6. Any establishment where alcoholic beverages are sold may employ persons from
14 eighteen to twenty-one years of age to work in the capacity of musicians under the
15 direct supervision of a person twenty-one or more years of age.