

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2067

Introduced by

Senators Heitkamp, Nething, Espeland, J. Lee

Representatives Gullekson, R. Kelsch

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 use of alcohol by a person under twenty-one years of age; and to
3 declare an emergency.

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~~ using 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, a person under
11 twenty-one years of age may not manufacture or attempt to manufacture,
12 purchase or attempt to purchase, consume or have recently consumed other than
13 during a religious service, be under the influence of, be in possession of, or furnish
14 money to any person for the purchase of an alcoholic beverage, ~~or~~.

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

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

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

19 c. If the person is a law enforcement officer or other public official who enters
20 the premises in the performance of official duty, ~~or~~ if

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

24 3. A violation of this section is 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.

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

6. For purposes of this section, a person is not twenty-one years of age until eight a.m. on that person's twenty-first birthday.

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~~ a licensee who dispenses alcoholic beverages to a person under twenty-one years of age, or who permits ~~such~~ a person 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.

2. ~~Any~~ A person under twenty-one years of age may not remain in a restaurant where alcoholic beverages are being sold if except:

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, ~~or if:~~

b. 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. ~~A person may enter and remain on the licensed premises if:~~

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

d. If the person enters the licensed 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. ~~Any~~

1 3. A 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. ~~Any~~

4 4. A person who is nineteen years of age or older but under twenty-one years of age
5 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
10 of musicians under the direct supervision of a person twenty-one or more years of
11 age.

12 5. For purposes of this section, a person is not twenty-one years of age until
13 eight a.m. on that person's twenty-first birthday.

14 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.