

June 2007

TITLE 5

Alcoholic Beverages

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 5. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2204 provides immunity from prosecution for individuals under 21 years of age who have consumed alcoholic beverages, if the individual contacts law enforcement or emergency medical services and reports that another individual under 21 years of age was in need of medical assistance due to alcohol consumption. In addition, the bill requires the individual to remain on the scene or be the person in need of medical assistance and cooperate with medical assistance and law enforcement to be eligible for immunity. The bill limits the number of individuals that may be immune for any one occurrence to five individuals. The bill provides factors in mitigation for individuals 21 years of age or older who contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance. The bill requires a court to consider in mitigation in the same circumstances a retail licensee who dispenses alcoholic beverages to an individual under 21 years of age and a person who is convicted of contributing to the delinquency of a minor by providing alcoholic beverages to an individual under 21 years of age.

House Bill No. 1082 prohibits the sale and use of alcohol without liquid devices. The bill defines an alcohol without liquid device as an apparatus designed to vaporize an alcoholic beverage to produce a vapor that may be inhaled by an individual. Violation of this prohibition is a Class B misdemeanor.

Senate Bill No. 2098 clarifies that closing time on Thanksgiving and for special Sunday permits may be 2:00 a.m.

House Bill No. 1346 allows a retail alcoholic beverage licensee whose gross sales of food are at least 30 percent of the gross sales of alcoholic beverages to allow, without an additional license, an individual purchasing a bottle of wine in conjunction with the purchase of a meal to remove the opened bottle from the licensed premises if the licensee recorks and seals the bottle and places a receipt of sale with the bottle.

Senate Bill No. 2329 requires an individual under 21 years of age who is convicted of entering a licensed premises where alcoholic beverages are sold or displayed to be sentenced by the court to alcohol and drug education.

Senate Bill No. 2135 provides technical corrections and clarifications to the wholesale alcohol tax statutes and changes or creates definitions for the terms "bottle or can," "in bulk," and "21 years of age." In particular, the bill increases the amount of wine for personal consumption a person can purchase by direct sale from an out-of-state seller of wine from 2.38 gallons or less of wine to 7.3 gallons or less of wine and repeals the provision that allowed for a person in this state to import into this state wine for personal use without any state tax, fees, or other charges if the state from which the wine is imported allows a reciprocal privilege. The bill allows a domestic winery to sell or direct ship its wine to a person inside or outside of the state in a manner consistent with the laws of the place of sale or delivery and requires reports from the domestic winery to the Tax Commissioner. The bill clarifies provisions relating to when a lender acquires an inventory of beer or liquor by reason of foreclosure. The bill allows the Tax Commissioner to revoke the license of a supplier and to restore the license after a revocation.