

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative S. Meyer

1 A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code,
2 relating to individuals under twenty-one years of age serving alcoholic beverages.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **5-02-06. Prohibitions for individuals under twenty-one years of age - Penalty -**
7 **Exceptions.**

- 8 1. Except as permitted in this section, a licensee who dispenses alcoholic beverages
9 to an individual under twenty-one years of age, or who permits an individual under
10 twenty-one years of age to remain on the licensed premises while alcoholic
11 beverages are being sold or displayed, is guilty of a class A misdemeanor, subject
12 to sections 5-01-08, 5-01-08.1, and 5-01-08.2.
- 13 2. An individual under twenty-one years of age may not remain in a restaurant where
14 alcoholic beverages are being sold except if the restaurant is separated from the
15 room in which alcoholic beverages are opened or mixed and gross sales of food
16 are at least equal to gross sales of alcoholic beverages which are consumed in the
17 dining area, or if the individual is employed by the restaurant as a food waiter, food
18 waitress, busboy, or busgirl under the direct supervision of an individual twenty-one
19 or more years of age and is not engaged in the sale, dispensing, delivery, or
20 consumption of alcoholic beverages.
- 21 3. An individual under twenty-one years of age may enter and remain on the licensed
22 premises if the individual is an independent contractor or the independent
23 contractor's employee engaged in contract work and is not engaged in selling,
24 dispensing, delivering, or consuming alcoholic beverages; if the individual is a law

1 enforcement officer or other public official who enters the premises in the
2 performance of official duty; or if the individual enters the licensed premises for
3 training, education, or research purposes under the supervision of an individual
4 twenty-one or more years of age with prior notification of the local licensing
5 authority.

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

9 5. An individual who is ~~nineteen~~ eighteen years of age or older but under twenty-one
10 years of age may be employed by a restaurant as provided in subsection 2 to
11 serve and collect money for alcoholic beverages, if the individual is under the direct
12 supervision of an individual twenty-one or more years of age, but may not be
13 engaged in mixing, dispensing, or consuming alcoholic beverages. Any
14 establishment where alcoholic beverages are sold may employ individuals from
15 eighteen to twenty-one years of age to work in the capacity of musicians under the
16 direct supervision of an individual twenty-one or more years of age.

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

19 7. If an individual is convicted of this section, the court shall consider the following in
20 mitigation:

21 a. After consuming the alcohol, the underage individual was in need of medical
22 assistance as a result of consuming alcohol; and

23 b. Within twelve hours after the underage individual consumed the alcohol, the
24 defendant contacted law enforcement or emergency medical personnel to
25 report that the underage individual was in need of medical assistance as a
26 result of consuming alcohol.