

June 2009

TITLE 5

Alcoholic Beverages

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 5. Bills primarily affecting other titles may also affect this title, but those bills are not summarized in this memorandum.

House Bill No. 1500 lowers from 19 years of age to 18 years of age or older the individuals that may be employed by a restaurant to serve and collect money for alcoholic beverages.

House Bill No. 1345 removes the qualification for a retail alcoholic beverage license that the licensee be a resident of this state.

House Bill No. 1249 creates a domestic distillery license issued by the Tax Commissioner for a distillery that is located within this state that uses a majority of North Dakota farm products to manufacture and sell spirits produced on the premises. The bill allows a domestic distillery to sell on sale or off sale and to direct ship to persons inside or outside this state in limited amounts. The bill allows a domestic distillery to give free samples of its products and to sell its products by the glass or enclosed containers at trade shows, conventions, festivals, or similar events with a special events permit from the Tax Commissioner.

Senate Bill No. 2416 reduces the tax on sparkling wine of \$1 per gallon to 50 cents per gallon, which is the tax rate for other wine containing less than 17 percent alcohol by volume.

Senate Bill No. 2096 clarifies that when a person who is publicly intoxicated is placed in jail, or if the person is admitted to a hospital or detoxification center, upon admission, the law enforcement officer must make reasonable efforts to notify the intoxicated person's family. The bill requires costs incurred by ambulance services or medical service providers to be recoverable from the intoxicated person.

House Bill No. 1087 changes references to the Bureau of Alcohol, Tobacco, Firearms and Explosives to the Alcohol and Tobacco Tax and Trade Bureau. In addition, the bill requires a microbrew pub to file monthly sales reports with the Tax Commissioner by the 15th day of the month following the month in which the sales are made in a form and manner as prescribed by the Tax Commissioner.