

Fifty-fifth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1077**

Introduced by

Representative Maragos

1 A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code,  
2 relating to the age of persons allowed to carry out packages in grocery stores that sell alcohol.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-06 of the 1995 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**  
7 **Exceptions.** Except as permitted in this section, any licensee who dispenses alcoholic  
8 beverages to a person under twenty-one years of age, or who permits such a person to remain  
9 on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a  
10 class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person  
11 under twenty-one years of age may remain in a restaurant where alcoholic beverages are being  
12 sold if the restaurant is separated from the room in which alcoholic beverages are opened or  
13 mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which  
14 are consumed in the dining area, if the person is employed by the restaurant as a food waiter,  
15 food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more  
16 years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic  
17 beverages, or if the person is a law enforcement officer entering the premises in the  
18 performance of official duty. Any person who is nineteen years of age or older but under  
19 twenty-one years of age may be employed by the restaurant to serve and collect money for  
20 alcoholic beverages, if the person is under the direct supervision of a person twenty-one or  
21 more years of age, but may not be engaged in mixing, dispensing, or consuming alcoholic  
22 beverages. Any establishment where alcoholic beverages are sold may employ persons from  
23 eighteen to twenty-one years of age to work in the capacity of musicians under the direct  
24 supervision of a person twenty-one or more years of age. A grocery store licensed for the sale

- 1 of alcoholic beverages under section 5-02-02.1 may employ any person who is eighteen years
- 2 of age or older but under twenty-one years of age to assist customers by carrying packages
- 3 containing alcohol, if the employee is under the direct supervision of a person twenty-one or
- 4 more years of age.