

**SENATE BILL NO. 2216  
with House Amendments**

Fifty-sixth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2216**

Introduced by

Senators Thompson, T. Mathern

Representatives Delmore, Rose, Thorpe, Stefonowicz

1 A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota  
2 Century Code, relating to the shipment of alcoholic beverages; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 5-01 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Direct sale from out-of-state seller to consumer - Penalty.**

- 7 1. No person in the business of selling alcoholic beverages may knowingly or  
8 intentionally ship, or cause to be shipped, any alcoholic beverage from an  
9 out-of-state location directly to a person in this state who is not a wholesaler.
- 10 2. No person in the business of transporting goods may knowingly or intentionally  
11 transport any alcoholic beverage, from an out-of-state location of a person in the  
12 business of selling alcoholic beverages, directly to a person in this state who is not  
13 a wholesaler.
- 14 3. For a first violation of subsection 1 or 2, the state treasurer shall notify, by certified  
15 mail, the violator and order that person to cease and desist any shipment of  
16 alcoholic beverages in violation of subsection 1 or 2. The second violation of  
17 subsection 1 or 2 is a class A misdemeanor and a third and subsequent violation is  
18 a class C felony.
- 19 4. The alcoholic beverage transported in violation of this section and the vehicle used  
20 in violation of this section are forfeitable property under chapter 29-31.1.

21 This section does not apply to a transaction in which an individual twenty-one years of age or  
22 older who imports or transports into this state 2.38 gallons [9 liters] or less of liquor or two  
23 hundred eighty-eight fluid ounces [8517.18 milliliters] or less of beer per month for personal use  
24 and not for resale from a person as described under subsection 1 or 2. Every package of

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- 1 alcoholic beverages shipped directly to an individual in this state must be labeled with
- 2 conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR
- 3 DELIVERY". A shipper shall obtain the signature of an individual twenty-one years of age or
- 4 older before delivering any alcoholic beverages shipped directly to an individual in this state.