

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2405

Introduced by

Senators Grindberg, St. Aubyn

1 A BILL for an Act to amend and reenact sections 5-02-01.1 and 5-02-06 of the North Dakota  
2 Century Code, relating to the sale of alcoholic beverages; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-01.1 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **5-02-01.1. Event permit authorized - Penalty.**

7 1. The local governing body may by permit authorize a qualified alcoholic beverage  
8 licensee licensed under this chapter to engage in the sale of alcoholic beverages  
9 at events designated by the permit. For purposes of this section, "qualified  
10 alcoholic beverage licensee" means a licensee in a city that imposed a city lodging  
11 and restaurant tax on July 31, 1993, who paid such tax and who continues to pay  
12 any such tax imposed by the city or a licensee in a county or a licensee in a city  
13 that did not impose a city lodging and restaurant tax on July 31, 1993. A fee for  
14 the local permit may be set by ordinance or resolution at not more than twenty-five  
15 dollars. The permit may not be valid for a period greater than fourteen days, and  
16 may include Sundays. The local governing body may establish rules to regulate  
17 and restrict the operation of an event permit. Any person who dispenses, sells, or  
18 permits the consumption of alcoholic beverages in violation of this section or the  
19 conditions of a permit is guilty of a class B misdemeanor.

20 2. The local governing body may authorize persons under twenty-one years of age to  
21 remain in the area of the event, or a portion thereof, where beer, wine, or sparkling  
22 wine may be sold pursuant to the permit. However, this authorization must be  
23 subject to the following minimum conditions:

- 1           a. The area where persons under twenty-one years of age may remain must be  
2                   specifically set forth in the permit;
- 3           b. Only employees of the qualified alcoholic beverage licensee who are at least  
4                   twenty-one years of age may deliver and sell the beer, wine, or sparkling  
5                   wine;
- 6           c. Subject to section 5-02-06, the area where persons under twenty-one years  
7                   of age may remain may not be the qualified alcoholic beverage licensee's  
8                   fixed or permanent licensed premises as shown on the state and local  
9                   governing body's alcoholic beverage license issued pursuant to section  
10                  5-02-01; and
- 11          d. No person under twenty-one years of age within the area described in the  
12                  permit may consume, possess, or receive alcoholic beverages.

13           **SECTION 2. AMENDMENT.** Section 5-02-06 of the 1997 Supplement to the North  
14 Dakota Century Code is amended and reenacted as follows:

15           **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**  
16 **Exceptions.** Except as permitted in this section, any licensee who dispenses alcoholic  
17 beverages to a person under twenty-one years of age, or who permits such a person to remain  
18 on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a  
19 class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person  
20 under twenty-one years of age may remain in a restaurant where alcoholic beverages are being  
21 sold if the restaurant is separated from the room in which alcoholic beverages are opened or  
22 mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which  
23 are consumed in the dining area, if the person is employed by the restaurant as a food waiter,  
24 food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more  
25 years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic  
26 beverages, or if the person is a law enforcement officer entering the premises in the  
27 performance of official duty. Any person under twenty-one years of age may remain in an area  
28 of a site where beer, wine, or sparkling wine is sold in accordance with the conditions of an  
29 event permit issued pursuant to section 5-02-01.1. Any person who is nineteen years of age or  
30 older but under twenty-one years of age may be employed by the restaurant to serve and  
31 collect money for alcoholic beverages, if the person is under the direct supervision of a person

1 twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming  
2 alcoholic beverages. Any establishment where alcoholic beverages are sold may employ  
3 persons from eighteen to twenty-one years of age to work in the capacity of musicians under  
4 the direct supervision of a person twenty-one or more years of age.

5 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.