

**SENATE BILL NO. 2190  
with House Amendments**

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2190**

Introduced by

Senators Klein, Lyson

Representatives Clark, Severson

1 A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota  
2 Century Code, relating to persons under twenty-one years of age and licensed premises where  
3 alcohol beverages are sold.

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

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**  
8 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**  
9 **premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.** Except  
10 as permitted in this section and section 5-02-06, ~~any~~ a person under twenty-one years of age  
11 ~~manufacturing may not manufacture or attempting attempt to manufacture alcoholic beverages,~~  
12 ~~purchasing purchase or attempting attempt to purchase alcoholic beverages, consuming~~  
13 ~~consume or having have~~ recently consumed alcoholic beverages other than during a religious  
14 service, ~~being be~~ under the influence of alcoholic beverages, ~~or being be~~ in possession of  
15 ~~alcoholic beverages, or furnishing furnish~~ money to any person for such the purchase, or  
16 ~~entering of an alcoholic beverage, or enter~~ any licensed premises where alcoholic beverages  
17 are being sold or displayed, except a restaurant when accompanied by a parent or legal  
18 guardian, or in accordance with section 5-02-06, or if the person is a law enforcement officer or  
19 other public official entering who enters the premises in the performance of official duty, or if  
20 the person enters the premises for training, education, or research purposes under the  
21 supervision of a person twenty-one or more years of age with prior notification of the local  
22 licensing authority. A violation of this section is ~~guilty of~~ a class B misdemeanor. The court  
23 may, under this section, refer the person to an outpatient addiction facility licensed by the state  
24 department of human services for evaluation and appropriate counseling or treatment. The

1 offense of consumption occurs in the county of consumption or the county where the offender is  
2 arrested.

3 **SECTION 2. AMENDMENT.** Section 5-02-06 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**  
6 **Exceptions.** Except as permitted in this section, any licensee who dispenses alcoholic  
7 beverages to a person under twenty-one years of age, or who permits such a person to remain  
8 on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a  
9 class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person  
10 under twenty-one years of age may remain in a restaurant where alcoholic beverages are being  
11 sold if the restaurant is separated from the room in which alcoholic beverages are opened or  
12 mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which  
13 are consumed in the dining area, or if the person is employed by the restaurant as a food  
14 waiter, food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or  
15 more years of age and is not engaged in the sale, dispensing, delivery, or consumption of  
16 alcoholic beverages, ~~or if.~~ A person may enter and remain on the licensed premises if the  
17 person is a law enforcement officer or other public official entering who enters the premises in  
18 the performance of official duty, or if the person enters the restaurant for training, education, or  
19 research purposes under the supervision of a person twenty-one or more years of age with  
20 prior notification of the local licensing authority. Any person under twenty-one years of age  
21 may remain in an area of a site where beer, wine, or sparkling wine is sold in accordance with  
22 the conditions of an event permit issued pursuant to section 5-02-01.1. Any person who is  
23 nineteen years of age or older but under twenty-one years of age may be employed by the  
24 restaurant to serve and collect money for alcoholic beverages, if the person is under the direct  
25 supervision of a person twenty-one or more years of age, but may not be engaged in mixing,  
26 dispensing, or consuming alcoholic beverages. Any establishment where alcoholic beverages  
27 are sold may employ persons from eighteen to twenty-one years of age to work in the capacity  
28 of musicians under the direct supervision of a person twenty-one or more years of age.