

Fifty-ninth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1413

Introduced by

Representatives Wrangham, Headland, S. Kelsh, Norland

Senator Traynor

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 an underage person in a licensed alcohol establishment.

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

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

6 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**  
7 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**  
8 **premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.**

9 1. Except as permitted in this section and section 5-02-06, a person under  
10 twenty-one years of age may not manufacture or attempt to manufacture,  
11 purchase or attempt to purchase, consume or have recently consumed other than  
12 during a religious service, be under the influence of, be in possession of, or furnish  
13 money to any person for the purchase of an alcoholic beverage; ~~or.~~

14 2. A person under twenty-one years of age may not enter any licensed premises  
15 where alcoholic beverages are being sold or displayed, except a:

16 a. A restaurant when if accompanied by a parent or legal guardian; ~~or in;~~

17 b. In accordance with section 5-02-06; ~~or if;~~

18 c. If the person is an independent contractor or the independent contractor's  
19 employee engaged in contract work and is not engaged in selling, dispensing,  
20 delivering, or consuming alcoholic beverages;

21 d. If the person is a law enforcement officer or other public official who enters  
22 the premises in the performance of official duty; ~~;~~ or if

1           e. If the person enters the premises for training, education, or research  
2           purposes under the supervision of a person twenty-one or more years of age  
3           with prior notification of the local licensing authority.

4           3. A violation of this section is a class B misdemeanor.

5           4. The court ~~may~~, under this section, may refer the person to an outpatient addiction  
6           facility licensed by the state department of human services for evaluation and  
7           appropriate counseling or treatment.

8           5. The offense of consumption occurs in the county of consumption or the county  
9           where the offender is arrested.

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

12          **5-02-06. Prohibitions ~~as to~~ for persons under twenty-one years of age - Penalty -**  
13 **Exceptions.**

14          1. Except as permitted in this section, any licensee who dispenses alcoholic  
15          beverages to a person under twenty-one years of age, or who permits such a  
16          person to remain on the licensed premises while alcoholic beverages are being  
17          sold or displayed, is guilty of a class A misdemeanor, subject to sections 5-01-08,  
18          5-01-08.1, and 5-01-08.2. ~~Any~~

19          2. A person under twenty-one years of age may remain in a restaurant where  
20          alcoholic beverages are being sold if the restaurant is separated from the room in  
21          which alcoholic beverages are opened or mixed and gross sales of food are at  
22          least equal to gross sales of alcoholic beverages which are consumed in the dining  
23          area, or if the person is employed by the restaurant as a food waiter, food waitress,  
24          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  
26          of alcoholic beverages.

27          3. A person under twenty-one years of age may enter and remain on the licensed  
28          premises if the person is an independent contractor or the independent  
29          contractor's employee engaged in contract work and is not engaged in selling,  
30          dispensing, delivering, or consuming alcoholic beverages; if the person is a law  
31          enforcement officer or other public official who enters the premises in the

1 performance of official duty; or if the person enters the licensed premises for  
2 training, education, or research purposes under the supervision of a person  
3 twenty-one or more years of age with prior notification of the local licensing  
4 authority.

5 4. Any person under twenty-one years of age may remain in an area of a site where  
6 beer, wine, or sparkling wine is sold in accordance with the conditions of an event  
7 permit issued pursuant to section 5-02-01.1.

8 5. Any person who is nineteen years of age or older but under twenty-one years of  
9 age may be employed by ~~the~~ a restaurant as provided in subsection 2 to serve  
10 and collect money for alcoholic beverages, if the person is under the direct  
11 supervision of a person twenty-one or more years of age, but may not be engaged  
12 in mixing, dispensing, or consuming alcoholic beverages.

13 6. Any establishment where alcoholic beverages are sold may employ persons from  
14 eighteen to twenty-one years of age to work in the capacity of musicians under the  
15 direct supervision of a person twenty-one or more years of age.