

SENATE BILL NO. 2269

Introduced by

Senators Grindberg, Lyson

Representatives DeKrey, Gruchalla

1 A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota
2 Century Code, relating to drink discounting.

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

4 **SECTION 1.** A new section to chapter 5-02 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Excessive drink discounting.**

- 7 1. A retail licensee shall maintain a schedule of the prices charged for all drinks of
8 alcoholic beverages to be served and consumed on the licensed premises. If a
9 hotel or multi-use establishment holds a valid retailer's license and operates on its
10 premises more than one establishment at which alcoholic beverages are sold at
11 retail, the hotel or multi-use establishment shall maintain at each establishment a
12 separate schedule of the prices charged for the beverages at that establishment.
- 13 2. On any date before eight a.m. and after eleven p.m., a retail licensee or employee
14 or agent of the licensee may not:
- 15 a. Serve two or more drinks of alcoholic beverages at one time to one individual
16 for consumption by that individual, except this subdivision does not prohibit
17 selling wine by the bottle or carafe;
- 18 b. Sell, offer to sell, or serve to any individual an unlimited number of drinks of
19 alcoholic beverages during any set period of time for a fixed price, except at
20 private functions not open to the general public;
- 21 c. Sell, offer to sell, or serve any drink of an alcoholic beverage to any individual
22 at a reduced price from the highest price in the schedule, except as otherwise
23 allowed under this section;

- 1 d. Increase the volume of alcoholic beverage contained in a drink, or the size of
2 a drink of alcoholic beverages, without increasing proportionately the price
3 regularly charged for the drink on that day;
- 4 e. Encourage or permit, on the licensed premises, any game or contest that
5 involves drinking alcoholic beverages or the awarding of drinks of alcoholic
6 beverages as prizes for the game or contest on the licensed premises;
- 7 f. Serve any drink of alcoholic beverage for no charge or reduced price based
8 on a characteristic of a customer or until a certain time or event; or
- 9 g. Advertise or promote in any way, whether on or off the licensed premises, any
10 of the practices prohibited in this subsection.
- 11 3. Subsection 2 does not prohibit a licensee from:
- 12 a. Offering free food or entertainment at any time;
- 13 b. Including drinks of alcoholic beverages as part of a meal package;
- 14 c. Including drinks of alcoholic beverages as part of a hotel package;
- 15 d. Negotiating drinks of alcoholic beverages as part of a contract between a
16 hotel or multi-use establishment and another group for the holding of any
17 function, meeting, convention, or trade show;
- 18 e. Providing room service to persons renting rooms at a hotel;
- 19 f. Selling pitchers, buckets, carafes, or bottles of alcoholic beverages that are
20 customarily sold in this manner and delivered to two or more individuals at
21 one time; or
- 22 g. Increasing prices of drinks of alcoholic beverages in lieu of, in whole or in part,
23 a cover charge to offset the cost of special entertainment not regularly
24 scheduled.
- 25 4. Violation of this section is grounds for suspension or revocation of the retailer's
26 license.