

SENATE BILL NO. 2098

Introduced by

Political Subdivisions Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact sections 5-02-05, 5-02-05.1, and 19-03.1-44 of the
2 North Dakota Century Code, relating to dispensing of alcoholic beverages, Sunday alcoholic
3 beverage permits, and drug usage reporting requirements; and to repeal sections 54-12-19 and
4 54-12-20 of the North Dakota Century Code, relating to the block house program.

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

6 **SECTION 1. AMENDMENT.** Section 5-02-05 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **5-02-05. Dispensing prohibited on certain days - Penalty.** A person may not
9 dispense or permit the consumption of alcoholic beverages on a licensed premises between
10 two a.m. and twelve noon on Sundays, between the hours of two a.m. and eight a.m. on all
11 other days of the week, or on Christmas Day or after six p.m. on Christmas Eve. In addition, a
12 person may not provide off sale after ~~one~~ two a.m. on Thanksgiving Day. A person that violates
13 this section is guilty of a class A misdemeanor.

14 **SECTION 2. AMENDMENT.** Section 5-02-05.1 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **5-02-05.1. Sunday alcoholic beverage permit - Penalty.**

- 17 1. Any local governing body may issue a Sunday alcoholic beverage permit to a
18 qualified alcoholic beverage licensee licensed under this chapter or to a publicly
19 owned or operated facility. For purposes of this section, "qualified alcoholic
20 beverage licensee" has the same meaning as in section 5-02-01.1. A county may
21 not issue a permit under this section to a retail alcoholic beverage establishment
22 located within the geographical boundaries of a city.
- 23 2. The authority for issuing the permit rests solely with the local governing body. A
24 permit may be granted only upon proper application to and approval by the

1 governing body and must include payment of a fee determined by the governing
2 body. A permit granted by the local governing body may be effective for more than
3 one Sunday.

4 3. Under the permit, alcoholic beverages may be distributed and dancing may be
5 permitted in the establishment or facility. A local governing body may permit
6 dancing and the distribution of alcoholic beverages between the hours of twelve
7 noon on Sunday and ~~one~~ two a.m. on Monday. The general public may be
8 permitted to participate in the consumption of alcoholic beverages distributed under
9 the authority of the permit. The establishment or facility granted the permit shall
10 enforce the requirements of this section.

11 4. Any person who dispenses, sells, or permits the consumption of alcoholic
12 beverages in violation of this section, or who furnishes information required by this
13 section which is false or misleading, is guilty of a class A misdemeanor.

14 **SECTION 3. AMENDMENT.** Section 19-03.1-44 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **19-03.1-44. Comprehensive status and trends report.** On or before July first of each
17 even-numbered year, the attorney general, or designee of the attorney general, shall report the
18 current status and trends of unlawful drug use and abuse and drug control and enforcement
19 efforts in this state. This report must be made to an interim legislative committee and must
20 include the following information:

21 1. The ~~state department of health~~ superintendent of public instruction shall provide
22 the results of the most recent survey of the state's young people regarding drug
23 usage. This survey must include information regarding the accessibility of gateway
24 and other illicit drugs, the prevalence of gateway and other illicit drugs in schools or
25 on school property, and the types and frequency of gateway and other illicit drugs
26 used by young people.

27 2. The state crime laboratory shall provide a report that includes the type of each
28 controlled substance tested and the number of times tests were run for each
29 controlled substance.

- 1 3. The department of human services shall provide a current status of the number of
2 people who were treated in the state. The report must include information about
3 the variety of drugs, legal and illegal, for which people were treated.
- 4 4. The department of corrections and rehabilitation shall provide the current status of
5 the number of people incarcerated or on probation in the state correctional system
6 for violation of title 19. This report must specify the average length of sentence
7 including probation, average length of incarceration ordered by a court to be
8 served, and average actual time incarcerated for drug offenders sentenced to the
9 custody of the department. The report also must identify the number of people
10 referred to treatment and treated as a condition of sentencing, probation, or parole.
- 11 5. The attorney general shall provide the current status of the number of arrests for
12 violation of title 19 and the current enforcement efforts to combat unlawful drug
13 trafficking and usage.

14 **SECTION 4. REPEAL.** Sections 54-12-19 and 54-12-20 of the North Dakota Century
15 Code are repealed.