Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2418

Introduced by

Senators Lindaas, Andrist

A BILL for an Act to amend and reenact section 5-01-09 of the North Dakota Century Code, relating to contributing alcohol to an individual under twenty-one years of age; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-01-09 of the North Dakota Century Code is amended and reenacted as follows:

5-01-09. Delivery to certain persons unlawful.

1. Any individual ~~knowingly delivering alcoholic beverages to~~ who by any act willfully encourages, causes, or contributes to a violation of section 5-01-08 by an individual under twenty-one years of age, except as allowed under section 5-02-06, or knowingly delivers alcoholic beverages to a habitual drunkard, an incompetent, or an obviously intoxicated individual is guilty of a class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. An individual who by any act negligently encourages, causes, or contributes to the possession or use of alcoholic beverages by an individual under twenty-one years of age in a violation of section 5-01-08 is guilty of a class B misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2.
2. An individual under twenty-one years of age is immune from criminal prosecution under this section if that individual contacted law enforcement or emergency medical services and reported that another individual under twenty-one years of age was in need of medical assistance due to alcohol consumption, provided assistance to the individual in need of medical assistance until assistance arrived and remained on the scene and cooperated with medical assistance and law enforcement personnel on the scene, or was the individual in need of medical

assistance. The maximum number of individuals that may be immune for any one occurrence is five individuals.

3. If an individual is convicted of this section for delivering alcoholic beverages to an individual under twenty-one years of age, the court shall consider the following in mitigation:

   a. After consuming the alcohol, the underage individual was in need of medical assistance as a result of consuming alcohol; and

   b. Within twelve hours after the underage individual consumed the alcohol, the defendant contacted law enforcement or emergency medical personnel to report that the underage individual was in need of medical assistance as a result of consuming alcohol.