

**HOUSE BILL NO. 1516**

Introduced by

Representatives Dosch, Ekstrom, Maragos, Weiler

Senator Cook

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 underaged 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 twenty-one  
10 years of age may not manufacture or attempt to manufacture, purchase or attempt  
11 to purchase, consume or have recently consumed other than during a religious  
12 service, be under the influence of, be in possession of, or furnish money to any  
13 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 premises sells solely off sale and the person is accompanied by a  
19 parent or legal guardian;

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

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

- 1           3. A violation of this section is a class B misdemeanor.
- 2           4. The court ~~may~~, under this section, may refer the person to an outpatient addiction  
3           facility licensed by the state department of human services for evaluation and  
4           appropriate counseling or treatment.
- 5           5. The offense of consumption occurs in the county of consumption or the county  
6           where the offender is arrested.

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

9           **5-02-06. Prohibitions ~~as to~~ for persons under twenty-one years of age - Penalty -**  
10          **Exceptions.**

- 11          1. Except as permitted in this section, any licensee who dispenses alcoholic  
12          beverages to a person under twenty-one years of age, or who permits such a  
13          person to remain on the licensed premises while alcoholic beverages are being  
14          sold or displayed, is guilty of a class A misdemeanor, subject to sections 5-01-08,  
15          5-01-08.1, and 5-01-08.2. ~~Any~~
- 16          2. A person under twenty-one years of age may remain in a restaurant where  
17          alcoholic beverages are being sold if the restaurant is separated from the room in  
18          which alcoholic beverages are opened or mixed and gross sales of food are at  
19          least equal to gross sales of alcoholic beverages which are consumed in the dining  
20          area, or if the person is employed by the restaurant as a food waiter, food waitress,  
21          busboy, or busgirl under the direct supervision of a person twenty-one or more  
22          years of age and is not engaged in the sale, dispensing, delivery, or consumption  
23          of alcoholic beverages.
- 24          3. A person under twenty-one years of age may enter and remain on the licensed  
25          premises if the premises sells solely off sale and the person is accompanied by a  
26          parent or legal guardian; if the person is a law enforcement officer or other public  
27          official who enters the premises in the performance of official duty; or if the person  
28          enters the licensed premises for training, education, or research purposes under  
29          the supervision of a person twenty-one or more years of age with prior notification  
30          of the local licensing authority.

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

4           5. Any person who is nineteen years of age or older but under twenty-one years of  
5           age may be employed by the restaurant provided for in subsection 2 to serve and  
6           collect money for alcoholic beverages, if the person is under the direct supervision  
7           of a person twenty-one or more years of age, but may not be engaged in mixing,  
8           dispensing, or consuming alcoholic beverages. Any establishment where alcoholic  
9           beverages are sold may employ persons from eighteen to twenty-one years of age  
10          to work in the capacity of musicians under the direct supervision of a person  
11          twenty-one or more years of age.