

Introduced by

Senators Wanzek, Myrdal

Representatives Klemin, Satrom

1 A BILL for an Act to create and enact a new subsection to section 19-03.1-23 of the North  
2 Dakota Century Code, relating to penalties for the possession of marijuana by an individual  
3 under the age of twenty-one; and to amend and reenact section 5-01-08 of the North Dakota  
4 Century Code, relating to prohibiting an individual under the age of twenty-one from using  
5 alcoholic beverages; and to provide a penalty.

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

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

9 **5-01-08. Individuals under twenty-one years of age prohibited from using alcoholic**  
10 **beverages or entering licensed premises - Penalty.**

- 11 1. Except as permitted in this section and section 5-02-06, an individual under  
12 twenty-one years of age may not manufacture or attempt to manufacture, purchase or  
13 attempt to purchase, consume or have recently consumed other than during a  
14 religious service, be under the influence of, be in possession of, or furnish money to  
15 any individual for the purchase of an alcoholic beverage.
- 16 2. An individual under twenty-one years of age may not enter any licensed premises  
17 where alcoholic beverages are being sold or displayed, except:
- 18 a. A restaurant if accompanied by a parent or legal guardian;  
19 b. In accordance with section 5-02-06;  
20 c. If the individual is an independent contractor or the independent contractor's  
21 employee engaged in contract work and is not engaged in selling, dispensing,  
22 delivering, or consuming alcoholic beverages;  
23 d. If the individual is a law enforcement officer or other public official who enters the  
24 premises in the performance of official duty; or

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

4 3. A violation of this section is a class B misdemeanor. For a violation of subsection 1  
5 or 2, the court also ~~shall~~may sentence a violator to an evidence-based alcohol and  
6 drug education program operated under rules adopted by the department of human  
7 services under section 50-06-44. For a second or subsequent violation of subsection 1  
8 or 2, the court also shall sentence a violator to an evidence-based alcohol and drug  
9 education program operated under rules adopted by the department of human  
10 services under section 50-06-44.

11 4. The court, under this section, may refer the individual to an outpatient addiction facility  
12 licensed by the department of human services for evaluation and appropriate  
13 counseling or treatment.

14 5. The offense of consumption occurs in the county of consumption or the county where  
15 the offender is arrested.

16 6. An individual under twenty-one years of age is immune from criminal prosecution  
17 under this section if that individual contacted law enforcement or emergency medical  
18 services and reported that another individual under twenty-one years of age was in  
19 need of medical assistance due to alcohol consumption, provided assistance to the  
20 individual in need of medical assistance until assistance arrived and remained on the  
21 scene, or was the individual in need of medical assistance and cooperated with  
22 medical assistance and law enforcement personnel on the scene. The maximum  
23 number of individuals that may be immune for any one occurrence is five individuals.

24 **SECTION 2.** A new subsection to section 19-03.1-23 of the North Dakota Century Code is  
25 created and enacted as follows:

26 If an individual under the age of twenty-one pleads guilty or is found guilty of a first  
27 offense regarding possession of one-half ounce [14.175 grams] or less of marijuana,  
28 the court also may sentence the individual to an evidence-based alcohol and drug  
29 education program operated under rules adopted by the department of human  
30 services under section 50-06-44. For a second or subsequent offense regarding  
31 possession of one-half ounce [14.175 grams] or less of marijuana, the court also shall

- 1 sentence the individual to an evidence-based alcohol and drug education program
- 2 operated under rules adopted by the department of human services under section
- 3 50-06-44.