

**SENATE BILL NO. 2405**

Introduced by

Senators Grindberg, St. Aubyn

1 A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code,  
2 relating to the sale of alcoholic beverages.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-06 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**

7 **Exceptions.** Except as permitted in this section, any licensee who dispenses alcoholic  
8 beverages to a person under twenty-one years of age, or who permits such a person to remain  
9 on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a  
10 class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person  
11 under twenty-one years of age may remain in a restaurant where alcoholic beverages are being  
12 sold if the restaurant is separated from the room in which alcoholic beverages are opened or  
13 mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which  
14 are consumed in the dining area, if the person is employed by the restaurant as a food waiter,  
15 food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more  
16 years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic  
17 beverages, or if the person is a law enforcement officer entering the premises in the  
18 performance of official duty. Any person under twenty-one years of age may remain in an area  
19 of a site where beer, wine, or sparkling wine is sold if in that area beer, wine, or sparkling wine  
20 is sold by an individual with immediate access to twenty-four or fewer containers, each  
21 container containing twenty-four fluid ounces [.71 liters] or less. Any person who is nineteen  
22 years of age or older but under twenty-one years of age may be employed by the restaurant to  
23 serve and collect money for alcoholic beverages, if the person is under the direct supervision of  
24 a person twenty-one or more years of age, but may not be engaged in mixing, dispensing, or

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- 1 consuming alcoholic beverages. Any establishment where alcoholic beverages are sold may
- 2 employ persons from eighteen to twenty-one years of age to work in the capacity of musicians
- 3 under the direct supervision of a person twenty-one or more years of age.