

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2405

Introduced by

Senators Grindberg, St. Aubyn

1 A BILL for an Act to amend and reenact sections 5-02-01.1 and 5-02-06 of the North Dakota
2 Century Code, relating to the sale of alcoholic beverages; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-01.1 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **5-02-01.1. Event permit authorized - Penalty.**

7 1. The local governing body may by permit authorize a qualified alcoholic beverage
8 licensee licensed under this chapter to engage in the sale of alcoholic beverages
9 at events designated by the permit. For purposes of this section, "qualified
10 alcoholic beverage licensee" means a licensee in a city that imposed a city lodging
11 and restaurant tax on July 31, 1993, who paid such tax and who continues to pay
12 any such tax imposed by the city or a licensee in a county or a licensee in a city
13 that did not impose a city lodging and restaurant tax on July 31, 1993. A fee for
14 the local permit may be set by ordinance or resolution at not more than twenty-five
15 dollars. The permit may not be valid for a period greater than fourteen days, and
16 may include Sundays. The local governing body may establish rules to regulate
17 and restrict the operation of an event permit. Any person who dispenses, sells, or
18 permits the consumption of alcoholic beverages in violation of this section or the
19 conditions of a permit is guilty of a class B misdemeanor.

20 2. The local governing body may authorize persons under twenty-one years of age to
21 remain in the area of the event, or a portion thereof, where beer, wine, or sparkling
22 wine may be sold pursuant to the permit. However, this authorization must be
23 subject to the following minimum conditions:

- 1 a. The area where persons under twenty-one years of age may remain must be
2 specifically set forth in the permit;
- 3 b. Only employees of the qualified alcoholic beverage licensee who are at least
4 twenty-one years of age may deliver and sell the beer, wine, or sparkling
5 wine;
- 6 c. Subject to section 5-02-06, the area where persons under twenty-one years
7 of age may remain may not be the qualified alcoholic beverage licensee's
8 fixed or permanent licensed premises as shown on the state and local
9 governing body's alcoholic beverage license issued pursuant to section
10 5-02-01; and
- 11 d. No person under twenty-one years of age within the area described in the
12 permit may consume, possess, or receive alcoholic beverages.

13 **SECTION 2. AMENDMENT.** Section 5-02-06 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**
16 **Exceptions.** Except as permitted in this section, any licensee who dispenses alcoholic
17 beverages to a person under twenty-one years of age, or who permits such a person to remain
18 on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a
19 class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person
20 under twenty-one years of age may remain in a restaurant where alcoholic beverages are being
21 sold if the restaurant is separated from the room in which alcoholic beverages are opened or
22 mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which
23 are consumed in the dining area, if the person is employed by the restaurant as a food waiter,
24 food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more
25 years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic
26 beverages, or if the person is a law enforcement officer entering the premises in the
27 performance of official duty. Any person under twenty-one years of age may remain in an area
28 of a site where beer, wine, or sparkling wine is sold in accordance with the conditions of an
29 event permit issued pursuant to section 5-02-01.1. Any person who is nineteen years of age or
30 older but under twenty-one years of age may be employed by the restaurant to serve and
31 collect money for alcoholic beverages, if the person is under the direct supervision of a person

1 twenty-one or more years of age, but may not be engaged in mixing, dispensing, or consuming
2 alcoholic beverages. Any establishment where alcoholic beverages are sold may employ
3 persons from eighteen to twenty-one years of age to work in the capacity of musicians under
4 the direct supervision of a person twenty-one or more years of age.

5 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.