

Fifty-seventh  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2441

Introduced by

Senators Krebsbach, Tollefson, Watne

Representatives Bellew, Carlson, Wald

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 the performance of official duties in licensed alcoholic beverage  
3 premises.

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

5 **SECTION 1. AMENDMENT.** Section 5-01-08 of the 1999 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**  
8 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**  
9 **premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.** Except  
10 as permitted in this section and section 5-02-06, any person under twenty-one years of age  
11 manufacturing or attempting to manufacture alcoholic beverages, purchasing or attempting to  
12 purchase alcoholic beverages, consuming or having recently consumed alcoholic beverages  
13 other than during a religious service, being under the influence of alcoholic beverages, or being  
14 in possession of alcoholic beverages, or furnishing money to any person for such purchase, or  
15 entering any licensed premises where alcoholic beverages are being sold or displayed, except  
16 a restaurant when accompanied by a parent or legal guardian, or in accordance with section  
17 5-02-06, or if the person is a law enforcement officer or other public official entering the  
18 premises in the performance of official duty, is guilty of a class B misdemeanor. The court may,  
19 under this section, refer the person to an outpatient addiction facility licensed by the state  
20 department of human services for evaluation and appropriate counseling or treatment. The  
21 offense of consumption occurs in the county of consumption or the county where the offender is  
22 arrested.

23 **SECTION 2. AMENDMENT.** Section 5-02-06 of the 1999 Supplement to the North  
24 Dakota Century Code is amended and reenacted as follows:

1           **5-02-06. Prohibitions as to persons under twenty-one years of age - Penalty -**  
2 **Exceptions.** Except as permitted in this section, any licensee who dispenses alcoholic  
3 beverages to a person under twenty-one years of age, or who permits such a person to remain  
4 on the licensed premises while alcoholic beverages are being sold or displayed, is guilty of a  
5 class A misdemeanor, subject to sections 5-01-08, 5-01-08.1, and 5-01-08.2. Any person  
6 under twenty-one years of age may remain in a restaurant where alcoholic beverages are being  
7 sold if the restaurant is separated from the room in which alcoholic beverages are opened or  
8 mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which  
9 are consumed in the dining area, if the person is employed by the restaurant as a food waiter,  
10 food waitress, busboy, or busgirl under the direct supervision of a person twenty-one or more  
11 years of age and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic  
12 beverages, or if the person is a law enforcement officer or other public official entering the  
13 premises in the performance of official duty. Any person under twenty-one years of age may  
14 remain in an area of a site where beer, wine, or sparkling wine is sold in accordance with the  
15 conditions of an event permit issued pursuant to section 5-02-01.1. Any person who is  
16 nineteen years of age or older but under twenty-one years of age may be employed by the  
17 restaurant to serve and collect money for alcoholic beverages, if the person is under the direct  
18 supervision of a person twenty-one or more years of age, but may not be engaged in mixing,  
19 dispensing, or consuming alcoholic beverages. Any establishment where alcoholic beverages  
20 are sold may employ persons from eighteen to twenty-one years of age to work in the capacity  
21 of musicians under the direct supervision of a person twenty-one or more years of age.