

Introduced by

Senators Heitkamp, Nething, Espegard, J. Lee

Representatives Gulleason, R. Kelsch

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 use of alcohol by a person under twenty-one years of age; and to  
3 declare an emergency.

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

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

7 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**  
8 **purchasing, consuming, or possessing using alcoholic beverages or entering licensed**  
9 **premises - Penalty ~~Exceptions~~ ~~Referrals to addiction facilities~~ ~~Jurisdiction.~~**

- 10 1. Except as permitted in this section and section 5-02-06, a person under  
11 twenty-one years of age may not manufacture or attempt to manufacture,  
12 purchase or attempt to purchase, consume or have recently consumed other than  
13 during a religious service, be under the influence of, be in possession of, or furnish  
14 money to any person for the purchase of an alcoholic beverage, ~~or~~  
15 2. A person under twenty-one years of age may not enter any licensed premises  
16 where alcoholic beverages are being sold or displayed, except a:  
17 a. A restaurant ~~when~~ if accompanied by a parent or legal guardian, ~~or in;~~  
18 b. In accordance with section 5-02-06, ~~or if;~~  
19 c. If the person is a law enforcement officer or other public official who enters  
20 the premises in the performance of official duty; ~~or~~ if  
21 d. If the person enters the premises for training, education, or research  
22 purposes under the supervision of a person twenty-one or more years of age  
23 with prior notification of the local licensing authority.  
24 3. A violation of this section is a class B misdemeanor.

- 1           4. The court may, under this section, refer the person to an outpatient addiction  
2           facility licensed by the state department of human services for evaluation and  
3           appropriate counseling or treatment.
- 4           5. The offense of consumption occurs in the county of consumption or the county  
5           where the offender is arrested.
- 6           6. For purposes of this section, a person is not twenty-one years of age until  
7           eight a.m. on that person's twenty-first birthday.

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

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

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

1           4. A 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. ~~Any~~

4           5. A person who is nineteen years of age or older but under twenty-one years of age  
5           may be employed by the restaurant as provided 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.

12          6. For purposes of this section, a person is not twenty-one years of age until  
13          eight a.m. on that person's twenty-first birthday.

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