

HOUSE BILL NO. 1413

Introduced by

Representatives Wrangham, Headland, S. Kelsh, Norland

Senator Traynor

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 an underage person in a licensed alcohol establishment.

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

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

6 **5-01-08. Persons under twenty-one years of age prohibited from manufacturing,**
7 **purchasing, consuming, or possessing alcoholic beverages or entering licensed**
8 **premises - Penalty - Exceptions - Referrals to addiction facilities - Jurisdiction.**

9 1. Except as permitted in this section and section 5-02-06, a person under twenty-one
10 years of age may not manufacture or attempt to manufacture, purchase or attempt
11 to purchase, consume or have recently consumed other than during a religious
12 service, be under the influence of, be in possession of, or furnish money to any
13 person for the purchase of an alcoholic beverage; ~~or.~~

14 2. A person under twenty-one years of age may not enter any licensed premises
15 where alcoholic beverages are being sold or displayed, except a:

16 a. A restaurant ~~when~~ if accompanied by a parent or legal guardian; ~~or in;~~

17 b. In accordance with section 5-02-06; ~~or if;~~

18 c. If the person is an independent contractor engaged in contract work;

19 d. If the person is a law enforcement officer or other public official who enters the
20 premises in the performance of official duty; ~~i~~ or if

21 e. If the person enters the premises for training, education, or research purposes
22 under the supervision of a person twenty-one or more years of age with prior
23 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, may 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 **SECTION 2. AMENDMENT.** Section 5-02-06 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **5-02-06. Prohibitions ~~as to~~ for persons under twenty-one years of age - Penalty -**
9 **Exceptions.**

10 1. Except as permitted in this section, any licensee who dispenses alcoholic
11 beverages to a person under twenty-one years of age, or who permits such a
12 person to remain on the licensed premises while alcoholic beverages are being
13 sold or displayed, is guilty of a class A misdemeanor, subject to sections 5-01-08,
14 5-01-08.1, and 5-01-08.2. ~~Any~~

15 2. A person under twenty-one years of age may remain in a restaurant where
16 alcoholic beverages are being sold if the restaurant is separated from the room in
17 which alcoholic beverages are opened or mixed and gross sales of food are at
18 least equal to gross sales of alcoholic beverages which are consumed in the dining
19 area, or if the person is employed by the restaurant as a food waiter, food waitress,
20 busboy, or busgirl under the direct supervision of a person twenty-one or more
21 years of age and is not engaged in the sale, dispensing, delivery, or consumption
22 of alcoholic beverages.

23 3. A person under twenty-one years of age may enter and remain on the licensed
24 premises if the person is an independent contractor engaged in contract work; if
25 the person is a law enforcement officer or other public official who enters the
26 premises in the performance of official duty; or if the person enters the licensed
27 premises for training, education, or research purposes under the supervision of a
28 person twenty-one or more years of age with prior notification of the local licensing
29 authority.

- 1 4. Any 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.
- 4 5. Any person who is nineteen years of age or older but under twenty-one years of
5 age may be employed by ~~the~~ a 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.
- 9 6. Any establishment where alcoholic beverages are sold may employ persons from
10 eighteen to twenty-one years of age to work in the capacity of musicians under the
11 direct supervision of a person twenty-one or more years of age.