

Introduced by

Representatives Boehning, Maragos, Streyle

Senator Nelson

1 A BILL for an Act to amend and reenact sections 5-02-05 and 5-02-05.1 of the North Dakota
2 Century Code, relating to the sale of alcoholic beverages on Sunday.

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

4 **SECTION 1. AMENDMENT.** Section 5-02-05 of the North Dakota Century Code is amended
5 and reenacted as follows:

6 **5-02-05. Dispensing prohibited on certain days - Penalty.**

7 A person may not dispense or permit the consumption of alcoholic beverages on a licensed
8 premises between two a.m. and ~~twelve noon~~ten a.m. on Sundays, between the hours of
9 two a.m. and eight a.m. on all other days of the week, or on Christmas Day or after six p.m. on
10 Christmas Eve. In addition, a person may not provide off sale after two a.m. on Thanksgiving
11 Day. A person that violates this section is guilty of a class A misdemeanor.

12 **SECTION 2. AMENDMENT.** Section 5-02-05.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **5-02-05.1. Sunday alcoholic beverage permit - Penalty.**

- 15 1. Any local governing body may issue a Sunday alcoholic beverage permit to a qualified
16 alcoholic beverage licensee licensed under this chapter or to a publicly owned or
17 operated facility. For purposes of this section, "qualified alcoholic beverage licensee"
18 has the same meaning as in section 5-02-01.1. A county may not issue a permit under
19 this section to a retail alcoholic beverage establishment located within the
20 geographical boundaries of a city.
- 21 2. The authority for issuing the permit rests solely with the local governing body. A permit
22 may be granted only upon proper application to and approval by the governing body
23 and must include payment of a fee determined by the governing body. A permit
24 granted by the local governing body may be effective for more than one Sunday.

- 1 3. Under the permit, alcoholic beverages may be distributed and dancing may be
2 permitted in the establishment or facility. A local governing body may permit dancing
3 and the distribution of alcoholic beverages between the hours of ~~twelve noon~~ten a.m.
4 on Sunday and two a.m. on Monday. The general public may be permitted to
5 participate in the consumption of alcoholic beverages distributed under the authority of
6 the permit. The establishment or facility granted the permit shall enforce the
7 requirements of this section.
- 8 4. Any person who dispenses, sells, or permits the consumption of alcoholic beverages
9 in violation of this section, or who furnishes information required by this section which
10 is false or misleading, is guilty of a class A misdemeanor.