Sixty-eighth Legislative Assembly of North Dakota

SENATE BILL NO. 2363

Introduced by

Senators Barta, Kessel, Meyer

Representatives Cory, Louser, Richter

- 1 A BILL for an Act to amend and reenact subsection 3 of section 5-02-06 of the North Dakota
- 2 Century Code, relating to prohibitions on access to a brewer taproom for an individual under
- 3 twenty-one years of age; and to provide a penalty.

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

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SECTION 1. AMENDMENT. Subsection 3 of section 5-02-06 of the North Dakota 6 Century Code is amended and reenacted as follows:

7	3.	a.	At the discretion of the owner of the licensed premises, an individual under				
8			twenty-one years of age may be permitted to enter and remain in a restaurant				
9			where alcoholic beverages are being sold and in the area of the restaurant				
10			designated for the opening or mixing of alcoholic beverages if the individual:				
11			(1) Is accompanied by a parent or guardian;				
12			(2) Is not seated at or within three feet [0.91 meters] of the bar counter; and				
13			(3) Does not enter or remain in the designated area after ten p.m.				
14		b.	At the discretion of the owner of a brewer taproom licensed under section				
15	I		5-01-21, an individual under twenty-one years of age may be permitted to enter				
16			and remain in the brewer taproom if the:				
17			(1) The brewer taproom is connected to or contracts with an establishment,				
18			including a mobile food unit, at which food is prepared and available for				
19			purchase to be consumed in the brewer taproom and which is connected to				
20			or located at the brewer taproom and receives the majority of its gross sales				
21			from the sale of food; and				
22			(2) The individual:				
23			(a) Is accompanied by athe individual's parent or guardian;				

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1		(2) (b)	Is not seated at or within three feet [0.91 meters] of the bar counter;	
2			and	
3		(3) (c)	Does not enter or remain in the brewer taproom after ten p.m. or	
4			during any time that food is not available for consumption as provided	
5			in paragraph 1.	
6	<u>C.</u>	An individual under twenty-one years of age may be permitted to remain in a		
7		restaurant where alcoholic beverages are being sold if the restaurant is		
8		separated from the designated area in which alcoholic beverages are opened or		
9		mixed and gross sales of food are at least equal to gross sales of alcoholic		
10		beverages which are consumed in the dining area, or if the individual is employed		
11		by the restaurant as a food waiter, food waitress, busboy, or busgirl under the		
12		direct supervision of an individual twenty-one years of age or older and is not		
13		engaged i	n the sale, dispensing, delivery, or consumption of alcoholic beverages.	
14	d.	For purpos	ses of this subsection, "mobile food unit" means a vehicle-mounted	
15		food servi	ce establishment designed to be readily movable from which a vendor	
16		prepares,	cooks, sells, or serves food or beverages for immediate consumption.	