Sixty-third Legislative Assembly of North Dakota

HOUSE BILL NO. 1367

Introduced by

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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 and reenacted as follows:
- 6 5-02-05. Dispensing prohibited on certain days Penalty.
- A person may not dispense or permit the consumption of alcoholic beverages on a licensed premises between two a.m. and twelve noonten a.m. on Sundays, between the hours of two a.m. and eight a.m. on all other days of the week, or on Christmas Day or after six p.m. on
- the annia englicannia en an earler days of the moon, or on enhance bay or anter each pinn on
- 10 Christmas Eve. In addition, a person may not provide off sale after two a.m. on Thanksgiving
- 12 **SECTION 2. AMENDMENT.** Section 5-02-05.1 of the North Dakota Century Code is

Day. A person that violates this section is guilty of a class A misdemeanor.

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

amended and reenacted as follows:

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

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- 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 noonten 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.
 - 4. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.