

Introduced by

Judiciary Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code,
2 relating to the penalty for individuals under twenty-one years of age using alcoholic beverages
3 or entering licensed premises; and to provide a penalty.

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 amended
6 and reenacted as follows:

7 **5-01-08. Individuals under twenty-one years of age prohibited from using alcoholic**
8 **beverages or entering licensed premises - Penalty.**

- 9 1. Except as permitted in this section and section 5-02-06, an individual under
10 twenty-one years of age may not manufacture or attempt to manufacture, purchase or
11 attempt to purchase, consume or have recently consumed other than during a
12 religious service, be under the influence of, be in possession of, or furnish money to
13 any individual for the purchase of an alcoholic beverage.
- 14 2. An individual under twenty-one years of age may not enter any licensed premises
15 where alcoholic beverages are being sold or displayed, except:
- 16 a. A restaurant if accompanied by a parent or legal guardian;
17 b. In accordance with section 5-02-06;
18 c. If the individual is an independent contractor or the independent contractor's
19 employee engaged in contract work and is not engaged in selling, dispensing,
20 delivering, or consuming alcoholic beverages;
21 d. If the individual is a law enforcement officer or other public official who enters the
22 premises in the performance of official duty; or

- 1 e. If the individual enters the premises for training, education, or research purposes
- 2 under the supervision of an individual twenty-one or more years of age with prior
- 3 notification of the local licensing authority.
- 4 3. A violation of this section is a class B misdemeanor. For a violation of subsection 1
- 5 or 2, the court also shall sentence a violator to an evidence-based alcohol and drug
- 6 education program operated under rules adopted by the department of human
- 7 services under section 50-06-44.
- 8 4. The court, under this section, may refer the individual to an outpatient addiction facility
- 9 licensed by the department of human services for evaluation and appropriate
- 10 counseling or treatment.
- 11 5. The offense of consumption occurs in the county of consumption or the county where
- 12 the offender is arrested.
- 13 6. An individual under twenty-one years of age is immune from criminal prosecution
- 14 under this section if that individual contacted law enforcement or emergency medical
- 15 services and reported that another individual under twenty-one years of age was in
- 16 need of medical assistance due to alcohol consumption, provided assistance to the
- 17 individual in need of medical assistance until assistance arrived and remained on the
- 18 scene, or was the individual in need of medical assistance and cooperated with
- 19 medical assistance and law enforcement personnel on the scene. The maximum
- 20 number of individuals that may be immune for any one occurrence is five individuals.