Sixty-seventh Legislative Assembly of North Dakota

HOUSE BILL NO. 1124

Introduced by

Representatives Roers Jones, Becker, Heinert, Jones, Paulson, Vetter

Senators Bakke, Dwyer, Hogue, Larson, Myrdal

- 1 A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code,
- 2 relating to evidence-based alcohol and drug education program for individuals under twenty-one
- 3 years of age who purchase, possess, or consume an alcoholic beverage; and to provide a
- 4 penalty.

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

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

8 **5-01-08.** Individuals under twenty-one years of age prohibited from using alcoholic

9 beverages or entering licensed premises - Penalty.

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

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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 shallmay sentence a violator to an evidence-based alcohol and
6		drug 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 thatwho may be immune for any one occurrence is five
21		individuals.