

**HOUSE BILL NO. 1223**

Introduced by

Representatives Ista, Adams, Mock, O'Brien, Roers Jones, Vetter

Senators Bakke, Heckaman, Kreun, Meyer

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 an individual under twenty-one years of age who consumes,  
3 purchases, or possesses an alcoholic beverage; 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.~~ An individual who violates this  
5 section is guilty of an infraction. For a violation of subsection 1 or 2, the court also  
6 shall sentence a violator to an evidence-based alcohol and drug education program  
7 operated under rules adopted by the department of human services under section  
8 50-06-44.

9 4. The court, under this section, may refer the individual to an outpatient addiction facility  
10 licensed by the department of human services for evaluation and appropriate  
11 counseling or treatment.

12 5. The offense of consumption occurs in the county of consumption or the county where  
13 the offender is arrested.

14 6. An individual under twenty-one years of age is immune from criminal prosecution  
15 under this section if that individual contacted law enforcement or emergency medical  
16 services and reported that another individual under twenty-one years of age was in  
17 need of medical assistance due to alcohol consumption, provided assistance to the  
18 individual in need of medical assistance until assistance arrived and remained on the  
19 scene, or was the individual in need of medical assistance and cooperated with  
20 medical assistance and law enforcement personnel on the scene. The maximum  
21 number of individuals that may be immune for any one occurrence is five individuals.