

Introduced by

Senators Meyer, Holmberg, Poolman, K. Roers

Representatives Howe, Mock

1 A BILL for an Act to amend and reenact subsection 2 of section 5-01-17, subsection 2 of section
2 5-01-19, and section 5-02-05 of the North Dakota Century Code, relating to the dispensing and
3 selling of alcoholic beverages on Sunday; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 5-01-17 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 2. A domestic winery may sell wine produced by that winery at on sale or off sale, in retail
8 lots, and not for resale, and may sell or direct ship its wine to persons inside or outside
9 of the state in a manner consistent with the laws of the place of the sale or delivery in
10 total quantities not in excess of twenty-five thousand gallons [94635 liters] in a
11 calendar year; glassware; wine literature and accessories; and cheese, cheese
12 spreads, and other snack food items. A licensee may dispense free samples of the
13 wines offered for sale. Subject to local ordinance, sales at on sale and off sale may be
14 made on Sundays between ~~twelve noon~~eight a.m. and twelve midnight. The tax
15 commissioner may issue special events permits for not more than forty events per
16 calendar year to a domestic winery allowing the winery, subject to local ordinance, to
17 give free samples of its wine and to sell its wine by the glass or in closed containers, at
18 off-premises events. A domestic winery may not engage in any wholesaling activities.
19 All sales and deliveries of wines to any other retail licensed premises in this state may
20 be made only through a licensed North Dakota liquor wholesaler. For any month in
21 which a domestic winery has made sales to a North Dakota wholesaler, that domestic
22 winery shall file a report with the tax commissioner no later than the last day of each
23 calendar month reporting sales made during the preceding calendar month. When the

1 last day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due
2 date is the first working day thereafter.

3 **SECTION 2. AMENDMENT.** Subsection 2 of section 5-01-19 of the North Dakota Century
4 Code is amended and reenacted as follows:

5 2. A domestic distillery may sell spirits produced by that distillery at on sale or off sale, in
6 retail lots, and not for resale, and may sell or direct ship its spirits to persons inside or
7 outside the state in a manner consistent with the laws of the place of the sale or
8 delivery in total quantities not in excess of twenty-five thousand gallons [94635 liters]
9 in a calendar year. Direct sales within this state are limited to two and thirty-eight
10 hundredths gallons [9 liters] or less per month per person for personal use and not for
11 resale. The packaging must conform with the labeling requirements in section 5-01-16.
12 A licensee may dispense free samples of the spirits offered for sale. Subject to local
13 ordinance, sales at on sale and off sale may be made on Sundays between ~~twelve-~~
14 ~~noon~~eight a.m. and twelve midnight. A domestic distillery may hold events inside and
15 outside its premises, but only on contiguous property under common ownership,
16 allowing free samples of its spirits and to sell its spirits by the glass or in closed
17 containers. The tax commissioner may issue event permits for not more than forty
18 event days per calendar year to a domestic distillery allowing the domestic distillery,
19 subject to local ordinance, to give free samples of its product and to sell its product by
20 the glass or in closed containers, at off-premises events. A domestic distillery may not
21 engage in any wholesaling activities. Except as provided by section 5-01-19.1, all
22 sales and deliveries of spirits to any other retail licensed premises in this state may be
23 made only through a licensed North Dakota liquor wholesaler. However, a domestic
24 distillery may sell distilled spirits to a domestic winery if the distilled spirits were
25 produced from products provided to the domestic distillery by the domestic winery. No
26 later than the last business day of a calendar month, a farm distillery that has made
27 sales to a North Dakota wholesaler during the preceding calendar month shall file a
28 report with the tax commissioner reporting those sales.

29 **SECTION 3. AMENDMENT.** Section 5-02-05 of the North Dakota Century Code is amended
30 and reenacted as follows:

1 **5-02-05. Dispensing prohibited on certain days - Penalty.**

2 A person may not dispense or permit the consumption of alcoholic beverages on a licensed
3 premises between two a.m. and ~~eleven a.m. on Sundays, between the hours of two a.m. and~~
4 eight a.m. ~~on all other days of the week, or,~~ on Christmas Day, or after six p.m. on Christmas
5 Eve. In addition, a person may not provide off sale after two a.m. on Thanksgiving Day or
6 between two a.m. and ~~no~~nine a.m. on Sundays. A person that violates this section is guilty of
7 a class A misdemeanor.