

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2363

Introduced by

Senators Barta, Kessel, Meyer

Representatives Cory, Louser, Richter

1 A BILL for an Act to amend and reenact subsection 3 of section 5-02-06 of the North Dakota
2 Century Code, relating to prohibitions on access to a brewer taproom for an individual under
3 twenty-one years of age; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 5-02-06 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 3. a. At the discretion of the owner of the licensed premises, an individual under
8 twenty-one years of age may be permitted to enter and remain in a restaurant
9 where alcoholic beverages are being sold and in the area of the restaurant
10 designated for the opening or mixing of alcoholic beverages if the individual:

11 (1) Is accompanied by a parent or guardian;

12 (2) Is not seated at or within three feet [0.91 meters] of the bar counter; and

13 (3) Does not enter or remain in the designated area after ten p.m.

14 b. At the discretion of the owner of a brewer taproom licensed under section
15 5-01-21, an individual under twenty-one years of age may be permitted to enter
16 and remain in the brewer taproom if:

17 (1) The brewer taproom is connected to or contracts with an establishment,
18 including a mobile food unit, at which food is prepared and available for
19 purchase to be consumed in the brewer taproom and which is connected to
20 or located at the brewer taproom and receives the majority of its gross sales
21 from the sale of food; and

22 (2) The individual:

23 (a) Is accompanied by the individual's parent or guardian;

1 (b) Is not seated at or within three feet [0.91 meters] of the bar counter;
2 and

3 (c) Does not enter or remain in the brewer taproom after ten p.m. or
4 during any time that food is not available for consumption as provided
5 in paragraph 1.

6 c. An individual under twenty-one years of age may be permitted to remain in a
7 restaurant where alcoholic beverages are being sold if the restaurant is
8 separated from the designated area in which alcoholic beverages are opened or
9 mixed and gross sales of food are at least equal to gross sales of alcoholic
10 beverages which are consumed in the dining area, or if the individual is employed
11 by the restaurant as a food waiter, food waitress, busboy, or busgirl under the
12 direct supervision of an individual twenty-one years of age or older and is not
13 engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages.

14 d. For purposes of this subsection, "mobile food unit" means a vehicle-mounted
15 food service establishment designed to be readily movable from which a vendor
16 prepares, cooks, sells, or serves food or beverages for immediate consumption.