

**2023 SENATE INDUSTRY AND BUSINESS**

**SB 2363**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2363  
2/6/2023

A bill relating to prohibitions on access to brewer taproom for an individual under twenty-one years of age; and to provide a penalty.
--

10:36 AM Chairman D. Larsen opened the meeting. Members present: Chairman D. Larsen, Senator Barta, Senator Klein, Senator Boehm. Members absent: Vice Chairman Kessel.

### Discussion Topics:

- Access to brewer taproom
- Taproom vs. Brewery
- Minors

10:36 AM Senator Barta, District 43, North Dakota State Senate, introduced SB 2363 and testified in favor. #19282

10:44 AM Scott Meske, Executive Director, North Dakota Brewers Guild, testified in favor of SB 2363. #19136

10:58 AM David Richter, North Dakota State Legislature, District 1, testified in favor of SB 2363. (verbal)

11:06 AM Connie Borenson, owner, Busted Knuckle Brewery, Williston, North Dakota, testified in favor of SB 2363. #19130

### Additional written testimony:

Eric Johnson, #19122

11:18 AM Senator D. Larsen closed the hearing on SB 2363.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2363  
2/7/2023

A bill relating to prohibitions on access to a brewer taproom for an individual under twenty-one years of age; and to provide a penalty.
--

3:00 PM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Senator Barta, Senator Klein, Senator Boehm. Members absent: Vice Chairman Kessel.

### **Discussion Topics:**

- Bill update

3:01 PM General discussion on SB 2363.

3:02 PM Chairman D. Larsen closed the meeting.

*Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2363  
2/8/2023

A BILL for an Act relating to prohibitions on access to a brewer taproom for an individual under twenty-one years of age
--

11:19 Chairman Larsen called the committee to order. Senators Klein, Boehm, Larsen and Barta present. Senator Kessel absent.

### **Discussion Topics:**

- Constituent emails
- Amendment Delay

11:21 AM Chairman Larsen closed the committee work.

*Dave Owen on behalf of Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2363  
2/8/2023

A BILL for an Act relating to prohibitions on access to a brewer taproom for an individual under twenty-one years of age
--

11:33 AM Chairman Larsen called the committee to order. Senators Klein, Boehm, Larsen, Barta present. Senator Kessel absent.

### **Discussion Topics:**

- Bill progress
- Small business
- Tap rooms

11:33 AM Chairman Larsen provided a review.

11:41 AM Chairman Larsen adjourned the committee.

*Dave Owen on behalf of Brenda Cook, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Industry and Business Committee Fort Union Room, State Capitol

SB 2363  
2/13/2023

A bill relating to prohibitions on access to a brewer taproom for an individual under twenty-one years of age; and to provide a penalty.
--

3:45 PM Chairman D. Larsen called the meeting to order. Members present: Chairman D. Larsen, Vice Chairman Kessel, Senator Barta, Senator Klein, Senator Boehm.

### Discussion Topics:

- Committee action

3:53 PM Senator Barta moved to adopt amendment LC 23.1063.01004. #20677

3:53 PM Senator Kessel seconded the motion.

Roll call vote:

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Motion Passes 5-0-0 to adopt amendment to SB 2363.

3:55 PM Senator Boehm moved DO PASS AS AMENDED SB 2363.

3:55 PM Senator Barta seconded the motion.

Roll call vote:

Senators	Vote
Senator Doug Larsen	Y
Senator Greg Kessel	Y
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Jerry Klein	Y

Motion Passes 5-0-0 DO PASS AS AMENDED SB 2363.

Senator Barta will carry the bill.

3:55 PM Chairman D. Larsen closed the meeting.

*Brenda Cook, Committee Clerk*

February 13, 2023

DR  
171  
2-13-23

PROPOSED AMENDMENTS TO SENATE BILL NO. 2363

Page 1, line 16, replace the second "the" with ":

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

Page 1, line 17, replace "(1)" with "(a)"

Page 1, line 17, replace "a" with "the individual's"

Page 1, line 18, replace "(2)" with "(b)"

Page 1, line 19, replace "(3)" with "(c)"

Page 1, line 19, after "p.m." insert "or during any time that food is not available for consumption as provided in paragraph 1."

Page 2, after line 3, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2363: Industry and Business Committee (Sen. Larsen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 16, replace the second "the" with ":

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

- (2) The"

Page 1, line 17, replace "(1)" with "(a)"

Page 1, line 17, replace "a" with "the individual's"

Page 1, line 18, replace "(2)" with "(b)"

Page 1, line 19, replace "(3)" with "(c)"

Page 1, line 19, after "p.m." insert "or during any time that food is not available for consumption as provided in paragraph 1."

Page 2, after line 3, insert:

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

Renumber accordingly



**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2363**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2363  
3/22/2023

Relating to prohibitions on access to a brewer taproom for an individual under twenty-one years of age; and to provide a penalty.
---

Chairman Louser called meeting to order 9:03 AM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

### Discussion Topics:

- Food trucks
- Brewery
- Dinner with kids

### In Favor:

Senator Jeff Barta, District 43, Grand Forks ND, #26270  
Representative Dave Richter, District 1, Williston, ND (no written testimony)  
Scott Meske, representing the ND Brewers Guild, #26277  
Mike Frohlich, President, ND Brewers Guild, and owner of Laughing Sun Brewery (no written testimony)

Representative Thomas moved a do pass.  
Representative Boschee seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	N
Representative Jim Kasper	Y
Representative Ben Koppelman	AB
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	N
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11-2-1

Representative Thomas will carry the bill.

**Additional written testimony:**

Connie Boreson, Busted Knuckle Brewery, Williston, #25736

Chairman Louser adjourned the meeting 9:42 AM

*Diane Lillis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2363, as engrossed: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends DO PASS (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).** Engrossed SB 2363 was placed on the Fourteenth order on the calendar.

**TESTIMONY**

**SB 2363**

Members of the Committee,

First off, thank you for your time. I am writing you today in favor of a bill (SB - 2363) that would allow Breweries with a Taproom License to allow minors inside, given that they are:

- 1) With adults over the age of 21
- 2) They cannot sit at the bar
- 3) They are not in the taproom past 10pm

Members of the Committee, I strongly believe that a bill such as this one would

offer a benefit to many of the small businesses in the state, with very little drawback. Let me begin by describing why I believe this will benefit small businesses in the state. The "Taproom" License in the state of North Dakota is, in layman terms, the "little guy" of the brewers licenses. This is the license for spaces that are too small to produce large enough quantities of beer to require a distributor, and procure most of their money via on premise consumption at the taproom. Hence the name of the license.

This generally also means that these spaces are too small for a kitchen. Which is currently the only difference in our licenses with the "other" types of breweries that prevents us from having minors in our taprooms. There are obviously other differences in what we are and aren't allowed to do. But in terms of having minors in taprooms, if only our spaces were large enough to have a kitchen, we could then have minors inside. However, I believe that it is our "smallness" itself that, in fact, should make us more qualified, not less, to be allowed to have minors inside. Let me elaborate.

Because the Taproom License is focused on Taproom sales, that means we must build incredibly strong ties to the community, since this is where most of our income comes from. With that in mind. We often find ourselves doing things to build the community up around us, such as hosting pet adoption themed 5k races. Or brewing a specialty beer for "1,000 Trees for Minot".

We, along with other breweries our size, often also find ourselves as entertainment hubs for our community for things like live music, etc. However, due to the restrictions on our license. Every time we want to host events of this nature, we must make special requests to both the city and state in order to have minors present. These fees begin to add up, not to mention that we are limited in our number of these we can use annually.

Allowing minors under the above conditions would allow us to continue to build our community by better including whole families. Also, no consideration is given to the fact that we often outsource food by bringing in food trucks (more community building and supporting OTHER local businesses), in whether our space has a "kitchen".

Moreover, and I believe this is a more important point, Brewery Taprooms are NOT bars. Allowing minors into Brewery Taprooms is, I will argue, actually safer than the how the law is currently set up. As the law stands now, if a Brewery includes a kitchen, that allows them to have minors....however, that kitchen ALSO allows the sales of LIQUOR on those same premises. A brewery Taproom is ONLY allowed to sell beer. Therefore, as the law currently stands, people could go to a brewery with a kitchen, and have shots of alcohol next to their child, but are not allowed to have a beer at a brewery with a Taproom license with their child accompanying them. To me this is simply a common sense change, in this regard. Another point that I believe is relevant here; is that to my knowledge, every other brewery with a Taproom license closes well before normal bar closing time. We simply don't see late night traffic, and therefore generally are closed by midnight, even on weekends. I say this, because in my experience, people do not drink and become intoxicated during the early evening (like at a Taproom), the same way that they do in the early morning hours at a bar. This aligns with the limitation of times minors would be allowed inside and supports our differentiation from a typical "bar"

Lastly, this law would bring us into alignment with other neighboring states. Both Minnesota and Montana allow accompanied minors inside their equivalent of a Brewery Taproom.

Let me close my argument for this bill by telling a story from recent weekend trip. My wife and I took our children on a trip to Fargo. I delivered beer to several stores and my wife had her quarterly meeting for the State Board of Barber Examiners. We decided we wanted to go out for a beer after our dinner. But since we had our children with and were out of town traveling and had no access to childcare, our choices were limited. We might have taken our business to another GREAT small town Brewery Taproom and HUB of their community of Mapleton to Icewind Brewery. But instead (not for the first time), since we had the children, we went across the river to Moorhead to Junkyard Brewery and took our business out of state. I have personally seen this many times at my own establishment. Parents traveling, trying to visit the brewery but leave because they have children. As more and more breweries open nationwide, beer tourism is a real thing. And with our Taproom License essentially being the "startup" license, a change like this would really be a great benefit.

This bill has a LOT of potential to do good in many North Dakota communities and help some of the small businesses working hard to build their communities.

As a side note, while we had our children at Junkyard both we and they had a lovely time. There were other families there with their children. The people that made a place for us to sit next to them chatted and were friendly with the kids. We played card games and had a wholesome evening. Hopefully the same can be said inside my establishment soon.

Thank you again for your time and consideration.

Sincerely,

Eric Johnson – Atypical Brewery & Barrelworks



February 6, 2023

Testimony in SUPPORT of SB2363

My name is Connie Boreson, my husband, son, daughter and I own the Busted Knuckle Brewery in Williston North Dakota. We opened January 10, 2020 and operate under the state's Taproom License.

After two years of business in Williston I can assure you, our business has been impacted by not allowing people under 21 into our Brewery. The demographic for breweries, as attested by the Brewers Association, is just exactly the demographic in Williston North Dakota; male, 28-39 years old and employed. What doesn't mesh is that many of the workers who are in Williston are now married with children.

Our brewery is structured like most breweries nationwide. We only serve the craft beer that we manufacture, we close at 10pm, we encourage guests to interact with each other to the extent that we do not have TV's in the brewery but instead have a cupboard full of games and a weekly Trivia night. We lease out part of our building to Pit105 BBQ and allow food to be brought into the brewery. We have seating for 197, large windows and creative lighting. I say all this to paint a picture, one that would certainly be inclusive of someone under 21.

Notably, we have missed business with the age restriction in company parties. Many of the hard working people in our area are under 21 and if they are not, their wife or significant other is. When the company calls to ask about availability for a party, then I check to see if all are over 21 years, never once has a company chosen our brewery for their event over their staff who is under 21. I applaud that choice, but it makes a difference in our revenue.

Williston is also a perfect town for tournaments. Many great hotels and restaurants. And now Williston even has a brewery! We are conveniently located just .5 miles from the Raymond Center which hosts statewide tournaments for hockey, wrestling and basketball and right next to the Raymond Center is Aafedt Stadium which hosted the Babe Ruth World Series last summer. While we might have been able to serve people who are in Williston to watch their children play competitive sports, we found that families were not coming to the brewery because their children are not allowed in. The convenience of location, the draw of Pit 105 BBQ were both overshadowed by the fact that the children would not be able to come into the brewery. Again, a huge impact to our bottom line.

I appreciate the efforts to make a change at the state level that will allow people under 21 in the brewery. The continued support of small businesses is one reason we chose to open the brewery in North Dakota.

Sincerely,

Connie Boreson

Busted Knuckle Brewery Williston

406-724-7232



**Promoting and Protecting the Interests of the North  
Dakota Craft Brewing Community since 2013**

**February 6, 2023**

**Testimony in SUPPORT of Senate Bill 2363**

Chairman Larsen and Members of the Committee:

I'm Scott Meske, representing the North Dakota Brewers Guild and on behalf of the membership we respectfully ask for your support for Senate Bill 2363. The bill before you fixes an oversight from the 2021 Session HB 1184, which revised Century Code to allow minors into alcohol beverage establishments.

Minors are now allowed into alcohol beverage establishments that have a kitchen or restaurant component with three conditions, and at the owner's discretion:

- They are not allowed within three feet of the bar itself where alcohol is served
- They must be with their parents or legal guardian
- They are not permitted after 10 pm.

Taprooms, by definition, do NOT have a restaurant or kitchen component to their business. They are allowed to only serve alcohol that is produced on site. We have ten taprooms licensed in North Dakota. Some of them are physically attached to a food establishment, however are legally separated by license or ownership.

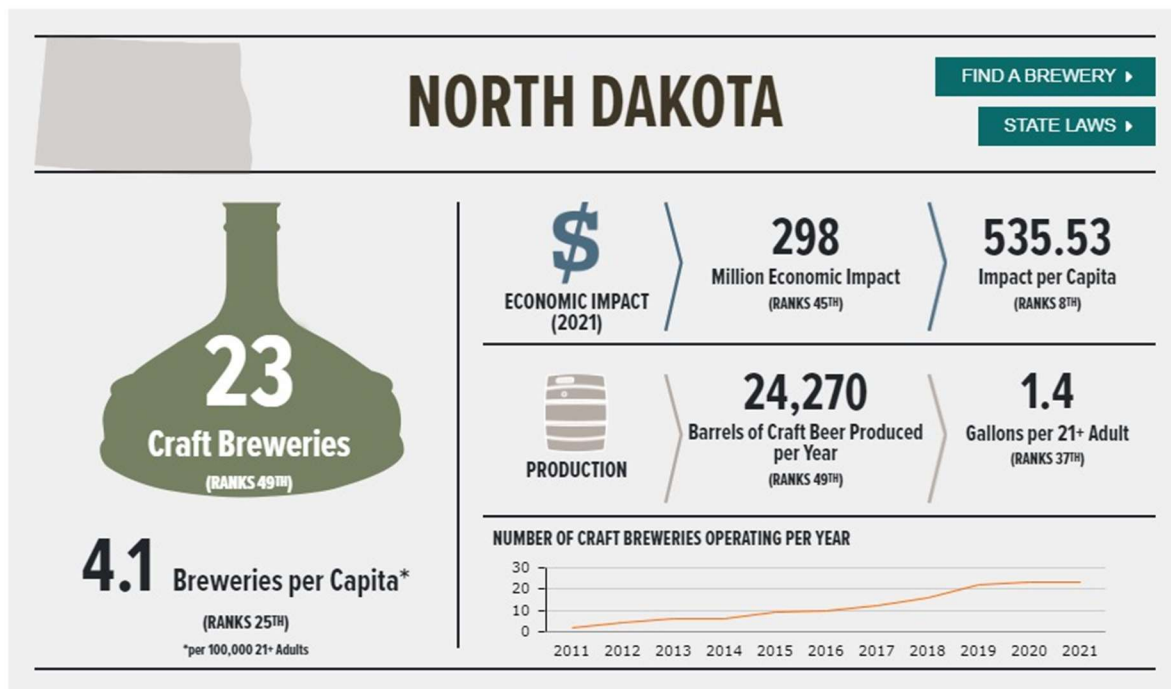
We are asking that taprooms be included in the Century Code to allow minors, under the same requirements as other alcohol beverage establishments.



## Promoting and Protecting the Interests of the North Dakota Craft Brewing Community since 2013

I have attached HB 1184 from the 2021 Legislative Session in my uploaded testimony for your reference.

The North Dakota Brewers Guild requests a DO PASS on SB 2363.



**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1184  
(Representatives Louser, Becker, Lefor, Richter, Schatz)  
(Senators Meyer, Vedaa)

AN ACT to amend and reenact subsection 3 of section 5-02-06 of the North Dakota Century Code, relating to prohibitions for an individual under twenty-one years of age; and to provide a penalty.

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

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

3. a. At the discretion of the owner of the licensed premises, an individual under twenty-one years of age may be permitted to enter and remain in a restaurant where alcoholic beverages are being sold and in the area of the restaurant designated for the opening or mixing of alcoholic beverages if the individual:
  - (1) Is accompanied by a parent or guardian;
  - (2) Is not seated at or within three feet [0.91 meters] of the bar counter; and
  - (3) Does not enter or remain in the designated area after ten p.m.
- b. An individual under twenty-one years of age may not be permitted to remain in a restaurant where alcoholic beverages are being sold except if the restaurant is separated from the room designated area in which alcoholic beverages are opened or mixed and gross sales of food are at least equal to gross sales of alcoholic beverages which are consumed in the dining area, or if the individual is employed by the restaurant as a food waiter, food waitress, busboy, or busgirl under the direct supervision of an individual twenty-one or more years of age or older and is not engaged in the sale, dispensing, delivery, or consumption of alcoholic beverages.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1184.

House Vote:      Yeas 90              Nays 2              Absent 2

Senate Vote:    Yeas 31              Nays 15             Absent 1

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

23.1063.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**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 ~~the~~:

17 (1) The brewer taproom is connected to an establishment at which food is  
18 prepared and intended for consumption on or off the premises, which is  
19 connected to the brewer taproom and able to be accessed from inside the  
20 brewer taproom, and which receives the majority of its gross sales from the  
21 sale of food; and

22 (2) The individual:

23 ~~(1)~~ (a) Is accompanied by a parent or guardian:



23.1063.01003

Sixty-eighth  
Legislative Assembly  
of North Dakota

**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 ~~the~~:

- 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 ~~(1)~~ (a) Is accompanied by a parent or guardian;





March 15, 2023

Testimony in SUPPORT of SB2363 to

House Industry, Business & Labor Committee Members:

My name is Connie Boreson, my husband, son, daughter and I own the Busted Knuckle Brewery in Williston North Dakota. We opened January 10, 2021 and operate under the state's Taproom License.

In our two years of business in Williston our business has been impacted by not allowing people under 21 years of age into our Brewery. The demographic for breweries, as attested by the Brewers Association, is just exactly the demographic in Williston North Dakota; male, 28-39 years old and employed. What doesn't mesh is that many of the workers who are in Williston are now married with children.

Our brewery is structured like most breweries nationwide. We only serve the craft beer that we manufacture, we close at 10pm, we encourage guests to interact with each other to the extent that we do not have TV's in the brewery but instead have a cupboard full of games, a shuffleboard table and a weekly Trivia night. We lease out part of our building to Pit105 BBQ and allow their food to be brought into the brewery. We have seating for 197, large windows and creative lighting. I say all this to paint a picture, one that would certainly be inclusive of someone under 21 years old.

Williston is also a perfect town for tournaments. We have many great hotels and restaurants. And now Williston even has a brewery! We are conveniently located just .5 miles from the Raymond Center which hosts statewide tournaments for hockey, wrestling and basketball and right next to the Raymond Center is Aafedt Stadium which hosted the Babe Ruth World Series last summer. While we might have been able to serve people who are in Williston to watch their children play competitive sports, we found that families were not coming to the brewery because their children are not allowed to come in. The convenience of location and the draw of Pit 105 BBQ were both overshadowed by the fact that the children would not be able to come into the brewery, a huge loss of revenue for our small business.

I appreciate the efforts to make this change at the state level with SB2363 that will allow people under the age of 21 in the Busted Knuckle Brewery.

Sincerely,

Connie Boreson

Busted Knuckle Brewery Williston      406-724-7232



# North Dakota Senate

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



**Senator Jeff Barta**  
District 43  
815 South 21st Street  
Grand Forks, ND 58201-4135  
C: 701-741-5906  
[jbarta@ndlegis.gov](mailto:jbarta@ndlegis.gov)

**COMMITTEES:**  
Industry and Business  
State and Local Government

3/22/2023

Chairman Louser, Vice Chair Ostlie and members of the House IBL Committee. For the record, my name is Jeff Barta, and I am the Senator representing District 43 in Grand Forks. I stand before you today to introduce SB2363. This bill is seeking to clarify language that was passed last session that added brewpubs as an establishment that could allow minors into their establishment that serve alcohol, provided:

- a) They are not sitting at the bar
- b) They are with their parents or guardians
- c) They are not present after 10 pm.

This was a great bill that has benefited the craft brewing industry, however, the language included "in establishments that serve food." Brewpubs, by definition, offer food and therefore fall under this code.

This language, unfortunately, has left brewer taprooms on the outside looking in. By definition, taprooms do not have a kitchen and do not serve food, unless they contract with a food truck. North Dakota currently has 10 licensed defined taprooms in the state, several of which would like to be able to welcome families if they so choose. Some of these taprooms often host live music, trivia, parties, and large events such as receptions. They are often asked by their patrons if their kids, as well as young adults, would be able to attend some of these events and they would like to be able to tell them yes.

Some of these taprooms are found in communities bordering Minnesota where this exception is already in place and people are used to bringing their kids with them to brewer taprooms. This has created some issues for taproom owners as they have to turn that

business away. I believe this bill will allow this segment of small businesses to grow within our state. Craft brewing is a growing industry, and in a state that grows the best barley in the world, I believe we should do our best to allow these folks to showcase what North Dakota has to offer. Limiting their ability to accept and serve customers puts a cap on their ability to succeed. I say let's pop that cap off for our taproom industry and let their success pour out.

I thank you for your time and will stand for any questions you may have. If none, I am happy to turn the podium over to some folks here who can explain further, how this bill will benefit small businesses here in North Dakota.



**Promoting and Protecting the Interests of the North  
Dakota Craft Brewing Community since 2013**

**March 22, 2023**

**Testimony in SUPPORT of Senate Bill 2363**

Chairman Louser and Members of the Committee:

I'm Scott Meske, representing the North Dakota Brewers Guild and on behalf of the membership we respectfully ask for your support for Senate Bill 2363. The bill before you fixes an oversight from the 2021 Session HB 1184, which revised Century Code to allow minors into alcohol beverage establishments.

Minors are now allowed into alcohol beverage establishments that have a kitchen or restaurant component with three conditions, and at the owner's discretion:

- They are not allowed within three feet of the bar itself where alcohol is served
- They must be with their parents or legal guardian
- They are not permitted after 10 pm.

Taprooms, by definition, do NOT have a restaurant or kitchen component to their business. They are allowed to only serve alcohol that is produced on site. We have ten taprooms licensed in North Dakota. Some of them are physically attached to a food establishment, however are legally separated by license or ownership.

We are asking that taprooms be included in the Century Code to allow minors, under the same requirements as other alcohol beverage establishments.



## Promoting and Protecting the Interests of the North Dakota Craft Brewing Community since 2013

The sponsor of the bill worked with the Senate Industry and Business Committee to include a fair food component to this provision, and the Guild is comfortable with this version as passed by the Senate 47-0.

The North Dakota Brewers Guild respectfully requests a DO PASS on SB 2363.

