



TO: Mayor Shaun Sipma
Members of the City Council

FROM: Kelly Hendershot, City Attorney

DATE: July 16, 2021

SUBJECT: 2021 Legislative Updates

I. RECOMMENDED ACTION

- A. Approve, on first reading, the attached ordinance relating to alcoholic beverages, licenses, tobacco, shoplifting, and possession of weapons.

II. DEPARTMENT CONTACT PERSONS

Kelly Hendershot – (701) 857-4755

III. DESCRIPTION

The 67th North Dakota Legislative Assembly made several amendments to state law concerning alcoholic beverages, licenses, tobacco, shoplifting, and possession of weapons. The City Attorney’s Office drafted the attached ordinance to incorporate the amendments made by the following house and senate bills into the City’s Code of Ordinances:

HB 1124	Makes evidence-based drug and alcohol education program discretionary for those convicted of a first offense of being under 21 years of age and possessing of alcohol, consuming alcohol, or being on a licensed premises where alcoholic beverages are being sold.
HB 1184	Allows liquor license holder to allow someone under 21 years of age to be in the area of a restaurant where opening and mixing of alcohol occurs if accompanied by a parent or guardian, is not seated within three feet of bar counter, and it is not later than 10 p.m.
HB 1223	Changes offense level from class B misdemeanor to infraction for alcohol provisions under 21 years of age.
HB 1284	Modifies special event alcohol permit requirements to remove requirement that an area where persons under 21 years of age may remain must be set out on the permit.
HB 1293	Allows loaded rifles or shotguns in a vehicle if the individual has a valid concealed weapons permit.
HB 1297	Removes the term “public gathering” and clarifies that dangerous weapons cannot be possessed at school or school sponsored events on school property.
SB 2156	Changes age for purchase and consumption of tobacco products from eighteen to twenty-one years of age.
SB 2166	Adds a definition for shoplifting and limits municipal jurisdiction to a first offense in three years. Sentence must include statement from court providing notice of enhanced penalty for subsequent offense.
SB 2220	Moves Sunday alcohol on and off sale opening to 8 a.m.
SB 2264	Makes evidence-based drug and alcohol education program mandatory for those convicted of a second or subsequent offense of being under 21 years of age and

	<p>possessing of alcohol, consuming alcohol, or being on a licensed premises where alcoholic beverages are being sold.</p> <p>Makes evidence-based drug and alcohol education program discretionary for those convicted of a first offense of being under 21 years of age and possessing one-half ounce or less of marijuana. Makes evidence-based drug and alcohol education program mandatory for those convicted of a second or subsequent offense of being under 21 years of age and possessing one-half ounce or less of marijuana.</p>
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IV. IMPACT:

Overall, the changes to state law relaxed the penalties for the offenses listed above, which will likely translate to fewer fines collected by the Minot Municipal Court.

V. ALTERNATIVES

Staff would note that it did not remove the prohibition against dispensing/permitting the consumption of an alcoholic beverage on a licensed premises after 2:00 a.m. on Easter Day. This is not a prohibition under state law – but the City Council elected to retain this prohibition when this topic was last addressed. The City Council could also examine raising the fines relating to the purchase and consumption of tobacco products for individuals under 21. State law requires the ordinance require a fee of at least \$25.00. As written, the new ordinance retains the present fee structure for tobacco violations.

VI. TIME CONSTRAINTS

The changes should be adopted to align with the changes to state law.

VII. LIST OF ATTACHMENTS

- A. Proposed Ordinance