

Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1303

Introduced by

Representatives Motschenbacher, Beltz, Cory, Dockter, Fisher, Grueneich, Heinert, Klemin,  
Louser, Marschall

Senator K. Roers

1 A BILL for an Act to amend and reenact section 5-03-07 of the North Dakota Century Code,  
2 relating to alcoholic beverage tax on diluted beverages.

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

4 **SECTION 1. AMENDMENT.** Section 5-03-07 of the North Dakota Century Code is amended  
5 and reenacted as follows:

6 **5-03-07. Imposition of tax - Rate.**

7 1. A tax is hereby imposed upon all alcoholic beverage wholesalers, domestic wineries,  
8 domestic distilleries, microbrew pubs, brewer taproom licensees, and direct shippers  
9 for the privilege of doing business in this state. The amount of this tax shall be  
10 determined by the gallonage according to the following schedule:

11 Beer in bulk containers - per wine gallon \$ .08 (.021 per liter)

12 Beer in bottles and cans - per wine gallon .16 (.042 per liter)

13 Wine ~~Diluted beverages or wine~~, including sparkling wine, containing less than 17% alcohol by  
14 .50 (.132 per liter)

15 volume - per wine gallon

16 Wine containing 17%-24% alcohol by .60 (.159 per liter)

17 volume - per wine gallon

18 Distilled spirits - per wine gallon 2.50 (.66 per liter)

19 Alcohol - per wine gallon 4.05 (1.07 per liter)

20 2. As used in this section:

21 a. "Diluted beverages" means alcoholic beverages in their original, unopened  
22 container which are prepared from the admixture of distilled spirits or wine with  
23 water, dairy products, fruit juices, or vegetable juices, to which natural flavors,

1                   artificial flavors, sweetening agents, or food additives may be added to produce a  
2                   beverage distinct from the spirits or wine. The term does not include beverages  
3                   containing twelve and one-half percent or more of alcohol by volume.

4                   b. Notwithstanding section 5-01-01, "distilled spirits" has the same meaning as in  
5                   section 5-01-01, except the term does not include diluted beverages as defined in  
6                   subdivision a.

7                   **SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable events occurring after  
8                   June 30, 2023.