

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2193

Introduced by

Senators Thane, Nething, Robinson, Traynor

Representatives Jensen, Price

1 A BILL for an Act to amend and reenact sections 12.1-31-03 and 27-20-32 of the North Dakota
2 Century Code, relating to the sale of tobacco to minors and prohibiting the use of tobacco by
3 minors; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-31-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-31-03. Sale of tobacco to minors and use by minors prohibited.**

- 8 1. It is ~~a class B misdemeanor~~ an infraction for any person or organization, directly or
9 through agents or employees, whether authorized or unauthorized by the principal
10 or employer, to sell or furnish to a minor, or procure for a minor, cigarettes,
11 cigarette papers, cigars, snuff, or tobacco in any other form in which it may be
12 utilized for smoking or chewing. As used in this subsection, "sell" includes
13 dispensing from a vending machine under the control of the actor. No level of
14 culpability or criminal intent need be proven in a prosecution under this subsection.
- 15 2. It is ~~a class B misdemeanor~~ unlawful for a minor to possess, smoke, or use
16 cigarettes, cigars, cigarette papers, snuff, or tobacco in any other form in which it
17 may be utilized for smoking or chewing, except when engaged in a bona fide
18 religious activity or ceremony.
- 19 3. Any minor may lawfully monitor compliance or obtain evidence concerning a
20 violation of this section when acting with permission of the minor's parent or
21 guardian and while acting under the authorization or supervision of any law
22 enforcement authority, state agency, city, county, or board of health.
- 23 4. Any city, county, or board of health may enact ordinances or regulations which
24 supersede state laws, including penalties, regulating the sale, distribution,

1 marketing, promotion, advertising, display, or use of cigarettes, cigarette papers,
2 snuff, cigars, or tobacco in any other form in which it may be utilized for smoking or
3 chewing, provided the ordinances or regulations do not authorize any act forbidden
4 by state law.

5 **SECTION 2. AMENDMENT.** Section 27-20-32 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **27-20-32. Disposition of unruly child.** If the child is found to be unruly, the court may
8 make any disposition authorized for a delinquent child except commitment to a secure facility,
9 and if the child is found to have violated section 12.1-31-03, the court may also order the child
10 to pay a fine of not more than fifty dollars. If after making the disposition the court finds upon a
11 further hearing that the child is not amenable to treatment or rehabilitation under the disposition
12 made, it may make a disposition otherwise authorized by section 27-20-31.