

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2368

Introduced by

Senators C. Nelson, Lee, Lyson, Mutzenberger

Representatives Gulleeson, Poolman

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota
2 Century Code, relating to the sale of food, drugs, and cosmetics; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 19-02.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Transient sale of food, drugs, and cosmetics - Penalty.** A transient merchant as
7 defined in section 51-04-02 may not sell any food manufactured and packaged for sale and for
8 consumption by a child under the age of two years, any drug, any cosmetic, or any product that
9 has an expired shelf life at any location, including flea market, hobby show, or craft fair other
10 than a permanent retail or service establishment at which space is rented or otherwise made
11 available for the conduct of business. This section does not apply to the sale of products for
12 which a transient merchant is authorized by a manufacturer or distributor to sell at retail or at an
13 industry or association trade show. The transient merchant shall present, on demand, a written
14 authorization that includes the seller's name and may include a date upon which the
15 authorization expires and shall present, within ten days of demand, a receipt for any product
16 sold which must include the price paid and the date of sale. This section does not apply to any
17 transient merchant who sells for future delivery by sample, catalog, or brochure and any
18 transient merchant who makes a sales presentation in response to an invitation issued by the
19 owner of the premises on which the sale is made. A person who violates this section is guilty of
20 an infraction.