

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2125

Introduced by

Senators Thane, Kilzer, Krebsbach

Representatives Jensen, Rose

(At the request of the State Department of Health)

1 A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code,  
2 relating to the purchase, possession, and use of tobacco by minors; and to provide a penalty.

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

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

6 **12.1-31-03. Sale of tobacco to minors and use by minors prohibited.**

- 7 1. It is ~~a class B misdemeanor~~ an infraction for any person to sell or furnish to a  
8 minor, or procure for a minor, cigarettes, cigarette papers, cigars, snuff, or tobacco  
9 in any other form in which it may be utilized for smoking or chewing. As used in  
10 this subsection, "sell" includes dispensing from a vending machine under the  
11 control of the actor.
- 12 2. It is ~~a class B misdemeanor~~ an infraction for a minor to purchase, possess, smoke,  
13 or use cigarettes, cigars, cigarette papers, snuff, or tobacco in any other form in  
14 which it may be utilized for smoking or chewing. However, a person under  
15 eighteen years of age may purchase and possess tobacco as part of a compliance  
16 survey program when acting with the permission of the person's parent or guardian  
17 and while acting under the supervision of any law enforcement authority. A state  
18 agency, city, county, board of health, tobacco retailer, or association of tobacco  
19 retailers may also conduct compliance surveys, after coordination with the  
20 appropriate local law enforcement authority.