

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Kroeber

1 A BILL for an Act to create and enact a new section to chapter 18-08 of the North Dakota
2 Century Code, relating to reduced ignition propensity standards for cigarettes; to provide a
3 penalty; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 18-08 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Reduced ignition propensity standards for cigarettes - Penalty.** A manufacturer of
8 cigarettes, including the first purchaser that intends to resell cigarettes, or that person's
9 successor may not sell or offer for sale in this state any cigarette that for which a written
10 certification has been filed by the manufacturer with the state file marshall that the cigarettes
11 meet another state's reduced cigarette ignition propensity standards ignition strength of
12 cigarettes using the American society of testing and material standard test method for
13 measuring the ignition strength of cigarettes. The performance standard must be equivalent or
14 more strict than the standard of no more than twenty-five percent of the cigarettes tested in a
15 single trial exhibiting full-length burns. The certification must be for each type of cigarette.
16 Each cigarette pack meeting certification must be marked.

17 **SECTION 2. PENALTY.** Any person who knowingly sells or offers to sell cigarettes,
18 other than through retail sale, in violation of this section is subject to a civil penalty not to
19 exceed ten thousand dollars for each sale of cigarettes. For a subsequent offense the person
20 is subject to a civil penalty not to exceed twenty-five thousand dollars for each sale, but the
21 penalty may not exceed one hundred thousand dollars during any thirty day period. A retail
22 dealer that knowingly sells cigarettes in violation of this section is subject to a civil penalty not to
23 exceed five hundred dollars. For a subsequent offense, the retailer is subject to a civil penalty
24 not to exceed two thousand dollars. A penalty is doubled if the amount of cigarettes exceeds

1 one thousand, but the penalty may not exceed twenty-five thousand dollars during a thirty day
2 period. The state fire marshall may adopt rules in relation to this section and a violation of any
3 rule is subject to a civil penalty for a first offense not to exceed one thousand dollars, and for a
4 subsequent offense not to exceed five thousand dollars for each violation.

5 **SECTION 3.** Notwithstanding any other provision of law, home rule charter, ordinance
6 made under a home rule charter, a political subdivision may not enact or enforce any ordinance
7 or regulation conflicting with any provision of this section.

8 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective August 1, 2010. Any
9 existing inventory of cigarettes for which a state tax stamp was affixed before the effective date
10 of this Act is not subject to this Act.