

January 19, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1368

Page 1, line 2, remove "and"

Page 1, line 3, after "date" insert "; and to provide an expiration date"

Page 5, line 1, replace "wholesale" with ":

a. Wholesale"

Page 5, line 6, after "year" insert "; or

b. The sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, "consumer testing" means an assessment of cigarettes which is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of those cigarettes, utilizing only the quantity of cigarettes which is reasonably necessary for the assessment.

8. This chapter must be interpreted and construed to effectuate its general purpose to make uniform this chapter with the laws of those states that have enacted reduced cigarette ignition propensity laws as of the date this chapter is enacted"

Page 5, line 31, replace "a fee of at least" with "an initial fee of"

Page 8, line 15, replace "for a first offense, and for a subsequent" with ", but"

Page 8, line 16, remove "offense a civil penalty"

Page 8, replace lines 21 through 25 with:

"5. If any law enforcement personnel or duly authorized representative of the state fire marshal discovers any cigarettes for which no certification has been filed as required by section 18-13-03, or which have not been marked as required by section 18-13-04, that personnel or representative may seize and take possession of the cigarettes. Cigarettes seized under this subsection must be destroyed; provided, however, that before the destruction of the cigarettes, the true holder of the trademark rights in the cigarette brand is permitted to inspect the cigarette."

Page 8, line 28, replace "injunctive relief or to" with ":

a. Preliminary or permanent injunctive relief against any manufacturer, importer, wholesale dealer, retail dealer, agent, or any other person to enjoin the person from selling, offering to sell, or affixing tax stamps to any cigarette that does not comply with the requirements of this chapter; or

b. To"

Page 8, line 30, after the underscored period insert:

"7."

Page 9, line 31, after "**DATE**" insert " - **EXPIRATION DATE**" and after "2010" insert ", however, this Act becomes ineffective on the date the state fire marshal certifies to the legislative council that a federal reduced cigarette ignition propensity standard has been adopted and has become effective"

Renumber accordingly