

FOODS AND DRUGS

CHAPTER 199

HOUSE BILL NO. 1498
(Hentges, Dornacker, Watkins, Royse)

PENALTIES FOR NARCOTICS VIOLATIONS

AN ACT to amend and reenact subdivision a of subsection 1 and subdivision a of subsection 2 of section 19-03.1-23, section 19-03.1-29, and subsection 3 of section 19-03.1-31 of the North Dakota Century Code, relating to the penalties for distribution of narcotics and other controlled substances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subdivision a of subsection 1 of section 19-03.1-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. a controlled substance classified in schedules I or II which is a narcotic drug, is guilty of a crime and upon conviction shall be imprisoned for not less than ten days and not more than ten years for the first offense. For a second or subsequent offense under this subdivision, the person, upon conviction, shall be imprisoned for not less than twenty years. Sentences under this subdivision shall not be suspended, and the trial court shall not defer imposition of sentence on a person convicted hereunder. A corporation, upon conviction hereunder, shall be sentenced to a fine of not less than ten thousand dollars;

SECTION 2. AMENDMENT.) Subdivision a of subsection 2 of section 19-03.1-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. a counterfeit substance classified in schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction shall be imprisoned for not less than ten days and not more than ten years for the first offense. For a second or subsequent offense under this subdivision, the person, upon conviction, shall be imprisoned for not less than twenty years. Sentences under this subdivision shall not be suspended, and the trial

court shall not defer imposition of sentence on a person convicted hereunder. A corporation, upon conviction hereunder, shall be sentenced to a fine of not less than ten thousand dollars;

SECTION 3. AMENDMENT.) Section 19-03.1-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

19-03.1-29. DISTRIBUTION TO PERSONS UNDER AGE EIGHTEEN.) Any person eighteen years of age or over who violates subsection 1 of section 19-03.1-23 by distributing any other controlled substance listed in schedules I, II, III, IV, and V, to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by subdivisions b, c, and d of subsection 1 of section 19-03.1-23, by a term of imprisonment up to twice that authorized by subdivisions b, c, and d of subsection 1 of section 19-03.1-23, or both.

SECTION 4. AMENDMENT.) Subsection 3 of section 19-03.1-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. This section does not apply to offenses under subdivision a of subsection 1 or subsection 3 of section 19-03.1-23.

Approved March 27, 1973

CHAPTER 200

HOUSE BILL NO. 1500
(Metzger, Gengler)

OLEOMARGARINE TAX ELIMINATION

AN ACT to amend and reenact subsection 1 of section 19-05-08 and subsection 2 of section 19-05-13 of the North Dakota Century Code, relating to the reduction and elimination of the tax imposed upon oleomargarine sold in this state, and its transportation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 1 of section 19-05-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The state tax commissioner shall collect a tax of five cents per pound upon all yellow oleomargarine held for sale or consumption in this state, during the period beginning July 1, 1973, and ending June 30, 1975. Beginning July 1, 1975, there shall be no tax upon oleomargarine held for sale or consumption in this state. Oleomargarine shall not be sold in this state in packages containing less than one pound, however, oleomargarine may be sold in packages containing any number of exact pounds provided that the packages containing the oleomargarine clearly state the weight of the oleomargarine contained in the package and that the appropriate number of revenue stamps representing the per pound net weight of the oleomargarine contained in the package are affixed to the package before the package is offered for sale in this state. Before a box, carton, or container of oleomargarine is held for distribution by a manufacturer, wholesaler, distributor, jobber, or any person acting as such, or by a retailer, or held for consumption by any person, he shall attach to each package a stamp denoting the payment of the tax upon the oleomargarine therein contained. No stamps shall be required after the expiration of the tax provided in this section.

SECTION 2. AMENDMENT.) Subsection 2 of section 19-05-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Prior to July 1, 1975, it shall be unlawful for any person to transport into, receive, carry, or move from place to place in this state, by automobile, truck, boat, airplane, conveyance, vehicle, or other means of transportation, except in the course of interstate commerce, any unstamped oleomargarine, and any such automobile, truck, boat, airplane, conveyance, vehicle, or other means of transportation in which any oleomargarine is transported or carried in violation of this chapter, and any oleomargarine and other equipment or personal property used as an incident to such transportation and found in such means of transportation, shall be subject to seizure by the tax commissioner, or by any sheriff or other police officer, with or without process, and shall be subject to forfeiture in the manner provided in section 19-05-14. Violation of this subsection shall constitute a felony.

Approved March 8, 1973

CHAPTER 201

HOUSE BILL NO. 1378
(Rued)

NOTICE OF USE OF OLEOMARGARINE

AN ACT to repeal section 19-05-12 of the North Dakota Century Code,
relating to the notice of the use of oleomargarine or
margarine where meals are served.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 19-05-12 of the North Dakota
Century Code is hereby repealed.

Approved March 13, 1973