Prepared by the Legislative Council staff for
Representative Drovdal
February 6, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1434

Page 1, line 9, remove "in or affecting interstate commerce"

Page 1, line 15, remove "in writing"

Page 1, line 16, replace "person" with "individual"

Page 1, line 18, replace "Wants" with "Has selected an option on the statement as to whether the individual wants"

Page 2, line 3, after "3." insert "Before mailing or shipping the product, the person provides to the prospective purchaser, by electronic mail or other means, a notice that meets the requirements of section 4 of this Act.

4."

Page 2, line 6, replace "4." with "5."

Page 2, line 20, replace "5." with "6."

Page 2, line 25, replace "persons" with "Persons"

Page 2, after line 26, insert:

"**SECTION 4. Disclosure requirements.** The notice required under subsection 3 of section 1 of this Act must include:

1. A prominent and clearly legible statement that cigarette sales to consumers below the legal minimum age are illegal;

2. A prominent and clearly legible statement that consists of one of the warnings set forth in section 4(a)(1) of the Federal Cigarette Labeling and Advertising Act [15 U.S.C. 1333(a)(1)] rotated on a quarterly basis;

3. A prominent and clearly legible statement that sales of cigarettes are restricted to those consumers who provide verifiable proof of age in accordance with section 1 of this Act; and

4. A prominent and clearly legible statement that cigarette sales are subject to tax under sections 57-36-06 and 57-36-32, and an explanation of how the tax has been, or is to be, paid with respect to the delivery sale."

Page 2, line 29, replace "attorney general" with "tax commissioner"

Page 3, line 8, replace "making a" with "receiving", replace "sale" with "of any tobacco product", and remove "collect and"

Page 3, line 9, replace "levied by the state" with "due under chapter 57-36" and replace "sale pursuant to" with ". This section does not apply if the"

Page 3, remove line 10

Page 3, line 12, replace the second "the" with "this" and after "state" insert "or another state"

Page 3, line 18, remove ", or who knowingly and"

Page 3, remove line 19

Page 3, line 20, remove "this Act in another person's name,"

Page 3, line 21, after "3." insert "Any individual who knowingly and falsely submits a certification under subdivision a of subsection 5 of section 1 of this Act in another individual's name is guilty of a noncriminal offense and is subject to the penalty provided under subsection 1.

4."

Page 3, line 24, replace "4." with "5."

Page 3, line 26, after the boldfaced period insert "**Enforcement.**"

Renumber accordingly