

Introduced by

Representative Mitskog

Senator J. Lee

1 A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota
2 Century Code, relating to prohibiting the sale of flavored e-liquid; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Sale of flavored e-liquid prohibited - Penalty.**

7 1. As used in this section:

8 a. "Electronic smoking device" has the same meaning as in section 12.1-31-03.

9 b. "Flavored e-liquid" means a liquid composed of nicotine and other chemicals
10 which is sold as a product that may be used in an electronic smoking device and
11 which contains a natural or artificial constituent or additive that causes the
12 e-liquid or its vapor to have a characterizing flavor.

13 c. "Characterizing flavor" means a distinguishable taste or aroma, including any
14 fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb,
15 or spice flavoring. The term does not include tobacco or menthol.

16 2. A person may not sell, offer for sale, or distribute in this state any flavored e-liquid or
17 electronic smoking device containing flavored e-liquid.

18 3. A person that violates subsection 2 and is not a manufacturer is subject to a fine of
19 one hundred dollars for each individual package of flavored e-liquid product or
20 electronic smoking device containing flavored e-liquid sold or offered for sale.

21 4. A manufacturer that violates subsection 2 is subject to a fine of ten thousand dollars
22 for each brand or style of the manufacturer's tobacco products found to have been
23 sold or offered for sale in violation of subsection 2 on more than one occasion during
24 any thirty-day period.

- 1 5. It is an affirmative defense for a manufacturer that the sale or offer of sale, as
- 2 applicable, occurred without the knowledge, consent, authorization, and involvement
- 3 of the manufacturer.