

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 to minors; and to provide a
3 penalty.

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

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

7 **Sale of flavored e-liquid to minors prohibited - Penalty.**

8 ~~1. As used in this section:~~

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

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

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

17 ~~2.1.~~ A person may not sell, offer for sale, or distribute in this state any flavored e-liquid or
18 electronic smoking device containing flavored e-liquid to a minor.

19 ~~3.2.~~ A person that violates subsection ~~2~~1 and is not a manufacturer is subject to a fine of
20 ~~one~~five hundred dollars for each individual package of flavored e-liquid product or
21 electronic smoking device containing flavored e-liquid sold or offered for sale.

22 ~~4.~~ A manufacturer that violates subsection ~~2~~ is subject to a fine of ten thousand dollars
23 for each brand or style of the manufacturer's tobacco products found to have been

1 ~~sold or offered for sale in violation of subsection 2 on more than one occasion during~~
2 ~~any thirty day period.~~
3 ~~5. It is an affirmative defense for a manufacturer that the sale or offer of sale, as~~
4 ~~applicable, occurred without the knowledge, consent, authorization, and involvement~~
5 ~~of the manufacturer.~~