

Introduced by

Senator Lee

1 A BILL for an Act to create and enact a new section to chapter 19-21 of the North Dakota  
2 Century Code, relating to requirements for selling aerosol dusters containing difluoroethane; to  
3 amend and reenact subsection 2 of section 19-03.1-22.1 of the North Dakota Century Code,  
4 relating to the classification of difluoroethane as a volatile chemical; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-03.1-22.1 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 2. This section does not apply to inhalations specifically prescribed for medical, dental, or  
9 optometric treatment purposes or to controlled substances described in this chapter.

10 For the purposes of this section, "volatile chemical" includes the following chemicals or  
11 their isomers:

- 12 a. Acetone.
- 13 b. Aliphatic hydrocarbons.
- 14 c. Amyl nitrite.
- 15 d. Butane.
- 16 e. Butyl nitrite.
- 17 f. Carbon tetrachloride.
- 18 g. Chlorinated hydrocarbons.
- 19 h. Chlorofluorocarbons.
- 20 i. Chloroform.
- 21 j. Cyclohexane.
- 22 k. Diethyl ether.
- 23 l. Difluoroethane.
- 24 m. Ethyl acetate.

- 1            m-n.    Fluorocarbon.
- 2            n-o.    Glycol ether inter solvent.
- 3            o-p.    Glycol ether solvent.
- 4            p-q.    Hexane.
- 5            q-r.    Ketone solvent.
- 6            r-s.    Methanol.
- 7            s-t.    Methyl cellosolve acetate.
- 8            t-u.    Methyl ethyl ketone.
- 9            u-v.    Methyl isobutyl ketone.
- 10          v-w.    Nitrous oxide.
- 11          w-x.    Petroleum distillate.
- 12          x-y.    Toluene.
- 13          y-z.    Trichloroethane.
- 14          z-aa.   Trichloroethylene.
- 15          aa-bb.   Xylol or xylene.

16            **SECTION 2.** A new section to chapter 19-21 of the North Dakota Century Code is created  
17 and enacted as follows:

18            **Difluoroethane - Requirements for retail sale - Labeling.**

- 19            1. For purposes of this section:
  - 20            a. "Aerosol duster" means a product containing an aerosol propellant that may be  
21            used to clean electronics.
  - 22            b. "Behind the counter" means a product placed behind a counter or other barrier,  
23            or in a locked cabinet, where a purchaser does not have direct access before  
24            sale.
  - 25            c. "Proof of age" means a document issued by a governmental agency which  
26            contains a description of the individual or a photograph of the individual, or both,  
27            and gives the individual's date of birth. The term includes a passport, military  
28            identification card, or driver's license.
- 29            2. A retailer may sell an aerosol duster that contains 1,1-difluoroethane only:
  - 30            a. From behind the counter;

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- 1            b. To a purchaser verified to be at least eighteen years of age, with proof of age;
- 2            and
- 3            c. In a quantity of no more than three cans in a single transaction.
- 4            3. The department shall adopt labeling requirements for products containing
- 5            1,1-difluoroethane to protect the health and safety of the public.