

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2195

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.

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

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

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

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

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- 1 a. From behind the counter;
- 2 b. To a purchaser verified to be at least twenty-one years of age, with proof of age;
- 3 and
- 4 c. In a quantity of no more than four cans in a single transaction.
- 5 3. The department shall adopt labeling requirements for products containing
- 6 1,1-difluoroethane to protect the health and safety of the public.