

HOUSE BILL NO.

Introduced by

Representative Kroeber

1 A BILL for an Act to create and enact a new section to chapter 18-08 of the North Dakota
2 Century Code, relating to reduced ignition propensity standards for cigarettes; to provide a
3 penalty; and to provide an effective date.

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

5 **SECTION 1.** A new section to chapter 18-08 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Reduced ignition propensity standards for cigarettes - Civil penalty.**

- 8 1. A manufacturer of cigarettes, including the first purchaser that intends to resell
9 cigarettes, or that person's successor may not sell or offer for sale in this state any
10 cigarette for which a written certification has not been filed by the manufacturer
11 with the state fire marshal certifying that the cigarette meets another state's
12 reduced cigarette ignition propensity standard using the American society of testing
13 and material standard test method for measuring the ignition strength of cigarettes,
14 or equivalent standard. The performance standard must be equivalent to or more
15 strict than the standard of no more than twenty-five percent of at least forty
16 cigarettes tested in a single trial exhibiting full-length burns. The certification must
17 be for each type of cigarette. Every pack of cigarettes that meets certification must
18 be marked to that effect.
- 19 2. Any person who knowingly sells or offers to sell cigarettes, other than through retail
20 sale, in violation of this section is subject to a civil penalty not to exceed ten
21 thousand dollars for each sale. For a subsequent offense, the person is subject to
22 a civil penalty not to exceed twenty-five thousand dollars for each sale, but the
23 penalty may not exceed one hundred thousand dollars during any thirty-day period.
24 A retail dealer that knowingly sells cigarettes in violation of this section is subject to

1 a civil penalty not to exceed five hundred dollars. For a subsequent offense, the
2 retailer is subject to a civil penalty not to exceed two thousand dollars. A penalty is
3 doubled if the number of cigarettes exceeds one thousand, but the penalty may not
4 exceed twenty-five thousand dollars during a thirty-day period. The state fire
5 marshal may adopt rules to implement this section. Violation of any adopted rule is
6 subject to a civil penalty for a first offense not to exceed one thousand dollars, and
7 for a subsequent offense not to exceed five thousand dollars for each violation.
8 The attorney general shall enforce this section.

9 3. Notwithstanding any other provision of law, home rule charter, or ordinance made
10 under a home rule charter, a political subdivision may not enact or enforce any
11 ordinance or regulation conflicting with this section.

12 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective August 1, 2010. Any
13 existing inventory of cigarettes for which a state tax stamp was affixed before the effective date
14 of this Act is not subject to this Act.