

# FOODS, DRUGS, OILS, AND COMPOUNDS

## CHAPTER 166

S. B. No. 141

(Olson, Miller and Bilden)

### PENALTY FOR ILLEGAL NARCOTIC TRAFFIC

#### AN ACT

To amend and reenact section 19-0331 of the North Dakota Revised Code of 1943, relating to penalties for illegal use of narcotics or providing them to minors.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Amendment.)** Section 19-0331 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**19-0331. Penalties.)** Any person violating any provision of this chapter, if another penalty is not specifically prescribed, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the penitentiary for not less than one year nor more than three years, or in the county jail for not more than one year, or by both such fine and imprisonment.

If any person twenty-one years of age or over is convicted of the unlawful sale hereunder of opium, heroin, marijuana, or any narcotic drug to another person under the age of twenty-one years, or if anyone employs or uses a person under the age of twenty-one years in the sale of such drugs, such seller, employer, or principal shall be punished by imprisonment for not less than thirty years in the penitentiary. No application for parole, commutation, or reprieve may be made by such prisoner until after a term of at least twenty years has been served.

Approved March 12, 1957.

## CHAPTER 167

H. B. No. 790  
(Leet and Overbo)

## EGG REGULATION

## AN ACT

To amend and reenact sections 19-0701, 19-0702, 19-0703, 19-0704, 19-0705, and 19-0706 and to repeal sections 19-0707, 19-0708, 19-0709, 19-0710 and 19-0711, relating to eggs and egg dealers, providing a penalty, and declaring an emergency.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **Amendment.)** Sections 19-0701, 19-0702, 19-0703, 19-0704, 19-0705, and 19-0706 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

**19-0701. Eggs To Be Graded; Exemption.)** All eggs sold or offered for sale to an ultimate consumer in this state must be candled, graded and labeled with the correct grade designation. "Eggs" in this chapter means eggs in the shell which are the product of the domesticated chicken. A producer of eggs when selling only eggs of his own flock production is exempt from the provisions of this chapter.

**19-0702. Rulemaking Power.)** The department shall adopt and publish, only upon approval by a majority vote at a meeting of the egg advisory board, appropriate regulations to establish standards for candling, grading and inspecting eggs as to size, quality, purity, strength, holding requirements and sanitation, and shall be guided in establishing such standards by United States Department of Agriculture regulations governing the grading and inspecting of eggs.

**19-0703. Egg Advisory Commission.)** The North Dakota poultry improvement board plus a representative of the retail grocers shall constitute an advisory commission to assist the department in adopting and publishing regulations under this chapter. The representative of the retail grocers shall be a bona fide operator of a retail grocery store in this state to be selected by the state laboratories commission for such terms as the laboratories commission may determine.

**19-0704. Egg Dealers' Licenses.)** Every person engaged in the business of buying, selling, or trading in eggs shall first apply to and obtain from the department an egg dealer's license. The department shall prescribe necessary procedures

and regulations for such license application. Licenses shall be issued by the department upon receipt of proper applications for the following classes of egg dealer's licenses, and upon payment of the proper fee:

1. For any applicant to have authority to purchase or receive eggs from producers, to be known as a "first buyer", two dollars;
2. For any applicant to have authority to purchase or receive eggs from first or subsequent buyers, not including retailers, to be known as a "second buyer", ten dollars. A second buyer need not obtain a first buyer license;
3. For any applicant to have authority to sell eggs directly to the ultimate consumer, to be known as a "retailer", one dollar. A first buyer who is also a retailer need only pay the first buyer fee, but shall receive both licenses therefor.

**19-0705. Bond.)** No first or second buyer license shall be issued under this Act for an applicant who has not maintained a place of business for buying, selling or trading in eggs within this state for at least eight months immediately prior to making license application hereunder, unless such applicant first posts a corporate surety bond with the department in an amount to be determined by the department, but not less than five thousand dollars.

**19-0706. Penalty.)** Anyone violating the provisions of this chapter is guilty of a misdemeanor and for the first offense shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars. For each subsequent offense he shall be punished by a fine of not less than one hundred dollars and in addition the court may authorize the department to suspend or revoke his license. Any person who engages in the business of buying, selling, or trading in eggs while his license is suspended or revoked shall be fined not less than one hundred dollars, his license shall be revoked, and no license thereafter may be issued to him hereunder.

**§ 2. Repeal.)** Sections 19-0707, 19-0708, 19-0709, 19-0710, and 19-0711 of the North Dakota Revised Code of 1943 are hereby repealed.

**§ 3. Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 23, 1957.

## CHAPTER 168

H. B. No. 819  
(Burk, by request)

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COLORING OF GASOLINE; REPEAL

AN ACT

To repeal section 19-1017 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the coloring of gasoline.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

**§ 1. Repeal.)** Section 19-1017 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 13, 1957.