25.1448.02000

Sixty-ninth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Representative Murphy

A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to the sale or distribution of electronic smoking devices; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-36 of the North Dakota Century Code is created and enacted as follows:

Electronic smoking devices - Sale or distribution - Penalty.

1. A dealer or distributor may not sell or distribute an electronic smoking device in this state unless the electronic smoking device is authorized by the United States food and drug administration under the federal Family Smoking Prevention and Tobacco Control Act [21 U.S.C. 387 et seq.].
2. A dealer or distributor may not sell or distribute an electronic smoking device to an individual under twenty-one years of age.
3. The attorney general may enforce this section.
4. A dealer or distributor that violates this section is subject to seizure of electronic smoking devices offered for sale or distribution by the dealer or distributor in accordance with section 57-36-14 and:
   a. For a first violation, a fine of twenty-five thousand dollars and suspension of the dealer's or distributor's license for ninety days;
   b. For a second violation, a fine of fifty thousand dollars and suspension of the dealer's or distributor's license for one hundred eighty days;
   c. For a third violation, a fine of seventy-five thousand dollars and suspension of the dealer's or distributor's license for two hundred seventy days; and

d. For a fourth violation, a fine of one hundred thousand dollars and permanent revocation of the dealer's or distributor's license.

5. A person that is not a licensed dealer or distributor and sells an electronic smoking device that is not authorized by the United States food and drug administration under the federal Family Smoking Prevention and Tobacco Control Act [21 U.S.C. 387 et seq.] is guilty of a class C felony.

SECTION 2. EFFECTIVE DATE. This Act becomes effective upon its filing with the secretary of state.