

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2193

Introduced by

Senators Thane, Nething, Robinson, Traynor

Representatives Jensen, Price

1 A BILL for an Act to amend and reenact sections 12.1-31-03 and 27-20-10 of the North Dakota
2 Century Code, relating to the sale of tobacco to minors and prohibiting the use of tobacco by
3 minors; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-31-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-31-03. Sale of tobacco to minors and use by minors prohibited.**

- 8 1. It is ~~a class B misdemeanor~~ an infraction for any person or organization, directly or
9 through agents or employees acting on behalf of their principal or employer,
10 whether authorized or unauthorized by the principal or employer, to sell or furnish
11 to a minor, or procure for a minor, cigarettes, cigarette papers, cigars, snuff, or
12 tobacco in any other form in which it may be utilized for smoking or chewing. As
13 used in this subsection, "sell" includes dispensing from a vending machine under
14 the control of the actor. No level of culpability or criminal intent need be proven in
15 a prosecution under this subsection. The penalty for a subsequent violation of this
16 section may not be increased pursuant to subsection 7 of section 12.1-32-01
17 beyond a maximum fine of five hundred dollars.
- 18 2. It is ~~a class B misdemeanor~~ unlawful for a minor to possess, smoke, or use
19 cigarettes, cigars, cigarette papers, snuff, or tobacco in any other form in which it
20 may be utilized for smoking or chewing, except when engaged in a bona fide
21 religious activity or ceremony.
- 22 3. Any minor may lawfully monitor compliance or obtain evidence concerning a
23 violation of this section when acting with permission of the minor's parent or

1 guardian and while acting under the authorization or supervision of any law
2 enforcement authority, state agency, city, county, or board of health.
3 4. Any city or county may enact ordinances or regulations which supersede state
4 laws, including penalties, regulating the sale, distribution, marketing, promotion,
5 advertising, display, or use of cigarettes, cigarette papers, snuff, cigars, or tobacco
6 in any other form in which it may be utilized for smoking or chewing, provided the
7 ordinances or regulations do not authorize any act forbidden by state law.

8 **SECTION 2. AMENDMENT.** Subsection 2 of section 27-20-10 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 2. The giving of counsel and advice and any conditions imposed for the conduct and
11 control of the child ~~cannot~~ may not extend beyond nine months from the day
12 commenced unless extended by the court for an additional period not to exceed
13 six months and does not authorize the detention of the child if not otherwise
14 permitted by this chapter. If it appears that the child has violated section
15 12.1-31-03, the child may also be required to pay a fine of not more than fifty
16 dollars.