

February 8, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2328

Page 1, line 1, after the comma insert "subsection 9 of section 12.1-31-03,"

Page 1, line 8, remove "for any person to"

Page 1, after line 20, insert:

**"SECTION 2. AMENDMENT.** Subsection 9 of section 12.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

9. As used in this section:

- a. "Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. The term does not include any cigarette, cigar, snuff, tobacco in any other form in which it may be utilized for smoking or chewing, any electronic smoking device, or any product regulated as a drug or device by the United States Food and Drug Administration under chapter V of the federal Food, Drug, and Cosmetic Act [21 U.S.C 501 et seq.].
- b. "Electronic smoking device" means any electronic product that delivers nicotine or other substances to the individual inhaling from the device, including, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately. Electronic smoking device does not include drugs, devices, or combination products approved for sale by the United States food and drug administration, as those terms are defined in the federal Food, Drug and Cosmetic Act [52 Stat. 1040; 21 U.S.C. 301 et seq.].
- c. "Proprietor" means the owner of a retail establishment or an individual to whom the owner has delegated the responsibility for day-to-day management of operations of the retail establishment.
- d. "Self-service display" means a display that contains cigarettes, cigarette papers, cigars, snuff, tobacco in any other form which it may be utilized for smoking or chewing, electronic smoking devices, or alternative nicotine products and is located in an area that is openly accessible to the retailer's customers, and from which customers can readily access those products without the assistance of a salesperson. A display case that holds those products behind locked doors does not constitute a self-service display.
- d.e. "Tobacco specialty store" means a retail store that:
  - (1) Derives at least seventy-five percent of its revenue from the sale of cigarettes, cigarette papers, cigars, snuff, tobacco in any other form in which it may be utilized for smoking or chewing, electronic smoking devices, or alternative nicotine products; and

(2) Does not permit minors to enter the premises unless accompanied by a parent or legal guardian.

e.f. "Vending machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or other means of payment that is designed or used for vending purposes, including machines or devices that use remote control locking mechanisms."

Page 1, line 23, replace the "person" with "proprietor"

Page 3, line 21, after "15." insert "Proprietor" means the owner of a retail establishment or an individual to whom the owner has delegated the responsibility for day-to-day management of operations of the retail establishment.

16."

Page 3, line 22, replace "16." with "17."

Page 3, line 24, replace "17." with "18."

Page 3, line 27, replace "18." with "19."

Renumber accordingly