

SENATE BILL NO. 2368

Introduced by

Senators C. Nelson, Lee, Lyson, Mutzenberger

Representatives Gulleeson, Poolman

1 A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota
2 Century Code, relating to the sale of food, drugs, and cosmetics; and to provide a penalty.

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

4 **SECTION 1.** A new section to chapter 19-02.1 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Transient sale of food, drugs, and cosmetics - Penalty.** A transient merchant as
7 defined in section 51-04-02 may not sell any food manufactured and packaged for sale and for
8 consumption by a child under the age of two years, any drug, any cosmetic, and any product
9 with an expiration date at any location, including flea market, hobby show, or craft fair other
10 than a permanent retail store at which space is rented or otherwise made available for the
11 conduct of business by transient merchants. This section does not apply to the sale of products
12 for which a transient merchant is authorized by a manufacturer or distributor to sell at retail.
13 The transient merchant shall present, on demand, a written authorization which includes the
14 seller's name, and may include a date upon which the authorization expires. This section does
15 not apply to any transient merchant who sells for future delivery by sample, catalog, or brochure
16 and any transient merchant who makes a sales presentation in response to an invitation issued
17 by the owner of the premises on which the sale is made. A person who violates this section is
18 guilty of an infraction.