

ORDINANCE NO. 280
POSSESSION OF CIGARETTES AND
TOBACCO PRODUCTS

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF CASSELTON, NORTH DAKOTA.

SECTIONS:

- I. Definitions.
- II. Sale of Cigarettes and Tobacco Products to Minors Prohibited.
- III. Possession and Use of Cigarettes and Tobacco Products by Minors Prohibited.

I. DEFINITIONS

1. "Cigarette and tobacco products" means any product that is made from or derived from tobacco, which contains nicotine or a similar substance, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, e-cigarette, electronic cigarette, or an electronic smoking device. Tobacco product also includes pipes and rolling papers, but does not include any product specifically approved by the U.S. Food and Drug Administration for legal sale as a tobacco cessation product and is being marketed and sold solely for that approved purpose.

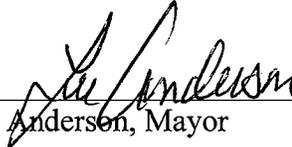
2. "Constructive possession" means the power and capability to exercise dominion and control over cigarette and tobacco products.

3. "Sell," includes dispensing from a vending machine under the control of the actor.

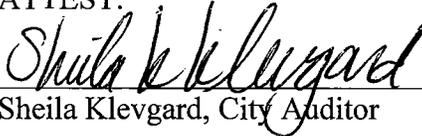
II. SALE OF CIGARETTES AND TOBACCO PRODUCTS TO MINORS PROHIBITED. It is a class B misdemeanor for any person to sell or furnish to a minor or procure for a minor cigarettes and tobacco products.

III. POSSESSION AND USE OF CIGARETTES AND TOBACCO PRODUCTS BY MINORS PROHIBITED. It is a class B misdemeanor for a minor to smoke, use, or possess cigarette and tobacco products. Possession shall, for purposes of this section, include actual and constructive possession. A person under eighteen (18) years of age who purchases or attempts to purchase tobacco-related products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes which have been approved by the City Auditor or his/her designee will not be subject to a criminal penalty.

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Lee Andersen, Mayor

ATTEST:


Sheila Klevgard, City Auditor