

## **CHAPTER 19-08 BEVERAGES**

**19-08-01. Certain beverages unlawful to sell.** A person may not sell, offer, or expose for sale, or have in possession with intent to sell within this state, any beverage of whatever nature that contains any ingredient that is injurious to health, or is adulterated, misbranded, or insufficiently or improperly labeled within the meaning of chapter 19-02.1, or that is not licensed as provided in this chapter.

**19-08-02. Beverage - Definition.** The term "beverage" as used in this chapter includes carbonated and noncarbonated soda water, ginger ale, root beer, aromatic flavors, cereal or malt beverages, apple cider, tomato juice, grape juice, and other fruit juices, imitations or compounds of any of these, concentrated extracts and essences from which beverages are made, mineral or spring water sold under private label, and potable water sold by a private individual, firm, corporation, or limited liability company for household or culinary purposes.

**19-08-03. Requirements for labeling - Standards of purity and quality.** The requirements for labeling and standards of purity and quality of all beverages included in this chapter are the same as those required under chapter 19-02.1, together with such other standards and rules the department may adopt pursuant to chapter 28-32 to carry out the intent of this chapter.

**19-08-04. License required.** The department may require manufacturers, importers, jobbers, or other retailers to furnish suitable samples to the department for inspection and chemical analysis. If any beverage does not meet all requirements of law, the department shall refuse to license the beverage and shall prevent sale of the beverage. The license fee must be paid annually during the month of December or before placing the beverage on the market. The license expires December thirty-first next following its issuance. If the manufacturer or jobber secures a license for a product, subsequent sellers, including retailers and dispensers, need not again secure a license for the same product, and no dispenser may be required to secure a license for a product prepared for the dispenser's own use from a product already licensed. The department may adopt rules establishing the amount and the procedures for the collection of annual license fees. License fees collected pursuant to this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

**19-08-05. License fees.** Repealed by S.L. 2005, ch. 32, § 19.

**19-08-06. Penalty.** Any person violating any of the provisions of this chapter or any rule or regulation issued pursuant thereto is guilty of a class B misdemeanor.

**19-08-07. Penalty for sale, use, or purchase of bottles when brand recorded.** Repealed by S.L. 1999, ch. 108, § 16.