

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 2: CONTRABAND OFFENSES

§ 2403. Presumptions and Defenses.

(a) In a prosecution for violation of this chapter, evidence that a container lists one or more of the products or substances described in 6 CMC § 2401 as one of its ingredients shall be prima facie evidence that the product or substance in such container contains a chemical material having the property of releasing toxic vapors or fumes.

(b)(1) In a prosecution for violation of 6 CMC § 2402(c), a person who, in a single transaction, sells, offers for sale, transfers, distributes or delivers three or more of the same product or substance containing a chemical material having the property of releasing toxic vapors or fumes to a person under the age of 18 shall be presumed to have known that the person to whom the product or substance was sold, offered, transferred, distributed, or delivered intended a use of the product or substance prohibited by this chapter. This presumption is rebuttable by a preponderance of evidence.

(2) It is not a defense that the person being prosecuted pursuant to 6 CMC § 2402(c) and subsection (b)(1) of this section was unaware that the person to whom the product or substance was being sold, offered, transferred, distributed or delivered was under the age of 18.

Source: PL 9-65, § 6.