

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2605. Department of Public Health and Environmental Services: Rules and Regulations.

The Department of Public Health and Environmental Services shall adopt rules and regulations regarding those matters over which it has jurisdiction, including but not limited to regulations deemed necessary to the public health and safety respecting:

- (a) Nuisances, foul and noxious odors, gases or vapors, water in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within the respective islands of the Commonwealth, and on board any vessel;
- (b) Adulteration and misbranding of food, drugs or milk;
- (c) Location, air space, ventilation, sanitation, drainage, sewage disposal and other health conditions of buildings, construction projects, excavations, pools, water courses, areas and alleys;
- (d) Privy vaults, cesspools and other means of human excreta disposal;
- (e) Fish and fishing;
- (f) Interments and dead bodies;
- (g) Disinterments of dead human bodies including the exposing, disturbing or removing of such bodies from their place of burial or the opening, removing or disturbing after due interment of any receptacle, coffin, or container holding human remains or a dead human body or a part thereof, and the issuance and the terms of permits for the aforesaid disinterments of dead human bodies;
- (h) Cemeteries and burial grounds;
- (i) Laundries, and the laundering and sterilization of articles of linen and uniforms used by or in the following businesses and professions: barber shops, manicure shops, beauty parlors, restaurants, soda fountains, hotels, rooming and boarding houses, bakeries, butcher shops, public bathhouses, midwives, masseurs, and others in similar calling, public or private hospitals and canneries and bottling works where food or beverages are canned or bottled for public consumption or sale; except that nothing in this subsection is to be construed as authorizing the prohibiting of such laundering and sterilization by those conducting any of such businesses or professions where such laundering or sterilization is done in an efficient and sanitary manner;
- (j) Hospitals, clinics, maternity homes, convalescent homes, children's boarding homes and old folks' homes;
- (k) Hotels, rooming houses, lodging houses, apartment houses and tenements;
- (l) Laboratories;
- (m) Any place or building where noisome or noxious trades or manufacturers are carried on, or intended to be carried on;
- (n) Quarantine of communicable disease and inspection;
- (o) Poisons, air pollution, air conditioning and ventilating fumigation;
- (p) Water supplies, recreational water and bathing beaches;
- (q) Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation or entertainment;
- (r) Any restaurant, theater, market stand, shop, store, factory, building, wagon, vehicle, or place where any food, drug, or cosmetic is manufactured, compound-

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ed, processed, extracted, prepared, stored, distributed, sold, offered for sale or offered for human consumption or use;

(s) Food, drugs, and cosmetics, and the manufacturing, compounding, processing, extracting, preparing, storing, selling and offering for sale or for consumption or use of any food, drug or cosmetic;

(t) Devices, including their components, parts and accessories, intended

(1) For use in the diagnosis, cure mitigation, treatment or prevention of disease in man; or

(2) To affect the structure of any function of the body of man;

(u) Sources of ionizing radiation, radiation protection;

(v) Medical examination, vaccination, revaccination and immunization of school children;

(w) Disinsectization of aircraft and ships entering or within the Commonwealth as may be necessary to prevent the introduction or spread of any insect or other vector of significance to health;

(x) Permitting of the operation and environmental monitoring of solid waste collection and of solid waste management facilities, including, but not limited to, sanitary landfills, open dumps, transfer stations, and incinerators pursuant to provisions of the Commonwealth Solid Waste Management Act of 1988 [2 CMC § 3511 et seq.] and other applicable laws.

(y) Testing for AIDS, syphilis and hepatitis “B” or any other communicable disease detectable by blood test before such blood can be used for transfusion, or before storing in a blood bank; except however, in a doctor’s judgment, where an immediate transfusion of blood is required to save the life of a person and the required type of blood is not available in the blood bank, this subsection shall not apply.

Source: PL 1-8, tit. 1, ch. 12, §§ 3, 14, modified; amended by PL 6-21, § 3; PL 6-30, § 13.

Commission Comment: For the exclusive authority of the Chief of the Division of Environmental Quality to issue regulations relating to environmental protection (after consultation with Board of Health and Environmental Quality), see 1 CMC § 2648.

With respect to the reference to the “Department of Public Health and Environmental Services,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 1 CMC § 2601.