

**§ 2121. Definitions.**

For purposes of this Act, the following terms shall have the meanings set forth below:

(a) *Barber Shops and Beauty Parlors* means all establishments where services are provided for:

(1) noninvasive topical treatment of the face, hair, fingers, toes, scalp, or neck;

(2) exfoliating, waxing, electrolysis, massaging, or cleansing externally of the body;

(3) shampooing, arranging, adorning, braiding, weaving, curling, waving, tinting, dyeing, conditioning, shaving, clipping, trimming, or cutting human hair by hand or mechanical appliance or implements; or

(4) trimming, manicuring, or giving a pedicure of human nails.

(b) *Bathing House* means any building, room, place or establishment other than a regularly licensed and established hospital, health clinic, or dispensary wherein baths are given whether by steam, vapor, electric cabinet, electric light, sponge, shower, sun, tub, mud, mineral, Finnish, Russian, Swedish or Turkish bath, salt glows, electric or magnetic treatment, alcohol rubs, and rubs or massages with or without any other ingredients.

(c) *Blood-borne Illness* means an illness resulting from contact with blood from an infected source or person, including, but not limited to, HIV and Hepatitis B.

(d) *Child Care Facility* means any person that receives or arranges placement of one or more children outside the child's or children's regular home with a caretaker who is not related to such child or children, apart from the legal guardian or custodian, whether for gain or otherwise, for the purpose of providing regular care or training for such child or children during either the day or night or both. "Child care facility" shall include, but not be limited to, family day care centers, day nurseries, nursery schools, kindergarten schools, or similar institutions or units regardless of name.

(e) *Communicable Disease* means a disease caused by an infectious agent or the toxic product produced by an infectious agent that can be transmitted directly or indirectly from one individual to another.

(f) *Critical Control Point* means a fundamental element of a process or procedure that must be carried out in a specific controlled manner to ensure that the overall process or procedure does not create an unacceptable health risk or produce any byproduct that creates an unacceptable health risk.

(g) *Duly Authorized Representative* means the Deputy Secretary for Public Health Administration, the Medical Director of Public Health, the Environmental Health Officer, or Environmental Health Inspector, as designated by the Secretary.

(h) *Food-borne Illness* means an illness resulting from the ingestion of food or drink.

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(i) *Funeral Establishment* means any place used for such activities as are incident, convenient or related to the preparation and arrangements for the funeral, transportation, burial, cremation or other disposition of dead human bodies.

(j) *Health Clinic* means a building, room, place, or establishment where physical and health examinations, health consultations, or the care or treatment of sick and/or injured people is provided or made available outside a hospital, and shall include optical clinics, acupuncture clinics, dental clinics, chiropractic clinics and any other establishment other than a hospital where health care is provided.

(k) *Health Inspector* means an individual duly authorized by the Secretary of Health to represent the Division of Public Health, Bureau of Environmental Health during a sanitary inspection, investigation, or other public environmental health related duty.

(l) *Hotel, Motel, or Room Accommodation* means any structure or any portion of any structure, including any lodging house, rooming house, dormitory, health spa, studio hotel, hotel, motel, or private club containing four or more guest rooms and intended to provide overnight accommodations or accommodations by the hour for pay, whether monetary or in-kind. The term “hotel, motel, or room accommodation” shall not include any penal institution, hospital, clinic, nursing home, school, laboratory, or childcare facility.

(m) *Imminent Health Hazard* means a significant threat or danger to the health, safety and welfare of the public that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent harm or injury to persons in the community based on:

- (1) the extent of the potential harm or injury; and
- (2) the nature, severity, and duration of anticipated harm or injury.

(n) *Massage Parlor* means any building, room, place or establishment occupied and used for the purpose of using any method of applying pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external part of the body with the hands or feet, or with the aid of any apparatus or appliance, with or without such supplementary aids such as rubbing alcohol, ointments, liniments, antiseptics, oil, powders, creams, lotions, or similar preparations. “Massage parlor” shall not include a regularly licensed and established hospital, health clinic or dispensary that provides non-medical and non-surgical manipulative exercises practiced upon the human body manually or otherwise by a health care provider with or without the use of therapeutic, electrical, mechanical or bathing devices.

(o) *Penal Institution* means any jail, detention center, prison, detention camp, juvenile detention home or cottages, or other facility operated by the CNMI Government and used as a holding facility, jail, or residential custodial facility. “Penal institution” shall not include hospitals or childcare facilities.

(p) *Person* means an individual, association, corporation, partnership, other legal entity, government, or governmental subdivision or agency.

(q) *Person In Charge* means the individual present in a place of employment who is the apparent supervisor of the business establishment and of the employees at the time of inspection, or in the event no designated supervisor is present, then any employee working at the place of employment.

(r) *Restroom Facility* means a room(s) equipped with a water closet or toilet and/or hand washing facility that meets Department of Public Works Building and Safety Code standards for employee and public usage that is clean, well maintained, in good repair, and adequately stocked with liquid soap and dispensers, toilet tissue and disposable towels or equipped with hot air hand dryer(s).

(s) *School* means any establishment, public or private, for the care and education of students from kindergarten through grade twelve and any college or university or educational institution of higher learning.

(t) *Secretary* means the Secretary of the Department of Public Health or his/her Duly Authorized Representative.

(u) *Swimming Pool* means any artificial structure, basin or tank constructed of impervious materials used or intended to be used for swimming, diving, wading, recreational bathing, or as a hot tub, whirlpool, or Jacuzzi by the general public, whether for a fee or free of charge, or by the customers, clients, guests or employees of any person, including, but not limited to, a commercial pool, community pool, a pool at a hotel, motel, resort, private or public club, private or public school, gymnasium, or health establishment. The term “swimming pool” shall not include private residential swimming pools located on private residential property and under the direct control of the owner or lessee(s), and used only by the owner or lessee(s), their family, and their guests.

(v) *Tattoo and/or Body Piercing Shop* means any premises where patrons can have the human epidermis punctured and stained with ink or other pigment leaving a permanent design or picture, or pierced for adornment with jewelry or studs.

(w) *Temporary Food Service* means a food establishment that operates for a period of no more than thirty (30) consecutive days in conjunction with a single event or celebration.

(x) *Vector* means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mice, or rats.

(y) *Vector-borne Illness* means an illness transmitted through a vector.

(z) *Waterborne Illness* means an illness resulting from submersion in, ingestion, or aspiration of contaminated water.

**Source:** Repealed and replaced by PL 12-48, § 3 (2121).

**Commission Comment:** PL 12-48 repealed in entirety and replaced the previous Article 2 on sanitation (codified as 3 CMC § 2121-26 (source: 63 TTC § 201-206, respectively)). PL 12-48 took effect on April 26, 2001.

With respect to the reference to the “Department of Public Health and Environmental Services,” see Executive Order 94-3 (effective August 23, 1994),

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reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 12-48 contained the following title, findings, report and duration, severability, and savings clause provisions:

Section 1. Title. This act may be cited as the Commonwealth Environmental Health and Sanitation Act of 2000.

Section 2. Findings. The Legislature finds that there is a long-standing need to revise our statutes relating to environmental health and sanitation. The present statute dates back to the time of the Trust Territory, and has not been revised in more than twenty years. Lack of a comprehensive, detailed environmental health and sanitation statute has led to problems with the administration and enforcement of existing statutes and regulations.

. . .

Section 4. Report and Duration. Upon appointment of the members of the Commission, it shall have nine months to report its findings and recommendations to the Governor and the presiding officers of the Legislature. The duration of the Commission shall expire not later than one year after the effective date of this act.

Section 5. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 6. Savings Clause. This act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

With regard to Section 4 of PL 12-48, this Report and Duration provision appears nonsensical to the Commonwealth Environmental Health and Sanitation Act of 2000 as no "Commission" was created by this act.