

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 5591. Inspection Authority.

(a) Department of Commerce, Alcohol Beverage Control Inspectors shall have the right at all times without notice and without legal process to visit and have immediate access to every part of the premises of every licensee for the purpose of making an examination and inspection of the alcoholic beverages, books and records, transaction records, surveillance videos and the manner of conducting the business.

(b) The Department of Commerce, Alcoholic Beverage and Tobacco Control Division, through an Memorandum of Understanding with the Department of Public Safety, may use persons under the of 21 years in the enforcement of this section to apprehend licensees, employees or agents of licensees, or other persons who sell or furnish alcoholic beverages to minors provided that no persons under the age of 21 posing as a decoy may so assist or be requested to so assist law enforcement agencies as a condition of probation or in connection with a court's disposition or sentencing in any court proceeding. Notwithstanding subdivision (b), any person under the age of 21 years who purchases or attempts to purchase any alcoholic beverage while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase an alcoholic beverage. Guidelines with respect to the use of persons under the age of 21 years as decoys shall be adopted and published by the department in accordance with the rulemaking portion of the Administrative Procedure Act. Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by the department shall be authorized as long as the minor decoy displays to the seller of alcoholic beverages the appearance of a person under the age of 21 years. This subsection shall not be construed to prevent the department from taking disciplinary action against a licensee who sells alcoholic beverages to a minor decoy prior to the department's final adoption of regulatory guidelines. During the course of every minor decoy program performed under this subsection, the law enforcement agency using the decoy shall notify the licensees in writing of the results whether or not they pass or fail the compliance checks. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given to licensees and the department within 72 hours of the issuance of the citation. The Alcohol Beverage and Tobacco Control Division or Department of Public Safety may comply with this requirement by leaving a written notice at the licensed premises addressed to the licensee, or by mailing such notice to the licensee.

(c) All individuals who are under 21 years of age who assist law enforcement in furthering such investigations are immune from prosecution under any part of this chapter.

Source: MIDC § 11.20.020; [PL 17-83](#) § 3 (Sept. 23, 2012), repealed and re-enacted; subsection (b) repealed and re-enacted by [PL § 19-30](#) § 7 (Jan. 21, 2016).

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Commission Comment: Pursuant to [1 CMC § 3806\(e\)](#) the Commission struck out (21) as a repetition of an already written word.

With respect to the references to the Alcoholic Beverage Control Board, see [Executive Order 94-3](#) (effective Aug. 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 [4 CMC § 5511](#).

[PL 19-30](#) § 7 (Jan. 21, 2016) repealed and re-enacted [4 CMC § 5591\(b\)](#). The Commission codified the section without modification.