

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
SAIPAN, TINIAN, ROTA and NORTHERN ISLANDS**



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**COMMONWEALTH REGISTER**

**VOLUME 43  
NUMBER 08  
AUGUST 28, 2021**

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# COMMONWEALTH REGISTER

VOLUME 43  
NUMBER 08  
AUGUST 28, 2021

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**Commonwealth of the Northern Mariana Islands  
COMMONWEALTH CASINO COMMISSION**

Edward DeLeon Guerrero, Chairman  
P.O. Box 500237  
Saipan, MP 96950  
Tel. 233-1857/8

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF REGULATIONS OF THE COMMONWEALTH CASINO COMMISSION**

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
Volume 43, Number 05, pp 045997 - 0461003, of May 28, 2021

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, (“CNMI”), Commonwealth Casino Commission (“the Commission”), HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commission announced that it intended to adopt them as permanent, and now does so. (Id.) A true copy is attached. I also certify by signature below that:

as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment, except as stated as follows (and more particularly described below):

1: Adopted without amendment

**PRIOR PUBLICATION:** The prior publication was as stated above. The Commission adopted the regulations as final at its meeting of July 29, 2021.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:**

No modifications were made.

**AUTHORITY:** The Commission has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Section 2314 of Public Law 18-56.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations of which it was aware. Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal



reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption. On information and belief, no comments were received by the Commission.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).


**I DECLARE** under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29th day of July, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

Submitted by:  7/29/21  
EDWARD C. DELEON GUERRERO Date  
Chairman of the Commission

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 30<sup>th</sup> day of July, 2021.

  
Hon. EDWARD MANIBUSAN  
Attorney General

Filed and Recorded by:  8.27.2021  
ESTHER SN NESBITT Date  
Commonwealth Registrar

**§ 175-10.1-2655 Sunset Provision.**

(a) This Part 2600 will sunset, and the provisions of this Part 2600 will no longer be operative as of:

(1) October 1, 2022; or

(2) The surrender, revocation or other termination of the last of any license issued pursuant to this Part which was in effect as of April 22, 2021;

whichever first occurs.

(b) No new license shall be granted pursuant to this Part 2600.

(c) No license which has been granted pursuant to this Part 2600 shall be renewed.



# Commonwealth Ports Authority

Francisco C. Ada/Saipan International Airport  
PO BOX 501055 • SAIPAN • MP • 96950  
Phone: (670) 237-6500/01 Fax: (670) 234-5962  
E-Mail Address: [cpa.admin@pticom.com](mailto:cpa.admin@pticom.com) Website: <https://cnmiports.com>



## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS FOR THE COMMONWEALTH PORTS AUTHORITY (CPA)

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED AMENDMENTS TO THE AIRPORT RULES AND REGULATIONS OF THE COMMONWEALTH PORTS AUTHORITY

Volume 43, Number 06, pp. 046730–823, of June 28, 2021

### Amendments to the Commonwealth Ports Authority Airport Rules and Regulations

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** Pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a), the Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT the Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority published in Number 06 of Volume 43 of the Commonwealth Register with a single modification, as stated below. I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations.

**PRIOR PUBLICATION:** These regulations were published as Proposed Regulations in Volume 43, Number 06, pp. 046730–823 of the Commonwealth Register.

**AUTHORITY:** The authority for promulgation of regulations for CPA is set forth in 2 CMC § 2122.

**EFFECTIVE DATE:** These amendments to the Commonwealth Ports Authority's Airport Rules and Regulations will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b). Implementation of the regulations regarding the Airport's new rate methodology shall begin on October 1, 2021. *See* 1 CMC § 9105(b)(1).

**COMMENTS, MODIFICATIONS, AND AGENCY CONCISE STATEMENT:** During the 30-day comment period, the Authority received one comment regarding the Proposed Regulations, and no individual requested the Authority issue a concise statement of the principal reasons for or against the adoption of the Proposed Regulations.

The Authority received a comment from its airport consultant, Ricondo & Associates, Inc. The comment sought the removal of NMIAC § 40-10.1-1220 in the Proposed Regulations. After fully considering the comment, the Authority hereby incorporates the comment by deleting NMIAC §§ 40-10.1-1220(a), (b), as written in the Proposed Regulation, and amending the title of NMIAC § 40-10.1-1220 from "International Arrival Facility Service Charge" to "[RESERVED]". Thus, with modification, NMIAC § 40-10.1-1220 in the adopted regulations should read, in its entirety, as follows:

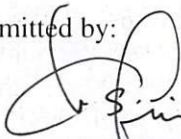
**§ 40-10.1-1220 [RESERVED]**

At an Airport Facilities Committee meeting held on August 10, 2021, the Committee agreed to recommend to the CPA Board of Directors that the Proposed Regulations, as modified, be adopted. The CPA Board of Directors adopted the modified Proposed Regulations as final at the August 10, 2021, Board of Directors meeting.

**TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:** The adopted regulations, among other things, establishes a new rate methodology for air carriers operating at CPA airports: the amendments redefine and provide additional definitions of terms used throughout § 40-10.1; amend § 40-10.1-740 by providing general provisions regarding the use of CPA airports, the requirements to occupy and use airline assigned areas, and information regarding and governing CPA's "Letters of Authorization," airlines' privileges, uses, and rights, the accommodation of other airlines, and airport system security; adds § 40-10.1-742, which provides rules governing airlines' assigned areas; adds § 40-10.1-743, which provides regulations regarding the operation and maintenance responsibilities of CPA and the airlines; adds § 40-10.1-744, which governs the obligations of the airlines; amends § 40-10.1-745, which adds indemnification provisions and revises insurance requirements; adds § 40-10.1-746, which states the rights and privileges reserved by CPA; adds § 40-10.1-747, which provides the procedure to be followed when damage or destruction occurs to an Airlines' Assigned Area; adds § 40-10.1-748, which provides general conditions regarding the environment, including groundwater and solid and hazardous waste; amends § 40-10.1-750 Surety Bond; adds § 40-10.1-751, which governs Airlines' and CPA's property rights upon termination; adds § 40-10.1-752, which, among other things, requires compliance with CPA's Rules and Regulations and provides nondiscrimination requirements; amends § 40-10.1-1201 by providing terms regarding airline fees and charges; amends § 40-10.1-1205 Landing Fees; adds § 40-10.1-1206, which provides rental charges for use of CPA Terminals; removes a portion of § 40-10.1-1210 and completely removes the substance of §§ 1215, 1220, which provided terms regarding public apron and operational area charges, departure facility service charges, and international arrival facility service charges; removes § 40-10.1-1230(b)(2), which provided an exception to in-transit passenger service charge to airlines that executed CPA operating agreements; updates the amount and terms of the Fuel Flowage Fee, and Ground Handling Permit Fees, and the Passenger Facility Charges; adds § 40-10.1-1256, which provides terms regarding other CPA Fees and Charges; adds § 40-10.1-1257, which provides provisions regarding the amendment of fees and charges; adds § 40-10.1-1258, which requires Airlines to submit reports to CPA; and amends § 40-10.1-1260 in regard to the payment of charges.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 10th day of August, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:



CHRISTOPHER S. TENORIO  
Executive Director

Date: 8/14/2021

Pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3) the certified final regulations have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published. 1 CMC § 2153(f).


Dated this 17<sup>th</sup> day of August, 2021.



EDWARD MANIBUSAN  
Attorney General

Filed and Recorded by: \_\_\_\_\_

Date: 8-27-2021

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Registrar





Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
P.O. Box 502078, Bldg., 1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
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**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD FOR  
LICENSED MARRIAGE AND FAMILY THERAPIST**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED  
AMENDMENTS TO REGULATIONS**

VOLUME 43, NUMBER 05, MAY 28, 2021, Pages 046133 – 046148

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Health Care Professions Licensing Board, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Health Care Professions Licensing Board announced that it intended to adopt them as permanent, and now does so.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Health Care Professions Licensing Board adopted the attached regulations as final as of the date of signing below.

**MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY:**

To include changes received from public comments on the proposed regulations for Licensed Marriage and Family Therapist which were published in the Commonwealth Register Volume 43, Number 05, May 28, 2021, Pages 046133-046148. Changes are highlighted in red fonts.

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC §2206(b), as amended.

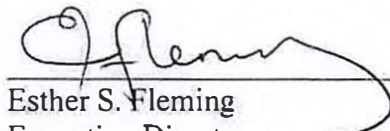
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for Licensed Marriage and Family Therapist are effective 10 days after compliance with the APA, 1 CMC §§9102 and 9104(a) or (b), which in this instance, is 10 days after publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104(a)(2), the agency received no comments on the proposed amendments to the regulations for Licensed Marriage and Family Therapist. Upon this adoption of the amendments, the agency if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations for Licensed Marriage and Family Therapist were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153 (e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

**I DECLARE** under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 27<sup>th</sup> day of August, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Esther S. Fleming  
Executive Director


08/27/21  
Date

Filed and recorded by:

  
\_\_\_\_\_  
Esther SN Nesbitt  
Commonwealth Register <sup>rar</sup>

08.27.21  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General

8/27/2021  
Date

SUBCHAPTER 185-10  
COMMONWEALTH HEALTH CARE PROFESSIONS LICENSING BOARD  
REGULATIONS

Part 4700	<del>Psychologist [Reserved]</del> <del>Professional Counselor</del> - Licensed Marriage and Family Therapist
§ 185-10-4701	Definitions
§ 185-10-4705	Licensing
§ 185-10-4710	Exemptions from License Requirements
§ 185-10-4715	Requirements for Licensure
§ 185-10-4720	Supervision: Practicum Experience
§ 185-10-4725	Supervision: Post Graduate
§ 185-10-4730	Written Exam
§ 185-10-4735	Licensure by Endorsement
§ 185-10-4740	Application for a licensure
§ 185-10-4745	Continuing Education (CE)
§ 185-10-4750	Renewal
§ 185-10-4755	Grounds for imposition of disciplinary sanctions.
§ 185-10-4760	License required if designation used.
§ 185-10-4765	Limitation of practice.
§ 185-10-4770	[Reserved]
§ 185-10-4775	Code of Ethics
§ 185-10-4780	Privileged Communication.
§ 185-10-4785	Disciplinary Action



## § 185-10-4701 Definitions

For purposes of this Article, the following words and phrases have been defined to mean:

- (1) **“Accredited or approved school”** means a college or the university that has met the standards as established by the Middle States Association of Colleges and Secondary Schools, the New England Association of Colleges and Secondary Schools, the North Central Association of Schools and Colleges, the Western Association of Schools and Colleges, or by another accrediting or recognized approval agency, including state or Federal approving agencies.
- (2) **“Family”** means all forms of households that consist of members with emotional bonds and mutual obligations that define themselves as families. “Family” as used here includes, but is not limited to, nuclear families (i.e., once married couples with children), single parent families, non-married couples with children, reconstituted families (remarried couples), and couples without children.
- (3) **“Family therapy”** means the systematic intervention enabling family members to understand the behavior of individuals in relation to the ongoing operations of the family group. This approach enables family members to generate a wider range of options for coping with problems, and to learn problem solving skills.
  - (a) **“Individual therapy”** means planned intervention to assist a client in coping more effectively with problems of living.
  - (b) **“Marriage means”** a socially sanctioned relationship between two (2) adults. Marriage determines specific roles, involving reciprocal obligations and duties, as well as legal rights.
  - (c) **“Marriage therapy”** means the therapeutic intervention with married couples, non-married couples, or alternative couples to resolve immediate problems and conflicts in their relationship.
  - (d) **“Therapist”** means a person licensed in the Commonwealth of the Northern Marianas to practice therapy, as defined in these rules and regulations.
  - (e) **“Therapy”** means planned intervention to help the client enlarge competencies and increase problem solving skills and coping abilities. Therapy can be used interchangeably with counseling and psychotherapy.
  - (f) **“Psychotherapy”** means a specialized, formal interaction between an Individual, Marriage and Family Therapist or other Mental Health Professionals, and a client (an individual, couple, family, or group) in which a therapeutic relationship is established to help resolve symptoms of mental disorder, psychosocial stress, relationship problems, and enhance problem solving skills and coping abilities.

**§ 185-10-4705          Licensing**

No person who does not hold a current license shall practice or offer to professional or mental health counseling or use in connection with the person's name, or otherwise assume, use, or advertise, any title, initials, or description tending to convey the impression that the person is a professional counselor, mental health counselor, marriage and family therapist, or mental health counselor associate. No partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing professional or mental health counseling unless an individual holding a current license is or will at the appropriate time be rendering professional or mental health counseling to which reference is made.

**§ 185-10-4710          Exemptions from License Requirements**

- (1) These regulations shall apply to all licensed marriage and family therapists in the CNMI except:
  - (a) Students whose activities are conducted within a course of marriage and family therapy counseling;
  - (b) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacity as a member of the clergy; and provided further that the person does not represent himself/herself to be a licensed mental health or professional counselor or mental health counselor associate;
- (2) Any person who is obtaining supervised clinical experience for licensure as a Marriage and Family Therapist, psychologist or social worker; provided that the person does not represent himself/herself to be a licensed mental health or professional counselor or associate;
- (3) Any qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, or attorneys at law, from providing the services of mental health or professional counseling nature consistent with the accepted standards of their respective professions; and provided further that the person does not represent himself/herself to be a licensed marriage and family therapist; and
- (4) The provision of mental health services through the department of human services or juvenile court; provided that the person does not represent him/herself to be a licensed mental health or professional counselor or associate.

**§ 185-10-4715          Requirements for Licensure**

An applicant to practice as a licensed marriage and family therapist must be at least twenty-one (21) years of age is a U.S. citizen or a foreign national lawfully entitled to remain and work in the Commonwealth, and meets the following requirements:

- (1) Have completed a master's or doctoral program in marriage and family therapy from a program accredited by the American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) or completed a master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution; or earned a master's graduate degree in another mental health field (psychiatry, psychology, clinical social work, psychiatric nursing, etc.) from an accredited counseling program from a college or university accredited by an agency recognized by the U.S.

Department of Education in counseling and completed a COAMFTE accredited post-graduate degree clinical training program in marriage and family therapy or completed a post-graduate degree clinical training program in marriage and family therapy from a regionally accredited educational institution. An applicant may substitute equivalent post-degree courses to meet the course of study requirements. The coursework must be verified by the official graduate school transcripts, which specify number of quarter or semester hours. Applicants who have obtained the

American Association for Marriage and Family Therapy (AAMFT) clinical membership status are considered to have met the educational requirements for licensure. If applying through the AAMFT clinical status, verification must be from the AAMFT directly to the department. Of the graduate credit hours required above, at least forty-five (45) credit hours shall be in the following areas:

- (a) Three (3) courses in the analysis of family systems, with one (1) course in each of the following:
  - (i) A supervised clinical practice that includes at least sixty (60) hours of approved supervision and 300 hours of direct client contact with couples, families, and individuals, at least 100 hours of which are relational therapy;
  - (ii) Normal and abnormal personality development which includes individual development across the life span and the family life cycle; and
  - (iii) Psychopathology with emphasis on standard diagnostic manuals, as well as family systems models;
- (b) Courses in couples therapy theory and techniques as follows:
  - (i) One course in diagnosis and treatment of mental and emotional disorders in family systems
  - (ii) A comprehensive survey course with substantive overview of the extant major models of family therapy; and
  - (iii) Two (2) additional courses which focus on one (1) or several marriage and family therapy models, or three (3) separate courses, each of which focuses on one (1) or several marriage and family therapy models;
- (c) Courses in couples therapy theory and techniques as follows:
  - (i) A comprehensive survey of extant, major models of couples' therapy;
  - (ii) An intensive study of at least three (3) different models; or
  - (iii) Three (3) separate courses, each of which addresses a separate couples' model;
- (d) One (1) course covering gender and ethnicity as they relate to marriage and family theory and practice, or two (2) separate courses with one (1) focusing on gender issues and the other one (1) on ethnicity;



- (e) One (1) course covering sexual issues in marriage and family therapy, including sexual normality, sexual dysfunction, and sexual orientation; and
- (f) One (1) course in ethical, legal, and professional issues in marriage and family therapy.

**§ 185-10-4720 Supervision: Practicum Experience**

Applicant must complete the supervised counseling work experience required of this section; There must be at least ~~6-semester~~ 400 hours of supervised practicum, including ~~inclusive of~~ at least 150 face-to-face counseling hours. The practicum may include ~~seventy-five~~ (75) hours of client-centered advocacy; if not, there must be an additional ~~seventy-five~~ (75) hours of face-to-face counseling. Some students will complete more than the minimum supervised hours. The practicum experience shall be completed under the on-site clinical supervision of a person who is a licensed mental health counselor, licensed psychologist, licensed clinical social worker, licensed marriage and family therapist, licensed physician with a specialty in psychiatry or other licensed provider approved by the board.

**§ 185-10-4725 Supervision: Post Graduate**

Applicants must complete the following supervised, clinical or counseling work experience after the award of the master's degree, doctoral degree, or its substantial equivalent as determined by the board, of which shall:

- (1) Be a minimum of ~~two~~ (2) years or the equivalent of fulltime, postgraduate supervised clinical or counseling work experience in professional/mental health counseling; and
- (2) Be completed following the practicum, internship, and all graduate coursework, with the exception of the thesis; and
- (3) Be a minimum of 3,000 total hours, including at least 1,000 client contact clock hours of supervised clinical experience at a setting acceptable to the board; and
- (4) Have direct clinical contact with couples and families and must have been supervised a minimum of 200 hours including 100 individual and 100 group hours; and
- (5) The supervisee must meet with the supervisor for a minimum of ~~four~~ (4) hours per month and provide documentation of supervised hours; and
- (6) Have only supervised clinical contact credited for this requirement; and
- (7) Compute part-time employment on a prorated basis for the supervised work experience; and
- (8) Have the background, training, and experience that is appropriate to the functions performed; and
- (9) The documented hours of client service, or post-graduate experience, must be under the on-site supervision of a licensed marriage and family therapist, licensed psychologist, ~~licensed~~ psychiatrist or ~~licensed~~ social worker within the U.S or other qualified licensed provider approved by the Health

Care Professions Licensing Board of the Commonwealth of the Northern Marianas. Licensed and qualified supervisors providing telepsychology clinical supervision must be board approved and licensed in the CNMI.

- (10) **At the discretion of the Board, may approve tele-supervision.**
- (11) **Any licensed Marriage and Family Therapist providing tele-supervision from outside the CNMI must be licensed by the Board and, if providing services for a fee, must have a CNMI business license to conduct business in the CNMI.**

**§ 185-10-4730            Written Exam**

The applicant must pass the Marital and Family Therapy National Examination (MFTNE) sponsored by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or the California LMFT Exam sponsored by the California Board of Behavioral Sciences (BBS). To be considered for licensure the applicant must achieve at least the minimum passing score set by the respective exam developer.

**§ 185-10-4735            Licensure by Endorsement**

- (1) The Board may grant a license to a person to practice professional or mental health counseling without examination if:
  - (a) The person holds a valid, active license to practice as a professional or mental health counselor or mental health counselor associate in another jurisdiction; and
  - (b) The person substantially complies with the requirements for licensure in section 185-10-4715; and
  - (c) The requirements in the jurisdiction of licensure are at least as stringent as those under these regulations.
- (2) The Board may deny a license by endorsement to a person to practice as a professional or mental health counselor or mental health counselor associate, if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned, or renewal denied.

**§ 185-10-4740            Application for a licensure**

- (1) An application for a license to practice as a marriage and family therapist shall be made on a form to be provided by the Board accompanied with the following information and documentations as are necessary to establish that the applicant possesses the qualifications as required in these regulations.
- (2) Applicant must also provide:
  - (a) The applicant's full name and all aliases or other names ever used, current address, date and place of birth, and Social Security number; and
  - (b) Applicant's 2x2 photograph taken within six (6) months from date of application; and

- (c) The appropriate fees, including the application fee which shall not be refunded; and
  - (d) Originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including but not limited to:
    - (i) Diploma or certificate showing successful completion of the appropriate degree in professional counseling or mental health counseling from the required educational school or program;
    - (ii) Documents showing proof that applicant has satisfactorily completed all the appropriate required training under § 185-10-4715;
    - (iii) Documents showing proof that applicant has taken and passed the appropriate required examination; or
    - (iv) Documents showing proof that applicant is licensed to practice as a marriage and family therapist in another jurisdiction and meets the licensing requirements in § 185-10-4715, when applicable; and
  - (e) A detailed educational history, including places, institutions, dates, and program descriptions of all his or her education beginning with secondary schooling and including all college, pre-professional, professional, and professional postgraduate training;
  - (f) A list of all jurisdictions, U.S. or foreign, in which the applicant is licensed or has ever applied for a license to practice as a marriage and family therapist
  - (g) A list of all jurisdictions, U.S. or foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as marriage and family therapist;
  - (h) A list of all jurisdictions, U.S. or foreign, of all sanctions, judgments, awards, settlements, or convictions against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.
- (3) All documents submitted in a foreign language shall be accompanied by a certified and accurate translation in English.

**§ 185-10-4745 Continuing Education (CE)**

- (1) For initial licensure, Marriage and Family Therapists are required to take HIV/AIDS **seven (7)** CE hours and at every renewal, he/she is required to take Law and Ethics **and/or cultural competency for a total of six (6)** CE hours.
- (2) Each Marriage and Family Therapist licensed to practice in the CNMI is required to complete forty (40) CE hours or four (4) CEU during the **twenty-four (24)** months prior to the expiration of his or her license as a prerequisite to the renewal of his or her biennial license.
- (3) One **(1)** hour of credit will be allowed for each clock or contact hour of CE participation. One **(1)** CEU equals to 10 clock, credit, or contact CE hours. One **(1)** academic semester hour equals to

**fifteen (15)** CE credit or contact hours. One **(1)** academic quarter hour equals to **ten (10)** CE credit or contact hours.

- (4) Approved continuing education activities include, but are not limited to the American Association of Marriage and Family Therapy (AAMFT), American Mental Health Counselors Association, the American Association of State Counseling Boards, American Psychological Association, the Canadian Counseling and Psychotherapy Association, and the National Board for Certified Counselors.
- (a) A licensed Marriage and Family Therapist shall take CE/CEU including, but not limited from the following content areas:
- (i) Counseling Theory/Practice and the Helping Relationship;
  - (ii) Human Growth and Development;
  - (iii) Social and Cultural Foundations;
  - (iv) Group Dynamics, Processing and Counseling;
  - (v) Career Development and Counseling;
  - (vi) Research and Program Evaluation;
  - (vii) Counselor Professional Identity and Practice Issues;
  - (viii) Ethics; and
  - (ix) Multiple Sessions/Conferences.
- (4) If a licensee fails to meet the CE requirements for renewal of license because of illness, military service, or other extenuating circumstances, the Board, upon appropriate written explanation, may grant an extension of time to complete same, on an individual basis.
- (5) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing education, and the number of credits earned.
- (6) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CE requirements or who falsely certifies attendance at or completion of the CE as required herein.

**§ 185-10-4750      Renewal**

- (1) All licenses, except temporary or limited licenses issued by the Board, expire every two **(2)** years following issuance or renewal and become invalid after that date.
- (2) Each licensee shall be responsible for submitting a completed renewal application at least sixty **(60)** days before the expiration date. The Board shall send, by mail or email, a notice to every



person licensed hereunder giving the date of expiration, the fee, and any additional requirement for the renewal thereof.

- (3) All licensees must submit satisfactory evidence of completion of CE/CEU requirements, as required under section 185-10-4745.
- (4) A late fee of \$25.00 will be charged every 1st of the month after the expiration date.
- (5) Licenses which have expired for failure to renew on or before the date required may be reinstated within one (1) year of the expiration date upon payment of the renewal and late fees for each calendar month until the renewal fee is paid. Each licensee whose license has expired and lapsed for more than one (1) year by failure to renew must file a new application, meet current requirements for licensure, and receive Board approval.
- (6) A licensee whose license has been revoked, suspended, or placed on probation by the licensing authority of another U.S. or foreign jurisdiction, or who has voluntarily or involuntarily surrendered his or her license in consideration of the dismissal or discontinuance of pending or threatened administrative or criminal charges, following the expiration date of his or her license, may be deemed ineligible for renewal of his or her license to practice as a marriage and family therapist in the CNMI. This will not, however, prevent the Board from considering a new application.

**§ 185-10-4755            Grounds for imposition of disciplinary sanctions.**

- (1) After a hearing, the board may impose a disciplinary sanction under § 185-10-1210 on a person licensed under this chapter when the board finds that the person (1) secured a license through deceit, fraud, or intentional misrepresentation; (2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities; (3) advertised professional services in a false or misleading manner; (4) has been convicted of a felony or of another crime that affects the person's ability to practice competently and safely; (5) failed to comply with a provision of this chapter or a regulation adopted under this chapter, or an order of the board; (6) continued to practice after becoming unfit due to (A) professional incompetence; (B) addiction or severe dependency on alcohol or another drug that impairs the person's ability to practice safely; (7) engaged in unethical conduct in connection with the delivery of professional services to clients; (8) engaged in sexual misconduct with a client during the course of therapy, either within or outside the treatment setting, or within two years after therapy or counseling with the client has terminated; in this paragraph, "sexual misconduct" includes sexual contact, as defined in regulations adopted under this chapter, or attempted sexual contact, regardless of the client's or former client's consent or lack of consent.

**§ 185-10-4760            License required if designation used.**

A person who is not licensed under this chapter or whose license is suspended or revoked, or whose license has lapsed, who knowingly uses in connection with the person's name the words or letters "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and Family Counselor," or other letters, words, or insignia indicating or implying that the person is licensed as a marital and family therapist by this state or who in any way, orally or in writing, directly or by implication, knowingly holds out as being licensed by the state as a marital and family therapist in this state is guilty of a class B misdemeanor.



**§ 185-10-4765      Limitation of practice.**

Notwithstanding that a specific act is within the definition of the "practice of marital and family therapy," a person licensed under this chapter may not perform the act if the person lacks the appropriate education, training, and experience related to the act.

**§ 185-10-4770      [Reserved]**

**§ 185-10-4775      Code of Ethics**

The Board recognizes the **American Association for Marriage and Family Therapy's (AAMFT) NBCC's** Code of Ethics and licensed counselors are responsible for ensuring that their behavior adheres to the standards identified in the Code of Ethics.

**§ 185-10-4780      Privileged Communication.**

Breach of a privileged communication, except as provided for in this Article is considered unprofessional conduct and grounds for revocation or suspension of a license.

**§ 185-10-4785      Disciplinary Action**

The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; refuse to issue, restore or renew, the license of any person who is found guilty of one or more of the violations enumerated in § 2224 of P. L. 15-105 and sections 185-10-901 through 185-10-1301.



Commonwealth of the Northern Mariana Islands  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
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**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD FOR  
PSYCHOLOGY**

**PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED  
AMENDMENTS TO REGULATIONS**

VOLUME 43, NUMBER 05, May 28, 2021, Pages 046090 – 046111

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Health Care Professions Licensing Board, HEREBY ADOPTS AS PERMANENT regulations the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Health Care Professions Licensing Board announced that it intended to adopt them as permanent, and now does so.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Health Care Professions Licensing Board adopted the attached regulations as final at its HCPLB Board Meeting of August 9, 2021.

**MODIFICATIONS FROM PRIOR PUBLISHED PROPOSED REGULATIONS, IF ANY:**

To include changes received from public comments on the proposed regulations for Psychology which were published in the Commonwealth Register Volume 43, Number 05, May 28, 2021, Pages 046090-046111. Changes are highlighted in red fonts.

**AUTHORITY:** The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC §2206(b), as amended.

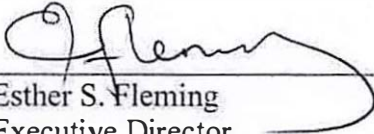
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for Psychology are effective 10 days after compliance with the APA, 1 CMC §§9102 and 9104(a) or (b), which in this instance, is 10 days after publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC § 9104(a)(2), the agency received no comments on the proposed amendments to the regulations for Psychology. Upon this adoption of the amendments, the agency if requested to do so by any interested person, within 30 days of adoption, will issue a concise statement of the principal reasons for and against its adoption.

**ATTORNEY GENERAL APPROVAL:** The adopted regulations for Licensed Marriage and Family Therapist were approved for promulgation by the CNMI Attorney General in the above cited pages of the Commonwealth Register, pursuant to 1 CMC § 2153 (e) (to review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).


**I DECLARE** under penalty of perjury that the foregoing is true and correct copy and that this declaration was executed on the 27<sup>th</sup> day of August, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
\_\_\_\_\_  
Esther S. Fleming  
Executive Director


08/27/21  
Date

Filed and recorded by:

  
\_\_\_\_\_  
Esther SN Nesbitt  
Commonwealth Register <sup>rar</sup>

08.27.21  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a) (3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General

8/27/2021  
Date

SUBCHAPTER 185-10  
COMMONWEALTH HEALTH CARE PROFESSIONS LICENSING BOARD REGULATIONS

Part 4900 - ~~Respiratory Therapist [Reserved]~~ Psychology

§ 185-10-4901	Definitions
§ 185-10-4905	Scope of Practice
§ 185-10-4910	Education and experience requirements for licensure.
§ 185-10-4915	Doctoral Degree Program.
§ 185-10-4920	Practicum
§ 185-10-4925	Pre-internship
§ 185-10-4930	Internship
§ 185-10-4935	Post-doctoral supervised experience.
§ 185-10-4940	Written Exam
§ 185-10-4945	Failure of written examinations.
§ 185-10-4950	Qualifications for granting of license by endorsement.
§ 185-10-4955	Continuing Education Requirements.

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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### § 185-10-4901 Definitions

- (1) **“Board”** means the Health Care Professions Licensing Board.
- (2) **“EPPP”** means the Examination for Professional Practice in Psychology.
- (3) **“Practice of Clinical Psychology”** means:
  - (a) a person who represents himself/herself to be a clinical psychologist when he/she holds himself out to the public by any title or description of services incorporating the words “clinical psychology,” “clinical psychologist,” or offers to render or renders services as defined below to individuals, groups, organizations or the public;
  - (b) the rendering to individuals, groups, organizations or the public any psychological service involving the application of principles, methods and procedures of understanding, predicting and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions and interpersonal relationships; the methods and procedures of interviewing, counseling and psychotherapy; constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion and motivation, and of assessing public opinion;
  - (c) the application of said principles and methods, including, but not limited to, diagnosis, prevention and amelioration of adjustment problems, and emotional and mental disorders of individuals and groups, substance use disorders, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability, hypnosis, educational and vocational counseling, personnel selection and management, the evaluation and planning for effective work and learning situations, advertising and market research and the resolution of interpersonal and social conflicts; or
  - (d) psychotherapy by the use of learning, conditioning methods and emotional reactions, in a professional relationship, to assist a person or persons to modify feelings, attitudes and behavior which are intellectually, socially or emotionally maladjustive or ineffectual.
  - (e) Consultation with other psychologists, physicians, other health care professionals and clients regarding all available treatment options, including medication, integrated care with respect to provision of care for a specific client;
  - (f) Provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using psychological principles, methods and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or behavior change or for making decisions about the individual, such as selection;
  - (g) The supervision of any of the above.

**§ 185-10-4905          Scope of Practice**

“**To practice psychology**” means to render or offer to render for a fee, **non-monetary payment, or gratis** to individuals, groups, organizations, or the public for the diagnosis, prevention, treatment, or amelioration of psychological problems and emotional and mental disorders of individuals or groups or for conducting research on human behavior, a psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, including:

- (1) the principles pertaining to learning, perception, motivation, emotions, and interpersonal relationships;
- (2) the methods and procedures for interviewing, counseling, psychotherapy, biofeedback, behavior modification, and hypnosis;
- (3) constructing, administering and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivations

**§ 185-10-4910          Education and experience requirements for licensure.**

- (1) To obtain a license, applicants must complete:
  - (a) A doctoral degree program as described in NMIAC § 185-10-4915
  - (b) A practicum of at least 300 hours as described in NMIAC § 185-10-4920; and
  - (c) An experience requirement consisting of no fewer than two (2) years supervised experience totaling 3,000 hours that includes:
    - (i) A minimum of 1,500 hours of supervised experience that must be completed as an internship experience as outlined in NMIAC § 185-10-4930.
    - (ii) The remaining 1,500 supervised hours may be obtained through:
      - (A) A pre-internship as described in NMIAC § 185-10-4925;
      - (B) A postdoctoral experience as described in NMIAC § 185-10-4935; or
      - (C) A combination of pre-internship and postdoctoral experience.
- (2) The order of supervised experience must be graduated from more intensive to less intensive supervision.

**§ 185-10-4915          Doctoral Degree Program.**

An applicant must possess a doctoral degree from a regionally accredited institution. Regional accreditation is awarded to an institution by one of the regional accrediting agencies, each of which covers a specified portion of the United States and its territories, or equivalent accreditation in another country,



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upon approval by the board.

- (1) The doctoral degree program must include:
  - (a) At least forty (40) semester credits, or sixty (60) quarter credits, of graduate courses in curriculum areas described in subsection (3) of this section.
    - (i) Courses must be clearly identified by title and course content as being part of an integrated psychology program.
    - (ii) ~~Courses taken before the doctoral degree program may be accepted if the doctoral degree program accepted the course(s).~~
  - (b) One (1) year in residency as described in subsection (4) of this section;
  - (c) Completion of an original dissertation which is psychological in nature and endorsed by the program; and
  - (d) An organized sequential and coordinated practicum and internship experience as described in NMIAC § 185-10-4920 and § 185-10-4930.
- (2) The curriculum requirements: The doctoral degree program must encompass a minimum of three (3) academic years of full-time graduate study or the equivalent.
- (3) The applicant must complete three (5) or more semester credits, or five (5) or more quarter credits, of core study in each of the following content areas:
  - (a) Biological bases of behavior. For example: Physiological psychology, comparative psychology, neural bases of behavior, sensation and perception, and biological bases of development;
  - (b) Cognitive-affective bases of behavior. For example: Learning, thinking, motivation, emotion, and cognitive development;
  - (c) Social bases of behavior. For example: Social psychology, organizational theory, community psychology, and social development;
  - (d) Individual differences. For example: Personality theory and psychopathology;
  - (e) Scientific and professional ethics;
  - (f) History and systems of psychology;
  - (g) Statistics and psychometrics;
  - (h) Research design and methodology;

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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- (i) Techniques of data analysis;
  - (j) Human development. For example: Developmental psychology, child development, adult development and aging;
  - (k) Cultural and individual differences and diversity;
  - (l) Psychopathology and dysfunctional behaviors;
  - (m) Theories and methods of assessment and diagnosis-minimum of two (2) courses;
  - (n) Effective psychological intervention and evaluation of the efficacy of interventions-minimum of three (3) courses; and
  - (o) Psychopharmacology.
- (4) Doctoral degree programs accredited by the American Psychological Association (APA) or the Canadian Psychological Association (CPA) are recognized as having met the minimum education requirements.
- (5) Residency/~~Internship~~ requirement:
- (a) The doctoral degree program must involve at least one (1) continuous year of full-time residency (~~internship~~) at the institution which grants the degree or a minimum of 750 hours of student-faculty contact involving face-to-face individual or group educational meetings.
  - (b) Effective upon the adoption of the 2021 revisions, applicants who can verify that they enrolled in their program prior to June 3, 2021, may apply with a residence of 500 hours. In this circumstance, one (1) continuous year means a minimum of 500 hours of student-faculty contact involving face-to-face individual or group educational meetings. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution as documented by the applicant and the institution and relate substantially to the program components specified. Applicants applying under this provision shall submit full documentation that they have met this requirement, which must include a detailed description of the content of the 500 hours of educational meetings and be verified by the administration of the doctoral program.
  - (c) Educational meetings:
    - (i) Must include both faculty-student and student-student interaction;
    - (ii) Be conducted by the psychology faculty of the institution at least ~~seventy-five percent~~ 75% of the time;
    - (iii) Be fully documented by the institution and the applicant; and
    - (iv) Relate substantially to the program components specified.



**§ 185-10-4920          Practicum**

Applied experience: The doctoral degree program required in NMIAC § 185-10-4915 must include a practicum of at least two (2) semesters or three quarters ( $\frac{3}{4}$ ) and at least 300 hours of direct experience, 100 hours of which must be in supervision. Supervision must include the following:

- (1) Discussion of services provided by the student;
- (2) Selection of service plan for and review of each case or work unit of the student;
- (3) Discussion of and instruction in theoretical concepts underlying the work;
- (4) Discussion of the management of professional practice and other administrative or business issues;
- (5) Evaluation of the supervisory process by the student and the supervisor;
- (6) Discussion of coordination of services among the professionals involved in the particular cases or work units;
- (7) Discussion of relevant state laws and rules;
- (8) Discussion of ethical principles including principles applicable to the work;
- (9) Review of standards for providers of psychological services; and
- (10) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

**§ 185-10-4925 Pre-internship**

A pre-internship experience occurs between the practicum required by NMIAC § 185-10-4925 and internship required by NMIAC § 185-10-4930. A pre-internship can include up to 1,500 hours of supervised experience but is not required. If pre-internship experience is used to satisfy the experience requirement of NMIAC § 185-10-4910(1)(c), it must meet the following requirements:

- (1) Before beginning the program, the student, the doctoral program, and the pre-internship program must agree on and document the goals, the student's expectations, and the methods of the pre-internship experience. The goals must meet the requirements of this section.
- (2) Every ~~twenty~~ (20) hours of pre-internship experience must include the following:
  - (a) At least ~~two~~ (2) hours of regularly scheduled, formal, face-to-face individual supervision that addresses the direct psychological services provided by the student; and
  - (b) At least ~~two~~ (2) hours of other learning activities such as case conferences, seminars on applied issues, conducting co-therapy with a staff person including discussion of the case, and group supervision.
- (3) At least ~~sixty percent~~ 60% of the pre-internship experience must be direct client contact providing

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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assessment and intervention services.

- (4) The pre-internship experience must be supervised by ~~the person(s)~~ a licensed psychologist with two (2) years post-license experience who is primarily responsible for the assigned casework.
- (a) The primary supervisor should be on site as well as a (w-9) employee or in contract status with the agency. The board could grant an exception or waiver of this requirement provided that the supervisee and the post-doctoral supervisor petition the board prior to the start of the pre-internship with their reasoning for why the supervisor could not be on site and an employee of the agency and suggest an alternative procedure to ensure the supervisee is getting appropriate supervision and the public is protected. If a waiver is granted, the supervisor still will routinely, on a fixed schedule, visit the site and conduct face-to-face supervision. Also, the supervisee will travel to the supervisor and have face-to-face supervision at that site.
- (b) At least ~~seventy-five percent~~ 75% of the supervision must be by a licensed psychologist with two (2) years post-license experience and is primarily responsible for the supervision and ~~has the ability can~~ delegate the other ~~twenty-five percent~~ 25% of time to the other professional noted below in (b). The primary supervisor and delegated supervisor must coordinate and discuss the application.
- (c) Up to ~~twenty-five percent~~ 25% of the supervision may be completed by the following:
- (i) A psychiatrist(s) with three (3) years experiences beyond residency;
- (ii) A licensed mental health counselor(s) with five (5) years' post-license experience;
- (iii) A licensed marriage and family therapist(s) with ~~at least~~ five (5) years post-license experience;
- (iv) A licensed advanced social worker(s) or licensed independent clinical social worker(s) with five (5) years' post-license experience; or
- (v) A doctoral level psychologist(s) with ~~three six~~ four (4) years post-doctoral experience.
- (d) Supervision of the pre-internship experience must include the following:
- (i) Discussion of services provided by the student;
- (ii) Selection of service plan for and review of each case or work unit of the student;
- (iii) Discussion of and instruction in theoretical concepts underlying the work;
- (iv) Discussion of the management of professional practice and other administrative or business issues;
- (v) Evaluation of the supervisory process by the student and the supervisor;

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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- (vi) Discussion of coordination of services among the professionals involved in the particular cases or work units;
- (vii) Discussion of relevant state laws and rules;
- (viii) Discussion of ethical principles including principles applicable to the work;
- (ix) Review of standards for providers of psychological services; and
- (x) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

### § 185-10-4930 Internship

Applicants must successfully complete an organized internship as part of the doctoral degree program described in NMIAC § 185-10-4915.

- (1) The internship must include at least 1,500 hours of supervised experience and be completed within twenty-four (24) months.
- (2) The internship program must:
  - (a) Be accredited by the American Psychological Association (APA); or
  - (b) Be a member program of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or
  - (c) Meet the following requirements:
    - (i) Organization of the internship program.
      - (A) The internship must have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of student work, and made available to prospective interns.
      - (B) A psychologist licensed by the appropriate state or provincial licensing authority must be clearly designated as responsible for the integrity and quality of the internship program.
      - (C) Interns must use titles indicating their training status.
    - (ii) Content of the internship program.
      - (A) The internship must be designed to provide a planned sequence of training experiences focusing on breadth and quality of training. Supervision and training related to ethics must be ongoing.
      - (B) At least ~~twenty-five percent~~ 25% of the internship experience must be in direct client contact providing assessment and intervention services.

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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- (C) For every **forty (40)** hours of internship experience, the student must receive:
  - (I) At least **two (2)** hours of regularly scheduled, formal, face-to-face individual supervision that addresses the direct psychological services provided by the intern; and
  - (II) At least **two (2)** hours of other learning activities such as case conferences, seminars on applied issues, conducting co-therapy with a staff person including discussion of the case, and group supervision.
- (iii) Supervision of the internship experience.
  - (A) The internship setting must have two **(2)** or more ~~psychologists available as supervisors~~, clinical supervisors trained in psychology, at least one **(1)** of whom is licensed as a psychologist.
  - (B) The internship experience must be supervised by a licensed psychologist who is primarily responsible ~~the person(s) responsible~~ for the assigned casework.
    - (I) At least ~~seventy-five percent~~ **25%** of the supervision must be by a licensed psychologist with two **(2)** years post-license experience.
    - (II) Up to ~~twenty-five percent~~ **25%** of the supervision may be completed by the following:
      1. A psychiatrist(s) with three **(3)** years' experiences beyond residency;
      2. A licensed mental health counselor(s) with five **(5)** years' post-license experience.
      3. A licensed marriage and family therapist(s) with at least five **(5)** years post-license experience;
      4. A licensed advanced social worker(s) or licensed independent clinical social worker(s) with five **(5)** years' post-license experience; or

### § 185-10-4935 Post-doctoral supervised experience.

A total of **3,000** hours of supervised experience must be completed, of which a minimum of **1,500** hours of supervised experience must be obtained after the receipt of the doctoral degree.

~~If 3000 hours of supervised experience has not been completed at the end of the doctoral degree program, then up to 1500 hours of supervised post-doctoral experience can be used to satisfy the total requirement.~~



## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

~~Post-doctoral supervised experience must be completed only if an applicant does not already have 3000 hours of supervised experience obtained in the pre-internship or internship.~~

- (1) Hours of Supervised Experience.
  - ~~(a) Two (2) years of supervised experience, at least one (1) of which shall have been completed after receipt of the doctoral degree, for a minimum of 3,000 total hours;~~
  - (a) Each year (or equivalent) shall be comprised of no less than **ten (10)** months, but no more than **twenty (24)** months, and at least 1,500 hours of professional service including direct client contact, supervision, and didactic training;
  - (b) One (1) year may be a doctoral internship which consists of a minimum of 1,500 hours of actual work experience (exclusive of holidays, sick leave, vacations or other such absences);
  - (c) At least 50% of the supervised experience must be in service-related activities such as treatment/intervention, assessment, interviews, report writing, case presentations, or consultations;
  - (d) At least 50% of service-related activities shall be direct client contact; a maximum of **forty-five (45)** hours per week, including supervision time, may be credited toward meeting the supervised experience requirement;
  - (e) Supervision shall be provided 10% of the total time worked per week;
  - (f) A minimum of two (2) hours per week of supervision, one (1) hour of which is individual face-to-face, in-person supervision by a licensed psychologist. At the Board's discretion, tele-supervision may be approved.**
- (2) Organization of the post-doctoral supervised experience.
  - (a) The supervisor is ethically and legally responsible for all supervisee work covered by the supervision agreement. Therefore, the supervisor has authority to alter service plans and direct the course of psychological work.
  - (b) Supervisees must use titles indicating their training status, such as "psychological resident," "psychology intern," or "psychology supervisee."
  - (c) Clients must be informed of the identity and responsibilities of the supervisor and how they can speak directly to the supervisor.
  - (d) Services rendered by the supervisee must not be represented to third parties as having been rendered by the supervisor. Insurance forms must be filled out indicating the nature of the supervisory relationship.
- (3) The supervisor and supervisee must have a written agreement for supervision, including:
  - (a) The area(s) of professional activity in which supervision will occur;

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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- (b) Hours of supervision and/or ratio of supervision to professional activity;
  - (c) Fees for supervision, if any;
  - (d) Processes for supervision including mode(s) of supervision, expectations for recordkeeping, evaluation, and feedback;
  - (e) Relevant business arrangements;
  - (f) How the supervisee will represent himself or herself; and
  - (g) How disagreements will be handled.
- (4) Mode of supervision.
- (a) The preferred mode of supervision is face-to-face discussion between the supervisor and the supervisee.
  - (b) The nature of the supervision may depend on the following:
    - (i) The theoretical orientation of the supervisor;
    - (ii) The training and experience of the supervisee; and
    - (iii) The duration of the supervisory relationship.
- (5) Some direct observation of the supervisee's work is required and the supervisor may use the following:
- (a) Detailed process notes and progress reports;
  - (b) Audio and/or videotapes;
  - (c) Client supplied information such as behavioral ratings; and
  - (d) One-way mirror observation.
- (6) Supervised experience must be appropriate to the area(s) of professional activity the person intends to practice.
- (7) There must be at least one (1) hour of individual supervision for every twenty (20) hours of psychological work.
- (8) The supervisor and the supervisee must keep records of experience and supervision hours.
- (9) At the end of the supervision period, the supervisor must prepare and forward to the board a written evaluation, including written certification of successfully completed supervised hours of psychological work and any hours not successfully completed. If any hours were not successfully

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completed, the board may require additional hours of supervision. ~~If any hours were not successfully completed, the board may require additional hours of supervision.~~

- (10) Supervision of the post-doctoral supervised experience.
- (a) At least 50% of the post-doctoral supervision must be provided by a licensed psychologist with two (2) years post-license experience who is the primary supervisor and is responsible for the supervision and could then delegate up to 50% to another professional in (10) (b) (i-iii).
  - (b) Up to ~~fifty percent~~ 50% of the supervision may be provided by the following:
    - (i) A licensed psychologist with two (2) years post-license experience;
    - (ii) A psychiatrist with three (3) years of experience beyond residency;
    - (iii) A licensed mental health counselor, a licensed marriage and family therapist, a licensed advanced social worker, or a licensed independent clinical social worker, if the supervisor has five (5) years post-license experience.
  - (c) The primary post-doctoral supervisor must be on site as well as a (w-9) employee or in contract status with the agency. The board could grant an exception or waiver of this requirement provided that the supervisee and the post-doctoral supervisor petition the board prior to the start of the pre-internship with their reasoning for why the supervisor could not be on site and an employee of the agency and suggest an alternative procedure to ~~ensure~~ the supervisee is getting appropriate supervision. If a waiver is granted, the supervisor still will routinely, on a fixed schedule, visit the site and conduct face-to-face supervision. Also, the supervisee may travel to the supervisor and have face-to-face supervision at that site.
- (11) Supervision must include the following:
- (a) Discussion of services provided by the student;
  - (b) Selection, service plan, and review of each case or work unit of the student;
  - (c) Discussion of and instruction in theoretical concepts underlying the work;
  - (d) Discussion of the management of professional practice and other administrative or business issues;
  - (e) Evaluation of the supervisory process by the student and the supervisor;
  - (f) Discussion of coordination of services among the professionals involved in the particular cases or work units;
  - (g) Discussion of relevant ~~Washington~~ State laws and rules;
  - (h) Discussion of ethical principles including principles applicable to the work;

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- (i) Review of standards for providers of psychological services; and
  - (j) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.
- (12) Tele-supervision and Supervisory contact.
- (a) In-person supervision must account for at least ~~fifty percent~~ 50% of any postdoctoral supervision used toward the required 3,000 hours of supervised experience for licensure.
  - (b) Tele-supervision or telephonic supervision may account for no more than ~~fifty percent~~ 50% of postdoctoral supervision hours.
  - (c) The supervisor must have a formal policy addressing the utilization of Tele-supervision or telephonic supervision.
  - (d) Tele-supervision or telephonic supervision does not account for more than ~~fifty percent~~ 50% of the total supervision at the site.
  - (e) The doctoral training program shall have a formal policy addressing its utilization of Tele-supervision or telephonic supervision that includes:
    - (i) an explicit rationale for using Tele-supervision or telephonic supervision;
    - (ii) how and when Tele-supervision or telephonic supervision is utilized in clinical training;
    - (iii) how it is determined which trainees can participate in Tele-supervision or telephonic supervision;
    - (iv) how an off-site supervisor maintains full professional responsibility of clinical cases;
    - (v) how non-scheduled consultation and crisis coverage are managed; and
    - (vi) how privacy and confidentiality of the client and trainees are assured.
    - (vii) Any licensed ~~supervisor~~ Psychologist ~~providing tele-supervision from outside the CNMI overseeing trainees~~ must be licensed by the Board and, if providing services for a fee, must have a ~~in the~~ CNMI business license to conduct business in the CNMI.

### § 185-10-~~4735~~ 4940

### Written Exam

The written or computer examination the Commonwealth of the Northern Marianas Islands uses is the national Examination of Professional Practice ~~of~~ in Psychology (EPPP).



## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

- (1) The Association of State and Provincial Psychology Board (ASPPB) is responsible for the development and administration of the national exam.
- (2) To be considered for licensure applicants must meet the ASPPB pass point. ~~receive a score of at least 70% or the national mean, whichever is lowest.~~

### § 185-10-4945 Failure of written examinations.

An applicant who fails either examination required under NMIAC § 185-10-4940 may sit for re-examination up to four (4) times a year as follows:

- (1) First re-examination: At any following examination administration date;
- (2) Second or subsequent re-examination: A minimum of two (2) months after the failure of the previous examination.

### § 185-10-4950 Qualifications for granting of license by endorsement.

- (1) Applicants applying for licensure by endorsement shall:
  - (a) Submit official transcripts documenting the completion of a doctoral degree with a primary emphasis on psychology from a regionally accredited institution, or equivalent accreditation from another country.
  - (b) Document that he or she has been ~~credentialed~~ licensed as a psychologist in another state or country for at least two (2) years or is a current member of a professional organization identified in subsection (3) of this section.
  - (c) Document that he or she has an active ~~credential~~ license as a psychologist in another state or country deemed by the board as essentially equivalent, or is a current member of a professional organization identified in subsection (3) of this section.
  - (d) All application documents submitted in a foreign language shall be accompanied by an accurate translation of those documents into English. Translated documents shall bear a notarized affidavit certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. Costs of all documents shall be at the expense of the applicant.
  - (e) Successfully pass the written examination required by NMIAC § 185-10-4940 and Test of English as a Foreign Language (TOEFL) for foreign applicants.
  - (f) All foreign credentials must be evaluated by an organization such as the National of Credential Evaluation Services (NACES) or the Western Evaluation Services (WES) to be paid for by the applicant.
- (2) If the board determines that the applicant's other state or country's ~~credentialing~~ licensing requirements are not essentially equivalent, the applicant must:

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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- (a) Provide documentation of meeting Commonwealth of the Northern Marianas Islands **credentialing** licensing requirements in the area(s) the board has determined a state or country of endorsement's requirements are not essentially equivalent.
  - (b) Ensure documents submitted in a foreign language meet the requirements of subsection (1)(d) of this section.
  - (c) If the board determines that the applicant's state or country of endorsement's **credentialing licensing** requirements are not essentially equivalent, the applicant will be provided with a hearing under the Administrative Procedure Act (1 CMC §§ 9101–9115).
- (3) The board shall recognize psychologists as having met the requirements of this chapter who, at the time of application, provide documentation of current membership in any of the following professional organizations:
- (a) Health service psychologist credentialed by the National Register of Health Service Psychologists;
  - (b) Diplomate from the American Board of Examiners in Professional Psychology;
  - (c) Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards; or
  - (d) Diplomate of the American Board of Professional Neuropsychology.
  - (e) The board may recognize additional professional organizations deemed to meet the essential standards of this chapter.

### § 185-10-4955 Continuing Education Requirements.

- (1) A total of **thirty (430)** credit hours of continuing education within each two (2) year licensure period is required of each licensee to qualify for a renewal. At least twenty (20) of these credit hours must be in the licensee's specific area of practice. Psychologists are required to take **six (6) total** hours in suicide assessment, treatment, and management every 4 years. **Renewal includes four (4) hours of professional ethics and/or CNMI laws and regulations related to the practice of psychology and four (4) hours of cultural competency.**

The Board shall prorate the continuing education credit hours requirement for licenses issued less than two (2) years prior to the renewal period.

- (2) Continuing education hours may include:
  - (a) membership in national associations;
    - (i) membership in a national association of the licensee's practice area will provide four (4) credit hours within the renewal period; and

## TITLE 185-10 HEALTH CARE PROFESSIONS LICENSING BOARD

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- (ii) other appropriate national professional association membership will provide two (2) credit hours for each, a maximum of four (4) credit hours within the renewal period;
  - (b) subscription to appropriate professional journals will provide two (2) credit hours per subscription, limited to five (5) subscriptions;
  - (c) attendance of a conference will provide one (1) credit hour for each hour of conference attended (The conference must be within the renewal period.);
  - (d) teaching, workshops and in-service will provide one (1) credit per hour of teaching, workshop or in-service (This is limited to ten (10) credit hours.);
  - (e) speeches or presentation of papers will provide five (5) credit hours each for non-professional audience; ten (10) credit hours each for professional audience;
  - (f) publication in a professional journal, any publication within the field, will provide ten (10) credit hours;
  - (g) attendance at local association meetings will provide one (1) point per meeting, up to twelve (12) credit hours;
  - (h) videotapes, **webinars**, or other audio-visual **and print** materials prepared by a professional association or educational institution, **including other institutions, such as the VA**, and approved by the Board, will provide one (1) credit hour for every hour viewed, limited to ten (10) credit hours; or
  - (i) others, as required by discipline.
- (3) The Board, in its sole discretion, may require the licensee to provide receipts, attendance certification or other evidence of participation for credit hours claimed.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CANNABIS COMMISSION

P.O. BOX 500135 Saipan, MP 96950  
Email: info@cnmicannabis.org

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**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF AMENDMENTS TO REGULATIONS OF  
CNMI Cannabis Commission**  
Nadine Deleon Guerrero, Chairman

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED AMENDMENTS TO REGULATIONS  
Volume 43 Number 07, pp 047039 of July 28, 2021

**Regulations of the CNMI Cannabis Commission**

**ACTION TO ADOPT PROPOSED AMENDMENTS TO REGULATIONS:** The Commonwealth of the Northern Mariana Islands Cannabis Commission ("The Commission") HEREBY ADOPTS AS PERMANENT amendments to the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commission announced that it intended to adopt them as permanent, and now does so. (Id.). I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment, except as stated as follows:

(no changes)

**PRIOR PUBLICATION:** The prior publication were as stated above. The Commission adopted the regulations as final on August 27, 2021.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** Modifications were made as specified above. (There were no modifications). I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

**AUTHORITY:** The Commonwealth is required by the Legislature to adopt rules and regulations regarding those matters over which the CNMICC has jurisdiction, see Public Laws 20-66 and 21-05.

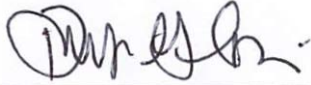
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations (no written comments submitted). Attached hereto are the Commission responses to all public comments received. (none) Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 27<sup>th</sup> day of August, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



NADINE DELEON GUERRERO  
Chairman, CNMI Cannabis Commission

08.27.2021

Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 27 day of August, 2021.



EDWARD MANIBUSAN  
Attorney General

Filed and  
Recorded by:



ESTHER SN. NESBITT  
Commonwealth Registrar

08.27.2021

Date



**TITLE 180  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
(CNMI) CANNABIS COMMISSION**

CHAPTER 180-10 CNMI Cannabis Commission  
Subchapter 180-10.1 CNMI Cannabis Commission Rules and Regulations  
Subchapter 180-10.2 Code of Ethics

**CHAPTER 180-10  
CNMI CANNABIS COMMISSION**

**SUBCHAPTER 180-10.1  
CNMI CANNABIS COMMISSION RULES AND REGULATIONS**

**Part 001**

**ISSUANCE OF REGULATIONS;  
CONSTRUCTION; DEFINITIONS**

§ 180-10.1-001 Promulgation. Amendment, modification and repeal  
§ 180-10.1-005 Construction  
§ 180-10.1-010 Severability  
§ 180-10.1-015 Preemption  
§ 180-10.1-020 Practice where Regulations Do Not Govern  
§ 180-10.1-025 Suspension of Regulations  
§ 180-10.1-030 Definitions, words and terms; tense, number and gender  
§ 180-10.1-035 Headings  
§ 180-10.1-040 Definitions  
§ 180-10.1-045 Further Definitions

**PART 100. CNMI CANNABIS COMMISSION: ORGANIZATION AND  
ADMINISTRATION**

§ 180-10.1-101 CNMI CANNABIS COMMISSION  
§ 180-10.1-105 Powers and Duties  
§ 180-10.1-110 Commissioners  
§ 180-10.1-115 Limitations on Powers  
§ 180-10.1-120 Managing Director  
§ 180-10.1-125 Delegation of Officers  
§ 180-10.1-130 Commission Meetings  
§ 180-10.1-135 Resolutions and Minutes  
§ 180-10.1-140 Appearances  
§ 180-10.1-145 Recessed meetings  
§ 180-10.1-150 Investigative Hearings  
§ 180-10.1-155 Appointment of committees  
§ 180-10.1-160 Service of Notice in General  
§ 180-10.1-165 Subpoenas  
§ 180-10.1-170 Employment and termination of employees

**Part 200 INFORMATION AND FILINGS:**

- § 180-10.1-201 Office Mailing Address and Hours
- § 180-10.1-205 Official Records; Fees for Copies
- § 180-10.1-210 Communications/Notices to Commission
- § 180-10.1-215 Public Information Office
- § 180-10.1-220 Filing of Petitions and Applications
- § 180-10.1-225 Petitions for Rulemaking

**Part 300 LICENSE AND REGISTRATION REQUIREMENTS:**

- § 180-10.1-301 Receipt
- § 180-10.1-305 Filing
- § 180-10.1-310 Processing
- § 180-10.1-315 True name on application
- § 180-10.1-320 Fees
- § 180-10.1-325 Application Review
- § 180-10.1-330 Approval of Application and Issuance of License
- § 180-10.1-335 Denial of Application
- § 180-10.1-340 Public Inspection of Information
- § 180-10.1-345 Amendment
- § 180-10.1-350 Withdrawal
- § 180-10.1-355 Limitation on number of licenses

**Part 400 LICENSEE RESPONSIBILITIES; GENERAL RESPONSIBILITIES**

- § 180-10.1-401 Financial and Business Records
- § 180-10.1-405 Licensee Responsibility
- § 180-10.1-410 Licensee Prohibitions

**Part 500 LICENSE PREMISES**

- § 180-10.1-501 Licensed Premises Restrictions and Requirement
- § 180-10.1-505 Signage

**Part 600 MARIJUANA PRODUCERS**

- § 180-10.1-601 Privileges; Prohibitions
- § 180-10.1-605 Operating Procedures
- § 180-10.1-610 Start-up Inventory
- § 180-10.1-615 Micro Producers
- § 180-10.1-620 Record Keeping

**Part 700 MARIJUANA RETAILERS**

- § 180-10.1-701 Retailer Privileges; Prohibitions
- § 180-10.1-705 Retailer Operational Requirements
- § 180-10.1-710 Retailer Premises

**Part 800 MARIJUANA PROCESSORS**

- § 180-10.1-801 General Processor Requirements
- § 180-10.1-805 Privileges; Prohibitions
- § 180-10.1-810 Endorsements
- § 180-10.1-815 Processor Policies and Procedures
- § 180-10.1-820 Processor Training Requirements
- § 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements
- § 180-10.1-830 Recordkeeping

**Part 900 MARIJUANA WHOLESALER**

- § 180-10.1-901 Privileges; Prohibitions
- § 180-10.1-905 Marijuana Reserve Requirements

**Part 1000 MARIJUANA LOUNGE**

- § 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions
- § 180-10.1-1005 Class 1 Lounge Operational Requirements
- § 180-10.1-1010 Class 1 Lounge Premises
- § 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions
- § 180-10.1-1020 Class 2 Lounge Operational Requirements
- § 180-10.1-1025 Class 2 Lounge Premises

**Part 1100 PACKAGING LABELING AND ADVERTISING**

- § 180-10.1-1101 Packaging and Labeling – Definitions
- § 180-10.1-1105 Packaging for Sale to Consumer
- § 180-10.1-1110 Advertising – Restrictions
- § 180-10.1-1115 Advertising Media, Coupons, and Promotions

**Part 1200 LICENSEE CONDUCT, INSPECTIONS AND SUSPENSION**

- § 180-10.1-1201 Prohibited Conduct
- § 180-10.1-1205 Dishonest Conduct
- § 180-10.1-1210 Inspections
- § 180-10.1-1215 Suspended Licenses

**Part 1300 MEDICINAL MARIJUANA [RESERVED]**

## **Part 1400 LABORATORY LICENSE**

- § 180-10.1-1401 Laboratory Licensing Requirements
- § 180-10.1-1405 Laboratory Tracking and Reporting
- § 180-10.1-1410 Laboratory Licensee Prohibited Conduct

## **Part 1500 MARIJUANA EVENTS**

- § 180-10.1-1501 Purpose
- § 180-10.1-1505 Definitions
- § 180-10.1-1510 Application Procedure
- § 180-10.1-1515 Temporary Licensed Premises Designation
- § 180-10.1-1520 Permit for the Temporary Use of Marijuana Items at Special Events Privileges; Prohibitions
- § 180-10.1-1525 Public Notice
- § 180-10.1-1530 Fees

## **Part 1600 MARIJUANA RESEARCH CERTIFICATE**

- § 180-10.1-1601 Application for Marijuana Research Certificate
- § 180-10.1-1605 Marijuana Research Certificate Privileges; Prohibitions

## **SUBCHAPTER 180-10.2 CODE OF ETHICS**

### **Part 001 CODE OF ETHICS**

- §180-10.2.101 Commission to follow Government Ethics Act
- §180-10.2.105 Responsibilities of Public Office
- §180-10.2.110 Commission Policies
- §180-10.2.115 Conflict of Interest
- §180-10.2.120 Political Activity
- §180-10.2.125 Non-discrimination Policy

## **SUBCHAPTER 180-10.3 HOMEGROWN MARIJUANA REGISTRY**

### **Part 001 HOMEGROWN MARIJUANA REGISTRY**

- §180-10.3.101 Establishment of Homegrown Marijuana Registry
- §180-10.3.105 Homegrown Marijuana Privileges; Prohibitions
- §180-10.3.110 Maintenance of Homegrown Marijuana Registry

**Part 100**                      **CNMI CANNABIS COMMISSION: ORGANIZATION AND ADMINISTRATION**

**Part 001 ISSUANCE OF REGULATIONS; CONSTRUCTION; DEFINITIONS**

§ 180-10.1-001	Promulgation. Amendment, modification and repeal
§ 180-10.1-005	Construction
§ 180-10.1-010	Severability
§ 180-10.1-015	Preemption
§ 180-10.1-020	Practice where Regulations Do Not Govern
§ 180-10.1-025	Suspension of Regulations
§ 180-10.1-030	Definitions, words and terms; tense, number and gender
§ 180-10.1-035	Headings
§ 180-10.1-040	Applicability
§ 180-10.1-045	Definitions
§ 180-10.1-050	Further Definitions

**§ 180-10.1-001 Promulgation, amendment, modification and repeal.** The following regulations are issued pursuant to Public Law 20-66 and Public Law 21-05, in accordance with the procedures promulgated by the Administrative Procedures Act, 1 CMC § 9101 et seq. The Commission will, from time to time, promulgate, amend and repeal such regulations, consistent with the policy, objects and purposes of Public Law 20-66 and Public Law 21-05, as the Commission may deem necessary or desirable in carrying out the policy and provisions of the laws of the Commonwealth. These regulations supersede any other regulations previously promulgated.

**§ 180-10.1-005 Construction:**

- (a) Nothing contained in these regulations shall be construed as to conflict with any provision of the Act.
- (b) These rules and regulations shall be interpreted in accordance with generally accepted principles of statutory construction.
- (c) These rules and regulations shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.



- (d) Nothing in these rules exempts a licensee or licensee representative from complying with any other applicable local laws.
- (e) Licensure under these rules does not protect a person from possible criminal prosecution under federal law.

**§ 180-10.1-010 Severability.** If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these entire rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of these rules and regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

**§ 180-10.1-015 Preemption.** The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its power under the provisions of the Act and these Regulations. These Regulations supersede any bylaws of the Commission.

**§ 180-10.1-020 Practice where Regulations Do Not Govern.** In any matter not governed by these Regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

**§ 180-10.1-025 Suspension of Regulations.** On its own or a party's motion, the Commission may - to expedite its decision or for other good cause - suspend any provision of these Regulations in a particular matter and order proceedings as it directs, except the Commission may not contradict any explicit requirement of the Act

**§ 180-10.1-030 Definitions, words and terms; tense, number and gender.** In interpreting these regulations, except when otherwise plainly declared or clearly apparent from the context: Words in the present tense include the future tense; The singular includes the plural and the plural includes the singular; and words of one gender include the other genders.

**§ 180-10.1-035 Headings.** The heading of a title, subtitle, chapter, subchapter, part, subpart, section or subsection does not limit or expand the meaning of a regulation.

**§ 180-10.1-040 Applicability.** A person may not produce, process, store, transport, sell, sample, test, or deliver marijuana for commercial recreational use without a license from the Commission or as otherwise authorized under these rules.

**§ 180-10.1-045 Definitions.** In this Subchapter 180-10.1 the following words have the following meanings, unless some contrary meaning is required:

- (a) "Act" means Public Law 20-66, as amended by Public Law 21-05 and as it may be amended or supplemented by subsequent legislation.
- (b) "Cannabis" means a genus of flowering plants that includes three putative varieties; cannabis sativa, cannabis indica, and cannabis ruderalis. The cannabis genus has two main species popularly known as cannabis sativa and cannabis indica:

- (1) Cannabis sativa plants are known to stretch to extraordinary heights of up to 20 feet when grown outside, and have much longer vegetation periods. Once the plant begins to flower, it can take anywhere from ten to sixteen weeks to fully mature. Since vegetation periods are so long, these plants typically produce a much higher yield than indica strains (3 ounces to 1 pound per plant), but possess a lower THC percentage than indica on average (around 12–16%);
  - (2) Cannabis indica are short and stout in composure (2–4 feet tall), and typically yield smaller (1.5 to 2.5 ounces per plant), higher quality crops (- 18% THC) than cannabis sativa. The plants are believed to have originated in the Middle East (Pakistan & Afghanistan), and thrive in cooler environments. Indica strains are typically darker green than sativa and have shorter, fatter leaves.
  - (3) The main active ingredient in cannabis is called delta-9 tetrahydrocannabinol, commonly known as THC. This is the part of the plant that gives the “high.” There is a wide range of THC potency between cannabis products.
  - (4) Cannabis is used in three main forms: marijuana, hashish, and hash oil. Marijuana is made from dried flowers and leaves of the cannabis plant. It is the least potent of all the cannabis products and is usually smoked or made into edible products like cookies or brownies. Hashish is made from the resin (a secreted gum) of the cannabis plant. It is dried and pressed into small blocks and smoked. It can also be added to food and eaten. Hash oil, the most potent cannabis product, is a thick oil obtained from hashish. It is also smoked.
  - (5) Cannabis is usually smoked in hand-rolled cigarettes (known as “joints”) or in special water pipes (“bongs”). These pipes or bongs can be bought or made from things such as orange juice containers, soft drink cans, or even toilet paper rolls.
- (c) “Caregiver” means a person who is 21 years of age or older who is responsible for the medical marijuana patient’s needs to the production, processing, keeping, or storage of homegrown marijuana at a household or cultivation site.\*
  - (d) “Commerce” means the Department of Commerce.
  - (e) “Commission” means the Cannabis Commission.
  - (f) “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.
  - (g) “Commonwealth” or “CNMI” means the Commonwealth of the Northern Mariana Islands.
  - (h) “Cultivation site” means a site in which marijuana is produced other than a household for non-commercial purposes. A cultivation site may include, but is not limited to, a farm, ranch, land parcel, lot, greenhouse, warehouse, building, room, or container.
  - (i) “Debilitating medical condition” means:
    - (1) cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, ulcerative colitis, agitation of Alzheimer’s disease, post-traumatic stress disorder, or the treatment of these conditions;
    - (2) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: stroke, diabetes, Parkinson’s disease, Wilson’s disease, traumatic brain injury, ADD/ADHD, muscular dystrophy (MD), cerebral palsy, asthma, and other types of immunomodulated inflammatory diseases, cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and

- persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or
- (3) any other serious medical condition or its treatment provided for by the Commission regulation in consultation with the Commonwealth Healthcare Corporation (CHCC) or other medical professionals.
- (j) “Division of Agriculture” means the Department of Lands and Natural Resources Division of Agriculture.
- (k) “Controlled substance” means a drug or its immediate precursor classified in Schedules I through V by 6 CMC §§ 2111–2123. The term “controlled substance,” as used in the Commonwealth Code does not include marijuana.
- (l) “Financial consideration,” except as provided in of this subsection, means value that is given or received directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.
- (1) “Financial consideration” does not mean any of the following:
- i. Homegrown marijuana made by another person.
  - ii. Homemade marijuana products made by another person.
- (m) “Hemp” means the plant of the genus cannabis and any part of the plant, whether growing or not, with a delta9-tetrahydrocannabinol concentration that does not exceed three tenths percent (0.3%) on a dry weight basis for any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.
- (n) “Homegrown” or “homemade” means grown or made by a person 21 years of age or older for non-commercial purposes.
- (o) “Homegrown marijuana registry” means a record maintained by the Commission of the names and addresses of persons who are 21 years of age or older or medical marijuana patients authorized to produce, process, keep, or store homegrown marijuana at a household or a cultivation site for non-commercial purposes.
- (p) “Homegrown marijuana registry card” means a card issued by the Commission to a person who is 21 years of age or older or a medical marijuana patient that is authorized to produce, process, keep, or store homegrown marijuana at a household or a cultivation site for non-commercial purposes.
- (q) “Household” means a housing unit, and includes any place in or around the housing unit at which the occupants of the housing unit are producing, processing, keeping, or storing marijuana, marijuana products, or marijuana extracts, whether homemade or purchased.
- (r) “Housing unit” means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.
- (s) “Immature marijuana plant” means a marijuana plant with no observable flowers or buds.
- (t) “Licensee” means any person holding a license issued under this chapter, or any person holding a license or permit issued under any regulation promulgated pursuant to this chapter.
- (u) “Licensee representative” means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent such person acts in such representative capacity.

- (v) “Marijuana” means all parts of the plant of the genus cannabis, the seeds thereof, and every compound, manufacture, salt derivative, mixture, or preparation of the plant and its seeds whether growing or not, regardless of moisture content, other than marijuana extracts. “Marijuana” does not include hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- (w) “Marijuana establishment” means an entity licensed by the Commission as a marijuana producer, marijuana lounge, marijuana testing facility, marijuana processor, a marijuana retailer, or a marijuana wholesaler.
- (x) “Marijuana extract” or “Marijuana concentrate” means a product obtained by separating resins from marijuana by solvent extraction, using solvents other than water or vegetable glycerin, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide: which is produced only by a licensed marijuana establishment.
- (y) (1) “Marijuana flowers” means the flowers of the plant cannabis family Moraceae.  
(2) “Marijuana flowers” does not include any part of the plant other than the flowers.
- (z) “Marijuana items” means marijuana, marijuana products, and marijuana extracts.  
(1) “Marijuana leaves” means the leaves of the plant Cannabis family Moraceae.  
(2) “Marijuana leaves” does not include any part of the plant other than the leaves.
- (aa) “Marijuana Lounge” means an entity licensed by the Commission to sell and/or allow for the on-site consumption of marijuana items.  
(1) “Class 1” means an entity licensed to sell marijuana items for on-site consumption.  
(2) “Class 2” means an entity licensed to allow for the on-site consumption of marijuana items, but for which the sale of marijuana items is prohibited.
- (bb) “Marijuana processor” means a person who processes marijuana items in this Commonwealth.
- (cc) “Marijuana producer” means a person who produces marijuana in this Commonwealth.
- (dd) (1) “Marijuana products” means products that contain marijuana or marijuana extracts and are intended for consumption, that include, but are not limited to, being edible, drinkable, or topical.  
(2) “Marijuana products” does not mean:
  - (i) Marijuana, by itself; or
  - (ii) A marijuana extract, by itself.
- (ee) “Marijuana retailer” means a person who sells marijuana items to a consumer in this Commonwealth.
- (ff) “Marijuana testing facility” means an entity licensed by the Commission to analyze and certify the safety and potency of marijuana items.
- (gg) “Marijuana wholesaler” means a person who purchases marijuana items in this Commonwealth for resale to a person other than a consumer in this Commonwealth, such as a licensed marijuana establishment.
- (hh) “Mature marijuana plant” means any marijuana plant that is not an immature marijuana plant. A mature marijuana plant has observable flowers or buds.
- (ii) “Medical marijuana” or “medicinal marijuana” means marijuana used by a person for medical or medicinal purposes.

- (jj) “Medical marijuana patient” means a person who uses marijuana as recommended by a doctor or other medical authority in the treatment of a debilitating medical condition or any other medical condition.
- (kk) “Micro producer” means a person with a micro production license to produce marijuana in this Commonwealth.
- (ll) “Minor” means a person under the age of 21 years old for purposes of this chapter.
- (mm) “Non-commercial” means not dependent or conditioned upon the provision or receipt of financial consideration.
- (nn) “Person” means any natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited liability company, general or limited partnership, joint venture, or any other legal entity.
- (oo) “Premises” or “licensed premises” or “marijuana establishment” means a location licensed under this chapter and includes:
  - (1) All enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms, including all public and private areas;
  - (2) All areas outside of a building that the Commission has specifically licensed for the consumption, production, processing, wholesale sale, or retail sale of marijuana items; and
  - (3) For a location that the Commission has specifically licensed for the production of marijuana outside of a building, the entire lot or parcel, that the licensee owns, leases, or has a right to occupy.
- (pp) (1) “Processes” means:
  - (i) The processing, compounding, or conversion of marijuana into marijuana products or marijuana extracts;
  - (ii) The processing, compounding, or conversion of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;
  - (iii) The packaging or repackaging of marijuana items; or
  - (iv) The labeling or relabeling of any package or container of marijuana items.
 (2) “Processes” does not include:
  - (i) The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise processing marijuana; or
  - (ii) The packaging and labeling of marijuana by a marijuana producer in preparation for delivery to a marijuana processor, marijuana retailer, marijuana wholesaler, or marijuana lounge.
- (qq) (1) “Produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana.
- (2) “Produces” does not include:
  - (i) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or
  - (ii) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana lounge, marijuana wholesaler, or marijuana retailer if the



marijuana processor, marijuana lounge, marijuana wholesaler, or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(rr) “Public place” or “public property” means a place to which the general public has access and includes, but is not limited to, beaches, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation or any property owned by the CNMI or Department of Public Lands (DPL).

(ss) “Sale” or “sold” means:

(1) Any transfer, exchange, or barter, in any manner or by any means, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling marijuana, for advertising, as a means of evading this chapter, or for any other purpose.

(2) If a marijuana producer also holds one or more processor licenses, one or more wholesale licenses, one or more marijuana lounge licenses, or one or more retail licenses, a sale of marijuana flowers, marijuana leaves, or immature marijuana plants will be deemed to occur if and when the marijuana producer processes or takes any other action with respect to such marijuana flowers, marijuana leaves, or immature marijuana plants for which a processor license, wholesale license, marijuana lounge license, or retail license is required, regardless of whether the marijuana producer continues to own or possess the marijuana flowers, marijuana leaves, or immature marijuana plants.

(tt) “Single Serving” of marijuana is defined as containing 10 mg of delta-9 tetrahydrocannabinol

(uu) (1) “Useable marijuana” means the dried leaves and flowers of marijuana.

(2) “Useable marijuana” does not include:

(i) Marijuana seeds;

(ii) The stalks and roots of marijuana; or

(iii) Waste material that is by-product of producing or processing marijuana.

## **§ 180-10.1-050 Further Definitions. [RESERVED]**

### **PART 100.**

### **CNMI CANNABIS COMMISSION: ORGANIZATION AND ADMINISTRATION**

§ 180-10.1-101 CNMI CANNABIS COMMISSION

§ 180-10.1-105 Powers and Duties

§ 180-10.1-110 Commissioners

§ 180-10.1-115 Limitations on Powers

§ 180-10.1-120 Managing Director

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- § 180-10.1-135 Resolutions and Minutes
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**PART 100. CNMI CANNABIS COMMISSION: ORGANIZATION AND ADMINISTRATION**

**§ 180-10.1-101 CNMI CANNABIS COMMISSION:**

- (a) Commonwealth of the Northern Mariana Islands (CNMI) Cannabis Commission herein thereafter referred to as “The Commission.”
- (b) The Commission was established pursuant to Public Law 20-66, and as amended in Public Law 21-5, herein thereafter referred to as “The Act.”

**§ 180-10.1-105 Powers and Duties.** The Commission shall have all the powers and authority necessary to carry out the purposes of The Act, including, without limitation, the responsibility:

- a) To conduct hearings pertaining to the violation of the Act or regulations promulgated thereto; including hearings for the purpose of approving marijuana or hemp licenses and other business allowed under the Act.
- b) To promulgate such rules and regulations, as may be necessary to fulfill the intent, policies and purposes of this chapter. The Commission may use such rules and regulations to interpret, enlarge upon, except provisions defining the authority and powers of the Commission, or define, or any provision of this chapter to the extent that such provision is not specifically defined by the Act. The rules and regulations, at a minimum, provide for the following:
  1. A code of ethics for the members of the Commission and its officers and employees.
  2. Supervision, monitoring and investigation or other means to ensure suitability and compliance with the legal, statutory and contractual obligations of owners, operators, and employees of the marijuana or hemp businesses and other persons licensed under this title.
  3. The examination, supervision and monitoring of the continuing fiscal and financial capability and transactions of marijuana or hemp business owners, operators, concessionaires and other parties with any direct relation to the marijuana or hemp business operators and to protect the public in the event that such capability is significantly diminished.
  4. To collaborate in the definition, coordination and execution of the social, environmental and economic policies for the operations of the marijuana and hemp businesses.
  5. To authorize and certify all the equipment, facilities, and tools or utensils used by the operations of marijuana or hemp businesses.

6. To issue licenses for marijuana and hemp businesses and other authorized activities under the Act.
  7. To examine, supervise and monitor the eligibility of all authorized and licensed marijuana and hemp businesses or activities authorized under this title; including their partners and principal employees.
  8. To investigate and penalize any administrative infractions practiced according to the appropriate substantial and procedural legislations.
  9. To ensure that the relationship of the licenses marijuana and hemp businesses and individuals or entities authorized for personal or medicinal use of marijuana with the government and the public is in compliance with the Commission's regulations and provides the highest interest to the CNMI.
  10. The exclusion and removal of undesirable persons from the marijuana and hemp businesses
  11. Civil penalties for the violation of provisions or regulations imposed under The Act.
  12. Penalties for the late payment of applicable fines, or fees.
- c) To levy fines and penalties for the violation of provisions of The Act and the regulation promulgated by the Commission.
  - d) To require and demand access to and inspect, examine, photocopy, and audit all papers, books and records of the license marijuana and hemp businesses on its premises or elsewhere as practical, including inspecting the gross income produced by the marijuana and hemp businesses and verification of their income, and all other matters affecting the enforcement of the Commission's policy or as required pursuant to The Act.
  - e) For the types of licenses or permits to be covered by the marijuana and hemp license and their structure.
  - f) The Commission shall regulate fees.
  - g) To regulate the purchase, sale, production, processing, transportation, and delivery of marijuana items in accordance with the provisions of the Act.
  - h) To grant, refuse, suspend or cancel licenses for the sale, processing, or production of marijuana items, or other licenses in regard to marijuana items, and to permit, in its discretion, the transfer of a license of any person.
  - i) To investigate and aid in the prosecution of every violation of CNMI statutes relating to marijuana items, and cooperating in the prosecution of offenders before the Superior Court for the CNMI.
  - j) To adopt such regulations as necessary and feasible for carrying out the intent and provisions of The Act and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.
  - k) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of The Act.
  - l) To regulate and prohibit any advertising by manufacturers, processors, wholesalers or retailers of marijuana items by the medium of newspapers, letters, billboards, radio, online social media platforms, or otherwise.
  - m) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes.
  - n) To adopt separate regulations as are necessary and feasible for the development of a medical marijuana program.

- o) To adopt separate regulations as are necessary and feasible for the development of a hemp program for strains of cannabis that do not exceed three tenths percent (0.3%) on a dry weight basis of any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.
- p) To conduct an annual summit with the Commonwealth Healthcare Corporation, the Department of Public Safety, the Department of Lands and Natural Resources and other stakeholders in the government and private sectors to discuss the regulation of cannabis in the Commonwealth.
- q) Develop an educational curriculum piece for Homegrown Registry applicants to enroll in prior to issuance of licenses by the Commission.
- r) Update such curriculum as necessary to meet with population demands.
- s) Monitor and study federal laws, regulations and policies regarding cannabis
- t) Determine if the limitation of licenses is necessary for the viability of the industry.

**§ 180-10.1-110 Commissioners.** Pursuant to The Act, the composition of the Commission will be as follows:

- a) The Commission is an autonomous public agency of the government of the Commonwealth of the Northern Mariana Islands and shall consist of five (5) Commissioners:
  1. The Governor shall appoint from the Third Senatorial District three (3) members to the Commission, subject to the advice and consent of the Saipan and Northern Islands Legislative Delegation, provided that one of the three members appointed by the Governor shall be a voter from the Northern Islands and selected by the Northern Islands' mayor.
  2. The Mayor of Rota shall appoint from the First Senatorial District one (1) member to the Commission, subject to the advice and consent of the Rota Legislative Delegation.
  3. The Mayor of Tinian shall appoint from the Second Senatorial District one (1) member to the Commission, subject to the advice and consent of the Tinian and Aguiguan Legislative Delegation.

**(b) Terms of Office**

1. Each member shall serve for a term of four (4) years, except that of the members first appointed, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of four (4) years, however, each member shall serve no more than two (2) terms.
2. A term of a member is defined as the time a member serves as a Commissioner regardless of duration.
3. The Terms of all the members first appointed shall begin from September 12, 2019, regardless of the actual date of appointment.
4. Any vacancy shall be filled in the same manner as the original appointment and for the unexpired term thereof.
5. A member removed from the Commission for cause shall not be re-appointed to the Commission.

(c) Removal of a Commissioner: For Cause Only

1. The Governor may, for cause only, suspend or remove any Commission member, without regard to who appointed said member, subject to judicial review by the Superior Court, which may stay such removal or suspension pending such review.
2. Membership on the Commission shall be automatically forfeited upon violation of subsection (e) of Article V, upon conviction of a felony, or upon conviction of any crime or offense involving moral turpitude.
3. The Commission shall not be considered an agency of the local government for purposes of Article VI, Section 8, of the Constitution.

(d) Members of the Commission shall each be compensated pursuant to law.

(e) The members of the Commission are not employees of the Commission or the CNMI government.

(f) The minimum number of members needed to constitute a quorum for the conduct of Commission business shall be three (3) members; provided at least one member of the Senatorial District of Tinian or Rota is counted in the quorum. A member who appears at a meeting telephonically or via videoconference shall be deemed present to constitute a quorum.

**§ 180-10.1-115 Limitations on Powers.** The Commission itself has no power to purchase, own, sell, or possess any marijuana items.

**§ 180-10.1-120 Managing Director.** The Commission shall hire a Managing Director who will be responsible for the overall administration of the Commission and the supervision of the marijuana and hemp licensees and others pursuant to the Act.

a) Qualifications of the Managing Director

The Managing Director shall possess the following minimum qualifications:

1. A bachelor's degree from a United States accredited educational institution; and
2. Five years' work experience in professional, administrative, or management in government or private sectors; and
3. Good ethical and moral character; and
4. The Commission shall not hire any person for the Managing Director's position who has been convicted of a crime in any jurisdiction of the United States, or any foreign country carrying a minimum sentence of imprisonment of more than six months, excepting traffic offenses.
5. The Managing Director shall not have any interest, directly or indirectly, in any business under the jurisdiction of the Commission.

b) The Managing Director shall be the head of the administration of the Commission, and subject to the general oversight and direction of the Commission, shall organize the work of the Commission in a manner that will ensure its efficient and effective operation and, subject to the budgetary authority, the Managing Director may hire and terminate such staff necessary to carry out the purpose of the Commission. Such staff shall be exempt from the civil service. The Managing Director shall obtain such equipment, rent or build such additional office space, and generally make such regular office expenditure and



acquisitions as necessary to establish and maintain a working office suitable for the Commission to effectively function pursuant to the Act.

- c) The Managing Director shall have such other duties as may be assigned or delegated by the Commission.
- d) The Managing Director serves at the pleasure of the Commission.
- e) The Managing Director's annual salary shall be established by the Commission, not to exceed seventy thousand dollars (\$70,000.00) per year.
- f) The Managing Director shall be reimbursed for actual, necessary, and reasonable expenses incurred in the performance of his or her duties as allowed by the Commission, but in event not to exceed Twenty-Five Thousand Dollars (\$25,000.00) in reimbursements per calendar year. All travel will be subject to 1 CMC § 7407.

**§ 180-10.1-125 Delegation of Officers.**

a) Delegation to Chair

- 1. The Commission hereby delegates to the Chairman the authority to issue preliminary rulings on scheduling, procedural, and evidentiary matters, and other matters provided by these Regulations, that may be presented to the Commission during the course of conducting a meeting, or that may arise when the Commission is not meeting.
- 2. The Commission may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted pursuant to subsection (a) of this section.
- 3. Any specific ruling or decision of the Chairman pursuant to subsection (a) of this section is subject to consideration by the entire Commission upon request of any Commissioner, or upon timely motion of a person affected by the ruling or decision.
- 4. The Commission shall be deemed to have ratified an action of the Chairman taken pursuant to subsection (a), under the following circumstances:
  - i. If the Chairman's action occurred at the time other than during a meeting, the Chairman's action is ratified if the Commission does not overturn or address the action at that meeting.
  - ii. If the Chairman's action occurred at a time other than during a meeting, if the Commission does not overturn or address the Chairman's action at the next meeting concerning that particular matter.
- 5. The Chairman may sign all orders on behalf of the Commission.
- 6. Where the Commission is a party to civil litigation, the Chairman may give guidance regarding the course of the litigation to the attorney for the Commonwealth.
- 7. The Chair will preside over CCC meetings. In case of a scheduled absence of both the Chair and Vice-chair, the Chair will select another member to preside over that upcoming meeting.
- 8. The Chair will be the Expenditure Authority for the Commission and may delegate this authority as necessary.

(b) Delegation to Vice-chair

1. The Vice-chair has all the rights, duties and responsibilities of a regular Commissioner, including the right to introduce motions and proposals, as well as to speak and vote on issues before the board.
2. The Vice-chair will act for the Chair in the Chair's absence.
3. The Vice-chair will assist the Chair in performing Commission duties as delegated by the Chair.

(c) Delegation to Treasurer. The Treasurer of the Commission has primary responsibility for the financial well-being of the corporation but does not take day-to-day responsibility, included in the board treasurer's duties are:

1. Creates and maintains the Commission's annual budget for each fiscal (financial) year. This responsibility includes presenting the budget to the Commission for approval.
2. Creates, implements and reviews financial policies for the Commission.
3. Reviews the investment activities of the Commission.
4. Oversees the annual financial audit of the Commission (if public) and other audits of Commission records and finances.
5. Chairs the Board's Finance Committee.
6. Represents Commission on legislative meetings involving budgetary appropriations.

(d) Delegation to Secretary

1. Records minutes and circulates to commissioners for review; all minutes should be provided to commission members prior to commission's next meeting in preparation for adoption on subsequent agenda.
2. Stores all pertinent meeting minutes for shared access by all commissioners; this information should be readily available for the Commission to review at any time.
3. Solicits meeting agendas for draft review by the Commission and garners final approval by Chairperson for circulation to the rest of the Commission.
4. Keeps all records in a safe place for sharing with commissioners or in preparation of audits, if needed.

**§ 180-10.1-130 Commission Meetings**

- a) Regular meetings of the Commission shall be held at least once per month in the CNMI, on such dates and at such times as the Commission shall establish. All public meetings must conform to the Open Government Act as stated on 1 CMC Section 9901.
- b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient.
- c) Except as otherwise specifically provided by these regulations, any member of the Commission may place an item on a Commission agenda for consideration by the entire Commission.
- d) The Chairman may alter the order in which matters on the Commission agenda are heard.
- e) Requests for special meetings will be granted only upon a showing of exceptional circumstances. The Commission may require that a person requesting a special meeting pay the costs associated with such meeting, in addition to those costs usually assessed against an applicant.

- f) In the absence of incapacity of the Chairman, the Vice-chairman may call a special meeting. In the absence or incapacity of both, any two (2) members of the Commission may call a special meeting.
- g) Unless otherwise ordered by the Chairman, requests for continuances of any matter on the Commission agenda must be in writing, must set forth in detail the reasons a continuance is necessary, and must be received by the Secretary no later than two (2) calendar days before the meeting.
- h) Unless otherwise ordered by the Chairman, the original of any documentation supplementing an application as required by the Commission must be received by the Secretary no later than eight (8) calendar days before the meeting. Documentation not timely received will not be considered by the Commission unless the Commission, in its discretion, otherwise consents.
- i) The Chairman may defer to another meeting any matter with respect to which documentation has not been timely submitted. The applicant and its enrolled attorney or agent, if any, must appear at the meeting to which the matter is deferred, unless the Chairman waives their appearances.

**§ 180-10.1-135 Resolutions and Minutes**

- a) The records of the Commission shall include a minute book and a resolution book which may be stored electronically. The vote on any matter before the Commission shall be set forth in the minutes in substantial compliance with requirements of (b) below, unless the Chairman or the Commission determines otherwise. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in substantial compliance with the requirements of (c) below and shall be recorded in the resolution book.
- b) Every vote of the Commission recorded in the minutes shall include the following information:
  - 1. The substance of the matter considered;
  - 2. The vote of the Commission, including the names of any Commissioner dissenting or abstaining;
  - 3. If appropriate, reference to the existence of a formal resolution concerning the matter; and
  - 4. Certification by the Secretary of the Commission.
- c) Every formal resolution of the Commission shall include the following information:
  - 1. A concise statement of the issues presented and the relevant procedural history;
  - 2. The statutory authority for the action taken;
  - 3. A precise statement of the action taken by the Commission, including any terms or conditions attached thereof; and
  - 4. Certification by the Secretary of the Commission.
- d) The failure to substantially comply with the requirements of (a), (b), or (c) above shall not invalidate the vote of the Commission.

**§ 180-10.1-140 Appearances**

- a) Except as provided in § 180-10.1-140(b) or unless an appearance is waived by the Chairman, all persons, and their enrolled attorneys and agents, if any, must appear at the Commission meeting at which their matter is to be heard. Requests for waivers of

appearances must be in writing, must be received by the Secretary no later than eight (8) business days before the meeting, and must explain in detail the reasons for requesting the waiver. If at the time of its meeting the Commission has any questions of an applicant who has been granted a waiver and is not present, the matter may be deferred to another meeting of the Commission.

- b) Unless the Commission otherwise instructs, the following persons, and their enrolled attorneys and agents, are hereby granted a waiver of appearance for the Commission meeting:
  - 1. Applicants who have received unanimous recommendation of approval from the Commission;
  - 2. Licensees and Commission counsel on stipulations between the licensees and the Commission, where the stipulations fully resolve petitions for redeterminations, claims for refunds or other issues.
  - 3. Where the Commission is to consider a stipulation between the Managing Director and a licensee settling a disciplinary action and revoking, suspending or conditioning a license, the licensee shall be prepared to respond on the record to questions regarding the terms of the stipulation and the licensee's voluntariness in entering into the stipulation

**§ 180-10.1-145 Recessed meetings**

- a) Any meeting of the Commission may be recessed to consider matters which were duly noticed as items on the agenda of that meeting and must not exceed a time period of more than 24 hours.
- b) Notice of a recessed meeting to consider matters which were duly noticed as items on the agenda may be given by announcement at the meeting, but where any other matters are to be considered at a recessed meeting, such matters must be duly noticed as required by these Regulations or as otherwise required by statute.

**§ 180-10.1-150 Investigative Hearings.** Investigative hearings may be conducted by one (1) or more members of the Commission with the concurrence of a majority of the Commission at such times and places, within the Commonwealth, as the member or members may deem convenient.

**§ 180-10.1-155 Appointment of committees.** The Chairman may at his or her discretion appoint committees to study and report to the Commission any matter appropriate to the Commission's administration of The Act or these regulations, subject to objection by majority vote by the Commission.

**§ 180-10.1-160 Service of Notice in General**

- a. Each licensee and applicant shall provide an electronic mail address to the Commission for the purposes of sending notices and other communications from the Commission. Each licensee and applicant shall update this electronic mail address immediately as often as it is otherwise necessary. The original provision and subsequent updates of electronic mail addresses shall be made to the Commission's custodian of records by means designated by the Chairman. The Applicant or Licensee is accountable for the monitoring and the function of their email addresses provided to the Commission.

- b. Except as otherwise provided by law or in these regulations, notices and other communications may be sent to an applicant or licensee by electronic mail at the electronic mail address of the establishment as provided to the Commission for the purpose of sending notices and other communications. Except as otherwise provided by law or in these regulations, notices and other communications sent by electronic mail shall satisfy any requirement to mail a notice or other communication.
- c. Notices shall be deemed to have been served on the date the Commission sent such notices to the electronic mail address provided to the Commission by a licensee or applicant, and the time specified in any such notice shall commence to run from the date of such mailing.
- d. Any applicant or licensee who desires to have notices or other communications mailed to a physical address shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address, but the Commission may charge a fee therefore.
- e. An applicant or licensee will be addressed under the name or style designation in the application or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the Commission. In the absence of such specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

**§ 180-10.1-165 Subpoenas.**

[RESERVED]

**§ 180-10.1-170 Employment and termination of employees.** The Managing Director shall be responsible for the employment and termination of Commission employees. Members of the Commission are responsible only for the employment of the Managing Director and shall not interfere with the Managing Director’s employment decisions. The Managing Director shall create, and from time to time, update, an employee handbook or manual which reflect the Commission’s personnel policies. At a minimum, the handbook or manual shall provide for the hiring, discipline (up to and including termination), and appeal processes governing employment with the Commission.

**Part 200 INFORMATION AND FILINGS:**

- § 180-10.1-201 Office Mailing Address and Hours
- § 180-10.1-205 Official Records; Fees for Copies
- § 180-10.1-210 Communications/Notices to Commission
- § 180-10.1-215 Public Information Office
- § 180-10.1-220 Filing of Petitions and Applications
- § 180-10.1-225 Petitions for Rulemaking

**§ 180-10.1-201 Office Mailing Address and Hours.** Office Mailing Address and Hours



The main mailing address of the Commission is:

CNMI Cannabis Commission  
P.O. Box 500135  
Saipan, MP 96950

The normal office hours of the Commission are:

8:00 am to 5:00 pm, Monday through Friday, unless otherwise authorized by the Commission.

The office of the Commission is closed to the public on legal holidays authorized by the CNMI government. The Commission may maintain work schedules for Commission employees during any hour of any day.

**§ 180-10.1-205 Official Records; Fees for Copies**

- a) No original official record of the Commission shall be released from the custody of the Commission unless upon the express direction of the Chairman or Managing Director or upon the order of a court of competent jurisdiction.
- b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in Article XXVI, and upon the payment of appropriate fees.
- c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by proper authority.
- d) No application, petition, notice, report, document, or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.
- e) The cost of copies of official records of the Commission which are required by law to be made available for public inspection where copies are provided shall be One Dollar (\$1.00) per page. Where copies are not provided, the cost for the mere inspection of documents is seventy cents (\$0.70) per minute of the Commission's legal counsel's time reviewing, redacting and copying the inspected documents.
- f) All payments of taxes, fees, deposits, and charges which are to be made to the Commonwealth Treasury shall be made by check payable to the order of the Commonwealth Treasurer and mailed to the Department of Finance with an original receipt delivered to the main office of the Commission or posted by certified mail to the mailing address of the Commission.
- g) The Commission may provide for payment by wire transfer.

**§ 180-10.1-210 Communications/Notices to Commission**

- a) Except as otherwise provided, all papers, process, or correspondence other than fees deposits or charges, relating to the Commission should be addressed to or served upon the Commonwealth Cannabis Commission main office.

- b) All such papers, process, or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission but a Commissioner or such individual members of the Commission's staff as the Chairman may designate, may in his or her discretion receive papers or correspondence or accept service of process.

**§ 180-10.1-215 Public Information Office.** Requests for information regarding the Commission may be sent to:

CNMI Cannabis Commission  
Attn: Managing Director  
Caller Box 10007  
Saipan, MP 96950

The official spokesperson for the Commission shall be the Chairperson, Managing Director or their designated appointee.

**§ 180-10.1-220 Filing of Petitions and Applications.** Petitions for formal action by the Commission shall be addressed to the Chairman of the Commission and should be certified mailed or delivered to:

CNMI Cannabis Commission  
Attn: Chairman  
Caller Box 10007  
Saipan, MP 96950

**§ 180-10.1-225 Petitions for Rulemaking**

- a) Any interested person may file a petition with the Commission for the adoption, amendment, or repeal of any rule, pursuant to Commission regulation. Such petition shall be in writing, be signed by the petitioner, and include the following information:
  - 1. The name and address of the petitioner;
  - 2. The substance or nature of the requested rulemaking;
  - 3. The reasons for the request;
  - 4. The specific legal rights, duties, obligations, privileges, benefits, or other specific legal relations of the interested persons which are affected by the requested rulemaking; and
  - 5. Reference to the statutory authority under which the Commission may take the requested action; and
- b) A petition for rulemaking shall be scheduled for consideration at a public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.
- c) Within thirty (30) days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition, which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.
- d) Commission action on a petition for rulemaking may include:
  - 1. Approval or denial of the petition;

2. Filing a notice of proposed rule; or
3. Referral of the matter for further deliberations, the nature of which will be specified, and which conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner.

**Part 300**                      **LICENSE AND REGISTRATION REQUIREMENTS:**

- § 180-10.1-301 Receipt
- § 180-10.1-305 Filing
- § 180-10.1-310 Processing
- § 180-10.1-315 True name on application
- § 180-10.1-320 Fees
- § 180-10.1-325 Application Review
- § 180-10.1-330 Approval of Application and Issuance of License
- § 180-10.1-335 Denial of Application
- § 180-10.1-340 Public Inspection of Information
- § 180-10.1-345 Amendment
- § 180-10.1-350 Withdrawal
- § 180-10.1-355 Limitation on number of licenses

**§ 180-10.1-301 Receipt.** All application papers, unless otherwise directed by the Commission or these Regulations, shall initially be submitted to and received by the Managing Director, or such members of the Commission staff, or partnering government entities as the Managing Director may designate.

**§ 180-10.1-305 Filing**

- a) The Managing Director, or such members of the Commission staff as the Managing Director may designate, shall determine the date of filing as to each application received and shall issue cause to be endorsed thereon the date of such filing. No application shall deem filed until the applicant satisfies all appropriate requirements, to wit:
  1. That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, and copies;
  2. That all appropriate application, business entity disclosure forms, personal history disclosure forms, and supplemental to personal history disclosure forms have been properly completed and presented;
  3. That all required consents, waivers, photographs or handwriting exemplars have been properly presented;
  4. That all other information, documentation, assurances, and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
  5. That all required fees have been properly paid and all required bonds have been properly furnished.

**§ 180-10.1-310 Processing**

- a) A person may submit an application to the Commission, on a form prescribed by the Commission, for a marijuana producer, processor, wholesaler, retail, lounge, research certificates, or laboratory license.
- b) An application for a license and all documentation required in the application instructions and in subsection §180-10.1-310(c) of this provision must be submitted in a manner specified by the Commission. The application fee specified in 4 CMC § 53036 must also be paid in a manner specified by the Commission.
- c) An individual or legal entity are applicants if any individual or legal entity that has an ownership interest in the business proposed to be licensed.
- d) If a legal entity is an applicant, the following individuals within a legal entity are also applicants:
  - 1. All general partners in a limited partnership;
  - 2. Limited partners whose investment commitment is ten percent or more of the total investment commitment;
  - 3. All members in a limited liability company or partnership whose investment commitment or membership interest is ten percent or more;
  - 4. All directors who own or control three percent or more of the voting stock
  - 5. Principal officers of corporate applicants and;
  - 6. All natural person stockholders owning or controlling ten percent or more of the voting stock of a corporate entity.
- e) Applicants must submit the following:
  - 1. Information for individual applicants and individuals within a legal entity who have been identified as applicants;
  - 2. Any forms required by the Commission and any information identified in the form that is required to be submitted;
  - 3. A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises and the location of any primary residence located on the same lot as the licensed premises;
  - 4. A scaled floor or plot plan sketch of all enclosed areas with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, and all limited access areas;
  - 5. Proof of right to occupy the premises proposed for licensure;
  - 6. An operating plan that demonstrates at a minimum, how the applicant's proposed premises and business will comply with the applicable laws and rules regarding:
    - i. Security;
    - ii. Employee qualifications and training;
    - iii. Transportation of product;
    - iv. Prevention of minors from entering the licensed premises;
    - v. Preventing minors from obtaining or attempting to obtain marijuana items; and
    - vi. Disposal of marijuana waste plan
  - 7. For producers:
    - i. The proposed canopy size and tier as described in 4 CMC § 53036 and a designation of the canopy area within the license premises.

- ii. A report describing the applicant's electricity and water usage, on a form prescribed by the Commission.
    - 1. For initial licensure and renewal, the report must describe the estimated electricity and water usage taking into account all portions of the premises and expected requirements of the operation for the next twelve months.
    - 2. In addition to requirements of §180-10.1-310(f)(7)(ii)(1), for renewal, the report must describe the actual electricity and water usage for the previous year taking into account all portions of the premises.
  - iii. A description of the growing operation including growing media, a description of equipment to be used in the production, and whether production will be indoor, outdoor or both.
  - iv. Proof of a legal source of water as evidenced by a statement that water is supplied from a public or private water provider.
8. For processors:
- i. On a form prescribed by the Commission, the proposed endorsements as described in these regulations.
  - ii. A description of the type of products to be processed, a description of equipment to be used, including any solvents, gases, chemicals or other compounds used to create extracts or concentrates.
9. For lounges:
- i. On form prescribed by the Commission, applicants shall submit in addition to the requirements under 180-10.1-310 (f)(1-6):
    - 1. A description or rendering of the interior design schematics;
    - 2. Hours of operation
  - ii. If the proposed lounge will be providing food intended to be consumed, the applicant shall submit the necessary permits from the CNMI Bureau of Environmental Health and must maintain compliance and good standing with the standards set by the Bureau of Environmental Health
- f) In addition to submitting the application form and the items described in §180-10.1-310 (e), the Commission may require the following to be submitted:
- i. Any forms required by the Commission and any information identified in the form that is required to be submitted.
  - ii. Any additional information if there is a reason to believe that the information is needed to determine the merits of the license application.
- g) The Commission must review an application to determine if it is complete. An application will be considered incomplete if an application form is not complete, the full application fee has not been paid, or some or all of the additional information required under these rules is not submitted.
- h) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such request must be received by the Commission within ten (10) days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A

hearing under this subsection will be held within the standards set by Commission regulations.

- i) If, prior to an application being acted upon by the Commission, there is a change with regard to who is an applicant or who is a person with a financial interest in the proposed business, the new applicant or person with a financial interest must submit a form, prescribed by the Commission, that:
  - 1. Identified the individual or person;
  - 2. Describes the individual's or person's financial interest in the business proposed for licensure; and
  - 3. Includes any additional information required by the Commission, including but not limited to information required for a criminal background check.
- j) Failure to comply with §180-10.1-310 may result in an application being denied.

**§ 180-10.1-315 True name on application**

- a) True name on application. An application for a license must specify the real and true names of all individuals and legal entities that have an ownership interest in the business proposed to be licensed by identifying all such persons and legal entities as applicants.
- b) License privileges. License privileges are available only to applicants identified in the application and their authorized representatives and only for the premises designated by the licenses.
- c) Ownership interest. The Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed, a person with an ownership interest is not identified as an applicant, or an undisclosed ownership interest exists. For the purposes of this provision, an "ownership interest, is indicated by the following behaviors, benefits or obligations:
  - a. Any person or legal entity, other than an employee acting under the direction of the owner, that exercises control over, or is entitled to exercise control over, the business;
  - b. Any person or legal entity, other than an employee acting under the direction of the owner, that incurs, or is entitled to incur, debt or similar obligations on behalf of the business;
  - c. Any person or legal entity, other than an employee acting under the direction of the owner, that enters into, or is entitled to enter into, a contract or similar obligations on behalf of the business; or
  - d. Any person or legal entity identified as the lessee of the premises proposed to be licensed.

**§ 180-10.1-320 Fees**

- a) If the Commission approves an application and grants an annual license, the following fees must be paid:
  - 1. Producers:
    - i. Micro Production
      - 1. \$250 Application Fee
      - 2. \$500 License Fee
    - ii. Class 1 – Less than 750 square feet under cultivation
      - 1. \$500 Application Fee



- 2. \$1000 License Fee
    - iii. Class 2 – 750 to 2,999 square feet under cultivation
      - 1. \$750 Application Fee
      - 2. \$3,700 License Fee
    - iv. Class 3 – 3,000 to 5,000 square feet under cultivation
      - 1. \$1,000 Application Fee
      - 2. \$6,500 License Fee
  - 2. Processor License
    - i. \$1,000 Application Fee
    - ii. \$4,500 License Fee
  - 3. Wholesale License
    - i. \$250 Application Fee
    - ii. \$2,000 License Fee
  - 4. Retail License
    - i. \$1,000 Application Fee
    - ii. \$6,000 License Fee
  - 5. Marijuana Lounge License
    - i. Class 1
      - 1. \$1,500 Application Fee
      - 2. \$5,000 License Fee
    - ii. Class 2
      - 1. \$1,500 Application Fee
      - 2. \$3,500 License Fee
  - 6. Marijuana Testing Facility License
    - i. \$1,500 Application Fee
    - ii. \$4,500 License Fee
  - 7. Transfer of Ownership
    - i. \$500 Application Fee
- b) If the Commission approves an application and grants a research certificate, the fee is \$4,000 for a three-year term with an application fee of \$500.
  - c) Applicants must pay the non-refundable application fee at the time of license or certificate application renewal.
  - d) If the Commission approves a renewal application the renewal license or certificate fees must be paid in the amounts specified in subsection (a)(1-6) of this provision.
  - e) The Commission shall charge the following fees:
    - 1. Transfer of location of premises review: \$1,000 per license
    - 2. Packaging preapproval: \$100
    - 3. Labeling preapproval: \$100
    - 4. Change to previously approved package or label: \$25

**§ 180-10.1-325 Application Review**

- a) Once the Commission has determined that an application is complete it must review the application to determine compliance with the Act and these regulations.
- b) The Commission:
  - 1) Must, prior to acting on an application for a new license, a change to a larger producer canopy designation, a change to producer cultivation method designation or change in

processor endorsement type, receive the appropriate zoning authorizations (if applicable) for the applicant's proposed premises is located.

2) May, in its discretion, prior to acting on an application:

i) Contact any applicant or individual with a financial interest and request additional documentation or information; and

ii) Verify any information submitted by the applicant.

c) The requirements of §180-10.1-325 (b)(1) of this rule do not apply to applicants for a producer license if the applicant demonstrates in a form and manner specified by the Commission that:

1) The applicant is applying for a license at a location where a marijuana grow site registered under 4 CMC § 53021 is located; or

2) The location is within the municipalities of Rota, or Tinian;

d) The Commission must inspect the proposed premises prior to issuing a license.

e) If during an inspection the Commission determines the applicant is not in compliance with these rules, the applicant will be provided with a notice of the failed inspection and the requirements that have not been met.

1) An applicant that fails an inspection will have 15 calendar days from the date the notice was sent to submit a written response that demonstrates the deficiencies have been corrected.

2) An applicant may request in writing one extension of the 15-day time limit in §180-10.1-325 (d)(1) of this provision, not to exceed 30 days.

f) If an applicant does not submit a timely plan of correction or if the plan of correction does not correct the deficiencies in a manner that would bring the applicant into compliance, the Commission may deny the application.

g) If the plan of correction appears, on its face, to correct the deficiencies, the Commission will schedule another inspection.

h) If an applicant fails a second inspection, the Commission may deny the application unless the applicant shows good cause for the Commission to perform additional inspections.

### **§ 180-10.1-330 Approval of Application and Issuance of License**

a) If, after the application review and inspection, the Commission determines that an applicant is in compliance with these regulations the Commission must notify the applicant in writing that the application has been approved and after payment by the applicant of the license fee, provide the applicant with proof of licensure that includes a unique license number, the effective date of the license, date of expiration, and a description of premises for which the license was issued. If the applicant paid the license fee with a check the Commission will not issue a license until it has confirmation that the check has cleared.

b) A licensee:

1) May not operate until on or after the effective date of the license.

2) Must display proof of licensure in a prominent place on the premises.

3) May not use the Commission name or logo on any signs at the premises, on the business' website, or in any advertising or social media, except to the extent that information is contained on the proof of licensure or is contained in part of warnings, signage or other documents required by these rules.

c) Licensure is only valid for the premises indicated on the license and is only issued to the individuals or entities listed on the application or subsequently approved by the Commission.

**§ 180-10.1-335 Denial of Application**

- a) The Commission must deny an initial or renewal application if:
1. An applicant is under the age of 21.
  2. The applicant's location is within an area that is determined to be prohibited in the applicable zone, if a zoning permit is required.
  3. The proposed licensed premises is located:
    - i. On federal property.
    - ii. CNMI Public Lands, with the exemption provided under 4 CMC § 53074
    - iii. At the same location or address, as a retail, processor or wholesale license, unless all of the licenses at the address or location are held or sought by identical applicants.
    - iv. The location proposed to be licensed is prohibited under 4 CMC § 53021.
    - v. The proposed licensed premises of a producer is located on the same lot, as a site registered with the Commission for the production of industrial hemp, unless the applicant submits and the Commission approves a control plan describing how the registered site will be separated from the premises proposed to be licensed and how the applicant will prevent transfer of industrial hemp to the licensed premises.
    - vi. The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.
    - vii. The proposed licensed premises of a retail applicant is located at the time the license is issued:
      1. Within 500 feet of:
        - a. A public or private school;
        - b. Any church, hospital, medical clinic;
        - c. Daycare center;
        - d. Youth center; or
        - e. In an area that is outside of the approved location for marijuana retail establishments.
  4. The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.
- b) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if it has reasonable cause to believe that:
1. The applicant:
    - i. Has made false statements to the Commission.
    - ii. Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
    - iii. Is not of good repute and moral character.
    - iv. Does not have a good record of compliance with this Act to, or these regulations, prior to or after licensure including but not limited to:
      1. The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of 4 CMC § 53046;

- 2. Providing marijuana items to an individual without checking that the individual is 21 or older;
- 3. Unlicensed transfer of marijuana items for financial consideration; or
- 4. Violations of Commonwealth law adopted, pending or adjudicated by the Commonwealth government
- v. Does not have a good record of compliance with this Act or any regulations adopted thereunder.
- vi. Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.
- vii. Is unable to understand the laws of the Commonwealth relating to marijuana or these Regulations. Inability to understand laws and rules of the Commonwealth related to marijuana may be demonstrated by violations documented by the Commission.
- 2. Any individual listed on the application has been convicted of violating CNMI law or law of another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in 4 CMC § 53037(c).
- 3. Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.
- 4. The proposed licensed premises of a producer applicant is on the same lot, as another producer licensee under common ownership.
  - i. For the purpose of this, a cultivation lot is defined as a unit of land that can be legally described by metes and bounds.
- 5. The proposed licensed premises of a producer applicant is on the same lot, as another producer licensee under diverse ownership if the Commission reasonably believes that the presence of multiple producers on the same lot creates a compliance risk or other risk to public health and safety.
- c) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing to issue a license or for revocation or suspension of a license if such person were the license applicant or licensee.
- d) If the Commission denies an application because an applicant submitted false or misleading information to the Commission, the Commission may prohibit the applicant from re-applying for five years.
- e) A notice of denial must be issued in accordance with § 180-10.1-160.
- f) Notwithstanding § 180-10.1-335(b), in determining whether the Commission may refuse to license an applicant, the Commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent, or other representative of the applicant for:
  - 1. (1) The manufacture of marijuana, if:
    - i. The date of the conviction is more than ten years before the date of the application; and

- ii. The person has not been convicted more than once for the manufacture or delivery of marijuana;
- 2. The delivery of marijuana to a person 21 years of age or older, if:
  - i. The date of the conviction is more than ten years before the date of the application; and
  - ii. The person has not been convicted more than once for the manufacture or delivery of marijuana; or
- 3. The possession of marijuana.

**§ 180-10.1-340 Public Inspection of Information.** No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the rules and regulations. Thereafter, the Commission may release information to the public on its own initiative or upon proper request as may be required by law.

**§ 180-10.1-345 Amendment.** It shall be the duty of each applicant to promptly file with the Commission, or such members of the Commission staff as the Managing Director shall designate, a written amendment to the application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Managing Director or designee to file any other amendment to the application at any time prior to final action made by the Commission.

**§ 180-10.1-350 Withdrawal**

- a) Except as otherwise provided in § 180-10.1-350 (b), a written notice of withdrawal of application may be filed by any applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and policies of the Act. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable in whole or in part by reason of withdrawal of the application. The Commission shall not direct the refunding, in whole or in part, of any fee or other payment relating to any application unless the Commission determines that the refunding of the fee is in the best interest of the Commonwealth.
- b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:
  - 1. The application matter has been assigned to any other hearing examiner authorized by law or these Regulations to hear such matter; or
  - 2. The Commission has made a determination to hear the application matter directly.
  - 3. Notwithstanding the foregoing, the Commission may accept and consider written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

**§ 180-10.1-355 Limitation on number of licenses.** By resolution of the Commission, the number of available licenses may be limited. Once the number of approved licenses is reached,





5. Maintain a noisy, disorderly or unsanitary establishment or supply adulterated marijuana items;
  6. Misrepresent any marijuana item to a customer or to the public;
  7. Sell any marijuana item through a drive-up window;
  8. Deliver marijuana to any consumer off the licensed premises except as permitted by [the provision regarding the delivery of marijuana items by retailers];
  9. Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the laws of the Commonwealth; or
  10. Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container's contents or in any way might deceive a customer as to the nature, composition, quantity, age or quality of the marijuana item.
  11. Sell any marijuana items during elections.
  12. Sell a whole marijuana plant [Addition]
- b) No licensee or licensee representative may be under the influence of intoxicants while on duty.
1. For purposes of this rule "on duty" means:
    - i. The beginning of a work shift that involves the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, to the end of the shift including all breaks;
    - ii. For an individual working outside a scheduled work shift, the performance of acts on behalf of the licensee that involve the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, if the individual has the authority to put himself or herself on duty; or
    - iii. A work shift that includes supervising those who handle or sell marijuana items, check identification or control the licensed premises.
    - iv. Whether a person is paid or scheduled for work is not determinative of whether the person is considered "on duty" under this subsection

**Part 500**

**LICENSE PREMISES**

§ 180-10.1-501 Licensed Premises Restrictions and Requirement

§ 180-10.1-505 Signage

**§ 180-10.1-501 Licensed Premises Restrictions and Requirement.**

- a) A licensed premises may not be located:
  1. On federal property; or
  2. CNMI Public Lands, with the exemption provided under 4 CMC § 53074
- b) The licensed premises of a producer applicant may not be on:
  1. Public land, with the exemption provided under 4 CMC § 53074; or
  2. The same lot as another producer licensee under common ownership.

- c) The licensed premises of a retailer may not be located:
  - 1. Within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center;
    - iv. Youth center; or
    - v. In an area that is outside of the approved location for marijuana retail establishments.
- d) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.
- e) The licensed premises of a processor, wholesaler, laboratory, research certificate holder, and retailer must be enclosed on all sides by permanent walls and doors.
- f) A licensee may not permit:
  - 1. Any minor on a licensed premises except as described in § 180-10.1-501 (g) and (h); or
  - 2. On-site consumption of a marijuana item, by any individual, except if the premises is licensed under 4 CMC § 53026.
- g) Notwithstanding § 180-10.1-501 (f)(1), a minor, other than a licensee's employee, who has a legitimate business purpose for being on the licensed premises, may be on the premises for a limited period of time in order to accomplish the legitimate business purpose. For example, a minor plumber may be on the premises in order to make a repair.
- h) Notwithstanding § 180-10.1-501 (f)(1), a minor who resides on the lot where a marijuana producer is licensed may be present on those portions of a producer's licensed premises that do not contain usable marijuana or cut and drying marijuana plants or have marijuana items in view or accessible range of the minor.
- i) A licensee must clearly identify all limited access areas in accordance with § 180-10.1-501 (e)
- j) All employees, contractors and licensee representatives present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee, contractor or licensee representative.
  - 1. A licensee must record the name of every current employee and license representative.
  - 2. The licensee must record the name and date of birth for that individual.
- k) The general public is not permitted in limited access areas on a licensed premises, except for the consumer sales area of a retailer and as provided by § 180-10.1-501 (n). In addition to licensee representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements in § 180-10.1-501 (l) and (m):
  - 1. Laboratory personnel, if the laboratory is licensed by the Commission;
  - 2. A contractor, vendor or service provider authorized by a licensee representative to be on the licensed premises;
  - 3. Another licensee or that licensee's representative;
  - 4. Invited guests subject to requirements of § 180-10.1-501 (l); or
  - 5. Tour groups as permitted under § 180-10.1-501 (n) .
- l) Prior to entering a licensed premises all visitors permitted by § 180-10.1-501 (k) must be documented and issued a visitor identification badge from a licensee representative that

must remain visible while on the licensed premises. A visitor badge is not required for government officials. All visitors described in § 180-10.1-501 (k) must be accompanied by a licensee representative at all times.

- m) A licensee must maintain a log of all visitor activity allowed under § 180-10.1-501 (k). The log must contain the first and last name and date of birth of every visitor and the date they visited. A licensee is not required to record the date of birth for government officials.
- n) A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public if the licensee submits a control plan in writing and the plan is approved by the Commission.
  - 1. The plan must describe how conduct of the individuals on the tour will be monitored, how access to usable marijuana will be limited, and what steps the licensee will take to ensure that no minors are permitted on the licensed premises.
  - 2. The Commission may withdraw approval of the control plan if the Commission finds there is poor compliance with the plan. Poor compliance may be indicated by, for example, individuals on the tour not being adequately supervised, an individual on the tour obtaining a marijuana item while on the tour, a minor being part of a tour, or the tours creating a public nuisance.
- o) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises.
- p) A licensee may not sublet any portion of a licensed premises unless approved by the Commission.
- q) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission or as otherwise provided by these regulations.
- r) Notwithstanding § 180-10.1-501 (f)(1) of this rule, a minor may pass through the licensed area of an outdoor producer in order to reach an unlicensed area, so long as the minor does not have access to areas that contain marijuana items.
- s) Public facing windows of a licensed premises shall not permit the possibility of minors viewing cannabis products within the licensed premises

#### **§ 180-10.1-505 Signage**

- a) A licensee must post:
  - 1. At every licensed premises signs that states:
    - i. No Minors Permitted Anywhere on This Premises; and
    - ii. No On-Site Consumption of Marijuana if the location is not licensed under 4 CMC § 53026; and
  - 2. At all areas of ingress or egress to a limited access area a sign that reads: Do Not Enter – Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors.
- b) All signs required by § 180-10.1-505 (a) must be:
  - 1. Legible composed of letters not less than one-half inch in height;
  - 2. In English; and
  - 3. Posted in a conspicuous location where the signs can be easily read by individuals on the license premises

**Part 600**

**MARIJUANA PRODUCERS**

§ 180-10.1-601 Privileges; Prohibitions

§ 180-10.1-605 Operating Procedures

§ 180-10.1-610 Start-up Inventory

§ 180-10.1-615 Micro Producers

§ 180-10.1-620 Record Keeping

**§ 180-10.1-601 Privileges; Prohibitions**

- a) A producer may:
  - 1. Plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with 4 CMC § 53022 and these regulations;
  - 2. Engage in indoor or outdoor production of marijuana, or a combination of the two;
  - 3. Sell or transport:
    - i. Usable marijuana to the licensed premises of a marijuana processor, wholesaler, retailer, marijuana lounge, laboratory, or research certificate holder;
    - ii. Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana processor, wholesaler, , or research certificate holder;
    - iii. Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;
    - iv. Marijuana waste to a producer, processor, wholesaler, or research certificate holder, an approved waste disposal service.
  - 4. Purchase and receive:
    - i. Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;
    - ii. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
  - 5. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules.
- b) A producer may not sell, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-601 (a).

**§ 180-10.1-605 Operating Procedures**

- a) A producer must:
  - 1. Establish written standard operating procedures for the production of marijuana. The standard operating procedures must, at a minimum, include when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and
  - 2. Maintain a copy of all standard operating procedures on the licensed premises.
- b) If a producer makes a material change to its standard operating procedures it must document the change and revise its standard operating procedures accordingly. Records

detailing the material change must be maintained on the licensed premises by the producer.

#### **§ 180-10.1-610 Start-up Inventory**

- a) Marijuana producers may not receive immature marijuana plants or seeds from any source other than from another licensee, except:
  - 1. Between January 1, 2021 and January 1, 2022, a marijuana producer may receive immature marijuana plants and seeds from any source within the Commonwealth for up to one year following initial licensure by the Commission;
- b) The marijuana producer shall report receipt of the number of immature marijuana plants or seeds received under this section within 24 hours of the plants or seeds arriving at the licensed premises. A producer does not have to document the source of the immature plants or seeds during the one-year start-up period.
- c) Failure to comply with this rule is a violation and could result in license revocation.

#### **§ 180-10.1-615 Micro Producers**

- a) A micro producer may:
  - 1. Possess no more than twenty-five (25) mature marijuana plants;
  - 2. Harvest and dry marijuana in the manner approved by the Commission and consistent with 4 CMC § 53022 and these regulations;
  - 3. Engage in indoor or outdoor production of marijuana, or a combination of the two if the micro producer has entered into an agreement with a licensed marijuana wholesaler;
  - 4. Sell or transport:
    - i. Usable marijuana to the licensed premises of a licensed wholesaler in which the micro producer has an existing and valid agreement;
    - ii. Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana wholesaler in which the micro producer has an existing and valid agreement;
    - iii. Marijuana waste to a producer, processor, wholesaler, or research certificate holder, an approved waste disposal service.
  - 5. Purchase and receive:
    - i. Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;
    - ii. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
  - 6. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules.
- b) A micro producer may not sell, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-615 (a).
- c) Valid agreements between micro producers and wholesaler must contain:
  - 1. the type of marijuana item to be produced by the micro producer;
  - 2. the location and license information of the wholesaler; and

3. terms in which the wholesaler will purchase marijuana items from the micro producer
- d) Micro producers must adhere to the requirements listed in § 180-10.1-610.
- e) Licensees licensed to operate in municipalities with fewer than eight thousand (8,000) residents, as defined by the most recent population Census, and no licensed marijuana wholesaler, may obtain a Micro Producer license under the requirements set forth under § 180-10.1-601, granted that the Micro Producer licensee shall possess no more than twenty-five (25) mature marijuana plants.

**§ 180-10.1-620 Record Keeping.** Every marijuana producer shall keep a complete and accurate record of all sales of marijuana flowers, marijuana leaves, and immature marijuana plants, and a complete and accurate record of the number of ounces of marijuana flowers produced, the number of ounces of marijuana leaves produced, the number of immature marijuana plants produced, and the dates of production. The producers shall submit a report to the Commission on the last Wednesday of each month reporting the total quantity of marijuana items sold, the date of sale, the type of marijuana product, the purchaser of the product, a copy of the transaction invoice, and the total cost of the sale.

## **Part 700**

## **MARIJUANA RETAILERS**

§ 180-10.1-701 Retailer Privileges; Prohibitions

§ 180-10.1-705 Retailer Operational Requirements

§ 180-10.1-710 Retailer Premises

### **§ 180-10.1-701 Retailer Privileges; Prohibitions**

- a) A retailer may:
  1. Between the hours of 7:00 AM and 10:00 PM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
  2. Sell:
    - i. Marijuana items to a consumer 21 years of age or older within a licensed premises.
    - ii. Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
    - iii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
  3. Deliver:
    - i. Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
    - ii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
  4. Purchase and receive:
    - i. Usable marijuana, immature marijuana plants, and seeds from a producer or from a research certificate holder;



- ii. Cannabinoid concentrates, extracts, and products from a processor or from a research certificate holder;
  - iii. Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
  - iv. Any marijuana item from a laboratory.
5. Refuse to sell marijuana items to a consumer;
  6. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations;
  7. Accept returned marijuana items that the retailer sold to a consumer and provide a refund or exchange with a product of equal or lesser value;
  8. Sell marijuana items that have not been tested in a marijuana testing facility so long as the marijuana item marks or labels the product with a disclaimer that clearly reads “UNTESTED PRODUCT”; and
  9. May sell immature marijuana plants and seeds to consumers, provided that the consumer presents valid homegrown marijuana registry information as determined by the Commission, and that the retailer maintains adequate records of sale.

b) A retailer may not:

1. Sell more than the following amounts to an individual at any [*one time transaction*]:
  - i. 1 ounce of usable marijuana to recreational consumers;
  - ii. 16 ounces of a cannabinoid product in solid form;
  - iii. 72 ounces of a cannabinoid product in liquid form;
  - iv. Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system; and
  - v. Ten marijuana seeds.
2. Sell more than six immature marijuana plants to a single Homegrown Registry permit holder within a 90-day period.
3. Provide free marijuana items to a recreational consumer.
4. Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
5. Discount a marijuana item if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items.
6. Sell a marijuana item at a nominal price for promotional purposes.
7. Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 6:59 a.m. local time the following day.
8. Sell an product that contains cannabinoids and is intended for human consumption, unless that product has been labeled and packaged in accordance with the applicable sections of these rules.
9. Sell or transfer a returned marijuana item where the original package has been altered, opened, damage, or tampered to another consumer.
10. Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-701 (a) of this rule.

11. Permit a consumer to open or alter a package containing a marijuana item or otherwise remove a marijuana item from packaging required by these rules within the licensed premises or in an area that the licensee controls;
12. Sell a marijuana item whose container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such marijuana items.
13. Permit a consumer to bring marijuana items onto the licensed premises except for marijuana items being returned for refund or exchange as allowed by this rule.

#### **§ 180-10.1-705 Retailer Operational Requirements**

- a) Prior to completing the sale of a marijuana item to a consumer, a retailer must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
  1. Passport;
  2. Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
  3. United States military identification card; or
  4. Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.
- b) Marijuana items offered for sale by a retailer must be stored in such a manner that the items are only accessible to authorized representatives until such time as the final sale to the consumer is completed.
- c) Retail Point of Sale systems will adhere to standards and capabilities established by the Commission.
- d) The retailer shall submit a report to the Commission on the last Tuesday of each month reporting the itemized quantity of marijuana items sold, the date of sale, the type of marijuana product sold, and the total dollar amount of marijuana sales for the month, and a copy of purchase invoices made between the retailer and a licensed marijuana producer, processor, wholesaler, or another retailer.
- e) Retailers must maintain a record of immature plants sold to Homegrown Registry Card Holders, recorded by Homegrown Registry Card number, and must make these records available to the Commission upon request. Retailers are not required to obtain any other identifiable information outside of Homegrown Registry Card numbers.

#### **§ 180-10.1-710 Retailer Premises**

- a) The licensed premises of a retailer:
  1. May not be located in an area that is outside of the approved location for marijuana retail establishments.
  2. May not be located within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center; or
    - iv. Youth center;
  3. Must be enclosed on all sides by permanent walls and doors.

- b) A retailer must post in a prominent place signs that read:
  - 1. “No Minors Permitted Anywhere on the Premises”;
  - 2. “No On-Site Consumption”; and
  - 3. Exit from the licensed premises that reads: “Marijuana or Marijuana Infused Products May Not Be Consumed In Public”.
- c) A retailer must designate a consumer sales area on the licensed premises where consumers are permitted. The area shall include the portion of the premises where marijuana items are displayed for sale to the consumer and sold and may include other contiguous areas such as a lobby or a restroom. The consumer sales area is the sole area of the licensed premises where consumers are permitted.
- d) All inventory must be stored on the licensed premises.
- e) For purposes of determining the distance between a retailer and a school referenced in § 180-10.1-710 (a)(2), "within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 500 feet of a school as described § 180-10.1-710 (a)(2) an applicant will not be licensed.

**Part 800**

**MARIJUANA PROCESSORS**

- § 180-10.1-801 General Processor Requirements
- § 180-10.1-805 Privileges; Prohibitions
- § 180-10.1-810 Endorsements
- § 180-10.1-815 Processor Policies and Procedures
- § 180-10.1-820 Processor Training Requirements
- § 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements
- § 180-10.1-830 Recordkeeping

**§ 180-10.1-801 General Processor Requirements**

- a) A processor must:
  - 1. Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.
  - 2. Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.
  - 3. Maintain the licensed premises in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.
  - 4. Store all marijuana items not in use in a locked area, including products that require refrigeration in accordance with plans submitted in § 180-10.1-310(f).
- b) A processor may not process, transfer or sell a marijuana item:
  - 1. That by its shape, design or flavor is likely to appeal to minors, including but not limited to:

- i. Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
    - ii. Products in the shape of an animal, vehicle, person or character.
  - 2. That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.
  - 3. That contains Dimethyl sulfoxide (DMSO).
- c) A processor may not treat or otherwise adulterate a cannabinoid product, concentrate or extract with any non-cannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, caffeine, chemicals that increase carcinogenicity or cardiac effects.

**§ 180-10.1-805 Privileges; Prohibitions**

- a) A processor may:
  - 1. Transfer, sell or transport:
    - i. Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, class 1 lounge, wholesaler, retailer, or research certificate holder; and
    - ii. Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
  - 2. Purchase and receive:
    - i. Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, or from a research certificate holder;
    - ii. Usable marijuana from a producer, wholesaler, or from a research certificate holder;
    - iii. Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;
    - iv. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
    - v. Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a licensed wholesaler.
  - 3. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations.
- b) A processor may not transfer, sell transport, purchase, or receive any marijuana item other than as provided in § 180-10.1-805 (a).

**§ 180-10.1-810 Endorsements**

- a) A marijuana processor may only process and sell cannabinoid products, concentrates or extracts if the processor has received an endorsement from the Commission for that type of processing activity. Endorsements types are:
  - 1. Cannabinoid edible processor;
  - 2. Cannabinoid topical processor;
  - 3. Cannabinoid concentrate processor; and
  - 4. Cannabinoid extract processor.

- b) An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time following licensure.
- c) In order to apply for an endorsement an applicant or processor licensee must submit a form prescribed by the Commission that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
- d) Only one application and license fee is required regardless of how many endorsements an applicant or licensee requests or at what time the request is made.
- e) An individual processor licensee may hold multiple endorsements.
- f) For the purposes of endorsements any cannabinoid product that is intended to be consumed or ingested orally or applied in the mouth is considered a cannabinoid edible.
- g) If a processor is no longer going to process the product for which the processor is endorsed the processor must notify the Commission in writing and provide the date on which the processing of that product will cease.
- h) The Commission may deny a processor's request for an endorsement if the processor cannot or does not meet the requirements stated in these regulations for the endorsement that is requested.

**§ 180-10.1-815 Processor Policies and Procedures.** A processor must create and maintain written, detailed standard policies and procedures that include but are not limited to:

- a) Instructions for making each cannabinoid concentrate, extract or product.
- b) The ingredients and the amount of each ingredient for each process lot;
- c) The process for making each product;
- d) The number of servings in a process lot;
- e) The intended amount of THC per serving and in a unit of sale of the product;
- f) The process for making each process lot homogenous;
- g) If processing a cannabinoid concentrate or extract:
  - 1. Conducting necessary safety checks prior to commencing processing;
  - 2. Purging any solvent or other unwanted components from a cannabinoid concentrate or extract;
- h) Procedures for cleaning all equipment, counters and surfaces thoroughly;
- i) Procedures for preventing growth of pathogenic organisms and toxin formation;
- j) Proper handling and storage of any solvent, gas or other chemical used in processing or on the licensed premises in accordance with material safety data sheets and any other applicable laws;
- k) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations;
- l) Quality control procedures designed to maximize safety and minimize potential product contamination;
- m) Appropriate use of any necessary safety or sanitary equipment; and
- n) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.

**§ 180-10.1-820 Processor Training Requirements**

- a) A processor must have a comprehensive training program that includes, at a minimum, the following topics:
  - 1. The standard operating policies and procedures;

2. The hazards presented by all solvents or other chemicals used in processing and on the licensed premises as described in the material safety data sheet for each solvent or chemical; and
  3. Applicable Commission statutes and rules.
- b) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a cannabinoid concentrate, extract or product must be trained in accordance with the processor's training program.

**§ 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements**

- a) Cannabinoid Concentrates or Extracts. A processor with a cannabinoid concentrate or extract endorsement:
1. May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 CFR 67377).
  2. Must:
    - i. Only use a hydrocarbon-based solvent that is at least 99 percent purity.
    - ii. Only use a non-hydrocarbon-based solvent that is food-grade.
    - iii. Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
    - iv. Use only potable water and ice made from potable water in processing.
    - v. If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor and comply with [above provision on edible processor requirements].
- b) Cannabinoid Extracts. A processor with an endorsement to make cannabinoid extracts:
1. May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products.
  2. Must:
    - i. Process in a:
      1. Fully enclosed room clearly designated on the current floorplan of the licensed premises.
      2. Room and with equipment, including all electrical installations that meet the requirements of the CNMI Department of Public Work's building code, and the CNMI Fire Code.
    - ii. Use a professional grade closed loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted good engineering standards, such as those of:
      1. American National Standards Institute (ANSI);
      2. Underwriters Laboratories (UL); or
      3. The American Society for Testing and Materials (ASTM).
    - iii. If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch.
    - iv. Have equipment and facilities used in processing approved for use by the CNMI Department of Fire and Emergency Services.



- v. For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the CNMI Board of Professional Licensing.
- vi. Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.
- vii. Have all applicable material safety data sheets readily available to personnel working for the processor.

**§ 180-10.1-830 Recordkeeping**

- a) A processor must keep records documenting the following:
  - 1. How much marijuana is in each process lot;
  - 2. If a product is returned by a licensee, how much product is returned and why;
  - 3. If a defective product was reprocessed, how the defective product was reprocessed; and
  - 4. Each training provided in accordance with § 180-10.1-820, the names of employees who participated in the training, and a summary of the information provided in the training.
- b) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.
- c) If the Commission requires a processor to submit or produce documents to the Commission that the processor believes falls within the definition of a trade secret, the processor must mark each document “confidential” or “trade secret”.

**Part 900 MARIJUANA WHOLESALER**

- § 180-10.1-901 Privileges; Prohibitions
- § 180-10.1-905 Marijuana Reserve Requirements

**§ 180-10.1-901 Privileges; Prohibitions**

- a) A wholesale licensee may:
  - 1. Sell, including sale by auction, transfer and or transport:
    - i. Any type of marijuana item to a retailer, wholesaler, Class 1 lounge, or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer;
    - ii. Immature marijuana plants and seeds to a producer, or retailer;
    - iii. Usable marijuana to a producer that the wholesaler has stored on the producer’s behalf;
    - iv. Usable marijuana, cannabinoid extracts and concentrates to a processor licensee, or retailer; and

- v. Marijuana waste to a producer, processor, wholesaler, research certificate holder, or an approved waste disposal service.
- 2. Purchase or receive:
  - i. Any type of marijuana item from a wholesaler;
  - ii. Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;
  - iii. Seeds, immature plants or usable marijuana from a producer, or wholesaler;
  - iv. Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer; and
  - v. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder.
- 3. Transport and store marijuana items received from other licensees, pursuant to the requirements of ;transport and storage provisions below
- 4. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations.
- b) A wholesale licensee may not sell, deliver, purchase, or receive any marijuana item other than as provided in section (a) of this rule.
- c) For purposes of this rule, “marijuana item” does not include a mature marijuana plant.

**§ 180-10.1-905 Marijuana Wholesaler Reserve Requirements. [RESERVED]**

**Part 1000 MARIJUANA LOUNGE**

- § 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions
- § 180-10.1-1005 Class 1 Lounge Operational Requirements
- § 180-10.1-1010 Class 1 Lounge Premises
- § 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions
- § 180-10.1-1020 Class 2 Lounge Operational Requirements
- § 180-10.1-1025 Class 2 Lounge Premises

**§ 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions**

- a) A Class 1 Lounge may:
  - 1. Between the hours of 7:00 AM and 2:00 AM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
  - 2. Sell:
    - i. Marijuana items to a consumer 21 years of age or older within a licensed premises.
    - ii. Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
    - iii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the Class 1 Lounge.
  - 3. Deliver:

- i. Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
- ii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.

4. Purchase and receive:

- i. Usable marijuana from a producer, wholesaler, processor, retailer or from a research certificate holder;
- ii. Cannabinoid concentrates, extracts, and products from a processor, retailer or from a research certificate holder;
- iii. Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
- iv. Any marijuana item from a laboratory.

5. Refuse to sell marijuana items to a consumer;

6. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations;

7. Allow for the on-site consumption of marijuana, marijuana extracts, or marijuana products within the licensed premises;

8. Sell marijuana items that have not been tested in a marijuana testing facility so long as the marijuana item is sold to a consumer with a disclaimer that clearly reads "UNTESTED PRODUCT"; and

b) A Class 1 lounge may not:

1. Sell a product that contains cannabinoids and is intended for human consumption, unless that product has been labeled and packaged in accordance with the applicable sections of these rules.
2. Sell edible marijuana items intended for human consumption to a consumer if the premises have not received the necessary food handler's certifications from the CNMI Bureau of Environmental Health.
3. Sell or transfer a returned marijuana item where the original package has been altered, opened, damaged, or tampered to another consumer.
4. Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in section (a) of this rule.
5. Sell, serve, distribute or allow the consumption of alcohol on the marijuana lounge premises;
6. Permit a consumer under the age of 21 to enter the licensed premises unless that individual meets the requirements of 4 CMC § 53026(f).
7. Permit a consumer to bring marijuana items onto the licensed premises.

**§ 180-10.1-1005 Class 1 Lounge Operational Requirements**

- a) Prior to completing the sale of a marijuana item to a consumer, a Class 1 Lounge licensee must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:

1. Passport;

2. Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
3. United States military identification card; or
4. Any other identification card issued by a state or country that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

**§ 180-10.1-1010 Class 1 Lounge Premises**

- a) The licensed premises of a Class 1 Lounge:
  1. May not be located in an area that is outside of the approved location for Class 1 Lounge establishments.
  2. May not be located within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center; or
    - iv. Youth center;
  3. Must be enclosed on all sides by walls and doors.
- b) A Class 1 Lounge must post in a prominent place signs that read:
  1. "No Minors Permitted Anywhere on the Premises";
  2. Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".
- c) A Class 1 Lounge must designate a consumer consumption area on the licensed premises where consumers are permitted to consume marijuana, marijuana extracts, or marijuana products
- d) All inventory must be stored on the licensed premises.
- e) For purposes of determining the distance between a Class 1 Lounge and a school referenced in subsection (a)(2) of this rule, "within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a Class 1 Lounge. If any portion of the licensed premises is within 500 feet of a school as described subsection (a)(2) of this rule an applicant will not be licensed.

**§ 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions**

- a) A Class 2 Lounge may:
  1. Deliver:
    - i. Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
  2. Refuse to entry into a Class 2 lounge to a consumer;
  3. Allow for the on-site consumption of marijuana, marijuana extracts, or marijuana products within the licensed premises;
  4. Permit a consumer to bring marijuana items onto the licensed premises.

- b) A Class 2 lounge may not:
  - 1. Sell:
    - i. Marijuana items to consumers within a licensed premise.
  - 2. Purchase and receive:
    - i. Usable marijuana, immature marijuana plants, and seeds from a producer, retailer or from a research certificate holder;
    - ii. Cannabinoid concentrates, extracts, and products from a processor, retailer or from a research certificate holder;
    - iii. Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
    - iv. Any marijuana item from a laboratory.
  - 3. Sell a product that contains cannabinoids and is intended for human consumption.
  - 4. Allow the consumption of alcohol on the marijuana lounge premises;
  - 5. Permit a consumer under the age of 21 to enter the licensed premises unless that individual meets the requirements of 4 CMC § 53026(f);
  - 6. Permit the commercial sale of marijuana items on the license premises.

**§ 180-10.1-1020 Class 2 Lounge Operational Requirements**

- a) Prior to allowing entry into the licensed premises, a Class 2 Lounge licensee must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
  - 1. Passport;
  - 2. Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
  - 3. United States military identification card; or
  - 4. Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

**§ 180-10.1-1025 Class 2 Lounge Premises**

- a) The licensed premises of a Class 2 Lounge:
  - 1. May not be located within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center; or
    - iv. Youth center;
  - 2. Must be enclosed on all sides by permanent walls and doors.
- b) A Class 2 Lounge must post in a prominent place signs that read:
  - 1. "No Minors Permitted Anywhere on the Premises";
  - 2. Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".
- c) The consumer consumption area is the sole area of the licensed premises where consumers are permitted.

- d) For purposes of determining the distance between a Class 2 Lounge and a school referenced in § 180-10.1-1025 (a)(2), "within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a Class 2 Lounge. If any portion of the licensed premises is within 500 feet of a school as described § 180-10.1-1025 (a)(2) an applicant will not be licensed.

## **Part 1100      PACKAGING LABELING AND ADVERTISING**

§ 180-10.1-1101 Packaging and Labeling – Definitions

§ 180-10.1-1105 Packaging for Sale to Consumer

§ 180-10.1-1110 Advertising – Restrictions

§ 180-10.1-1115 Advertising Media, Coupons, and Promotions

**§ 180-10.1-1101 Packaging and Labeling – Definitions.** For the purposes of these regulations:

- a) “Attractive to minors” means packaging, labeling and marketing that features:
1. Cartoons;
  2. A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;
  3. Symbols or celebrities that are commonly used to market products to minors;
  4. Images of minors; and
  5. Words that refer to products that are commonly associated with minors or marketed by minors.
- b) “Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.
- c) “Cannabinoid concentrate or extract” means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.
- d) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.
- e) “Cannabinoid product” means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person’s skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.
- f) “Cannabinoid product” does not include:
1. Usable marijuana by itself;
  2. A cannabinoid concentrate or extract by itself; or
  3. Industrial hemp.
- g) “Cartoon” means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:
1. The use of comically exaggerated features;
  2. The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or

- 3. The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.
- h) “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.
- i) “Container” means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed prior to being sold to a consumer.
- j) “Exit Package” means a sealed container provided at the retail point of sale in which any marijuana items already within a container are placed.

**§ 180-10.1-1105 Packaging, Labeling for Sale to Consumer.** The purpose of this provision is to set the minimum standards for the packaging of marijuana items that are sold to the consumer, applicable to a licensee

- a) Containers or packaging for marijuana items must protect a marijuana item from contamination and must not impart any toxic or deleterious substance to the marijuana item.
- b) No licensee shall use or allow the use of any mark or label on the container of any marijuana items which are kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age, or quality of such marijuana items. Marijuana items that have been tested and satisfactorily complied with the minimum standards set forth by the Commission shall bear a label that reads: “CERTIFIED”; and whereas, in the absence of a marijuana testing facility or in the absence of testing a marijuana item, marijuana establishments are required to mark or label the marijuana item with a disclaimer that clearly reads: “UNTESTED PRODUCT.” All marijuana items which are kept for sale shall bear a label that reads: “This product has not been evaluated by the FDA.”
- c) Marijuana items for ultimate sale to a consumer, except for immature plants and seeds, must:
  - 1. Not be packaged or labeled in a manner that is attractive to minors; and
  - 2. Marijuana items for sale must have the following label and container standards:
    - i. The length of time it typically takes for a product to take effect;
    - ii. The amount of marijuana the product is considered the equivalent to;
    - iii. Ingredients and possible allergens;
    - iv. A nutritional fact panel;
    - v. Opaque, child resistant packaging, which must be designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995);
    - vi. Marijuana products must be clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana
    - vii. Label must state the number of servings contained within a container
- d) Packaging may not contain any text that makes an untruthful or misleading statement.
- e) Nothing in this rule:



1. Prevents the re-use of packaging that is capable of continuing to be child-resistant, as permitted by rules established by the Commission; or
2. Prohibits the Commission from imposing additional packaging requirements in their respective rules governing licensees.

**§ 180-10.1-1110 Advertising – Restrictions**

- a) Marijuana advertising may not:
  1. Contain statements that are deceptive, false, or misleading;
  2. Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoon characters, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors;
  3. Specifically encourages the transportation of marijuana items across state lines;
  4. Assert that marijuana items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana;
  5. Make claims that recreational marijuana has curative or therapeutic effects;
  6. Display consumption of marijuana items;
  7. Contain material that encourages the use of marijuana because of its intoxicating effect; or
  8. Contain material that encourages excessive or rapid consumption.
- b) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.
- c) A licensee must include the following statement on all print, billboard, television, radio and internet advertising in font size legible to the viewer:
  1. "Do not operate a vehicle or machinery under the influence of this drug".
  2. "For use only by adults twenty-one years of age and older."
  3. "Keep out of the reach of children."

**§ 180-10.1-1115 Advertising Media, Coupons, and Promotions**

- a) The Commission prohibits advertising through handbills that are posted or passed out in public areas such as parking lots and publicly owned property.
- b) A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.

**Part 1200 LICENSEE CONDUCT, INSPECTIONS AND SUSPENSION**

- § 180-10.1-1201 Prohibited Conduct
- § 180-10.1-1205 Dishonest Conduct
- § 180-10.1-1210 Inspections
- § 180-10.1-1215 Suspended Licenses

**§ 180-10.1-1201 Prohibited Conduct**

- a) Sale to a Minor. A licensee may not sell, deliver, transfer or make available any marijuana item to a person under 21 years of age.
  - 1. Violation of this section for an intentional sale to a minor by a licensee, permittee or license representative will result in a penalty to the licensee.
- b) Identification. A licensee or license representative must require a person to produce identification before selling or providing a marijuana item to that person as required by 4 CMC § 53019.
- c) Access to Premises.
  - 1. A licensee may not:
    - i. During regular business hours for the licensed premises, refuse to admit or fail to promptly admit a Commission regulatory employee who identifies him or herself and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with the Act affecting the licensed privileges; or these regulations;
    - ii. Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit a Commission regulatory employee who identifies him or herself and requests entry on the basis that there is a reason to believe a violation of the Act affecting the licensed privileges; or these regulations is occurring; or
    - iii. Once a regulatory employee is on the licensed premises, ask the regulatory employee to leave until the employee has had an opportunity to conduct an inspection to ensure compliance with the Act affecting the licensed privileges; or these rules
- d) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.
  - 1. No licensee, or licensee representative may consume any intoxicating substances while on duty, except for employees as permitted under regulations.
  - 2. No licensee, licensee representative, or permittee may be under the influence of intoxicating substances while on duty.
  - 3. Whether a person is paid or scheduled for a work shift is not determinative of whether the person is considered “on duty.”
  - 4. As used in this section:
    - i. “On duty” means:
      - 1. From the beginning to the end of a work shift for the licensed business, including any and all coffee, rest or meal breaks; or
      - 2. Performing any acts on behalf of the licensee or the licensed business outside of a work shift if the individual has the authority to put himself or herself on duty.
    - ii. “Intoxicants” means any substance that is known to have or does have intoxicating effects, and includes alcohol, marijuana, or any other controlled substances.
- e) Permitting Use of Marijuana at Licensed Premises. A licensee may not permit the use or consumption of marijuana, or any other intoxicating substance, anywhere in or on the

licensed premises, or in surrounding areas under the control of the licensee, except for [those licensed under 4 CMC 53026.

- f) Import and Export. A licensee may not import marijuana items into the Commonwealth or export marijuana items out of the Commonwealth unless authorized by the Commission.
- g) Permitting, Disorderly or Unlawful Conduct. A licensee may not permit disorderly activity or activity that is unlawful under Commonwealth law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.
  - 1. If the prohibited activity under this section results in death or serious physical injury, or involves unlawful use or attempted use of a deadly weapon against another person, or results in a sexual offense which is a Class A felony such as first degree rape, sodomy, or unlawful sexual penetration, the violation could result in license revocation.
  - 2. If the prohibited activity under this section involves use of a dangerous weapon against another person with intent to cause death or serious physical injury, it is a punishable violation.
  - 3. As used in this section:
    - i. "Disorderly activities" means activities that harass, threaten or physically harm oneself or another person.
    - ii. "Unlawful activity" means activities that violate the laws of the Commonwealth, including but not limited to any activity that violates a Commonwealth's criminal statute.
  - 4. The Commission does not require a conviction to establish a violation of this section.
- h) Marijuana as a Prize, Premium or Consideration. No licensee may give or permit the giving of any marijuana item as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premise.
- i) Visibly Intoxicated Persons. No licensee may sell, give, or otherwise make available any marijuana item to any person who is visibly intoxicated.
- j) Additional Prohibitions. A licensee may not:
  - 1. Sell or deliver any marijuana item through a drive-up window.
  - 2. Use any device or machine that both verifies the age of the consumer and delivers marijuana to the consumer; or
  - 3. Deliver marijuana to a consumer off the licensed premises

#### **§ 180-10.1-1205 Dishonest Conduct**

- a) False Statements. A licensee may not:
  - 1. Make a false statement or representation to the Commission or law enforcement in order to induce or prevent action or investigation by the Commission or law enforcement.
  - 2. If the Commission finds that the false statement or representation was intentional, the Commission may charge a violation and could result in license revocation.
- b) Marijuana Item Misrepresentations.
  - 1. A licensee may not misrepresent any marijuana item to a consumer, licensee, or the public, including:

- i. Misrepresenting the contents of a marijuana item;
    - ii. Misrepresenting the testing results of a marijuana item;
    - iii. Misrepresenting the potency of a marijuana item; or
    - iv. Making representations or claims that the marijuana item has curative or therapeutic effects.
  - 2. A licensee may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight or smell or that has the effect or intent of increasing potency, toxicity or addictiveness.
  - 3. A knowing or intentional violation of this section could result in license revocation.
- c) Supply of Adulterated Marijuana Items.
  - 1. A licensee may not supply adulterated marijuana items.
  - 2. Violation of this section could result in license revocation.
- d) Evidence. A licensee may not:
  - 1. Intentionally destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so. Violation of this subsection could result in license revocation.
  - 2. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so, in any manner other than intentional.
  - 3. Refuse to give, or fail to promptly give, a Commission regulatory employees or law enforcement officer evidence when lawfully requested to do so.

**§ 180-10.1-1210 Inspections**

- a) The Commission may conduct:
  - 1. A complaint inspection at any time following the receipt of a complaint that alleges a licensee is in violation of 4 CMC § 53001 et seq or these regulations;
  - 2. A random inspection at any time in order to determine compliance with 4 CMC § 53001 et seq or these regulations; or
  - 3. Compliance transactions in order to determine whether a licensee is complying with 4 CMC § 53001 et seq or these regulations.
- b) A licensee, or licensee representative must cooperate with the Commission during an inspection.

If licensee or licensee representative fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records

**§ 180-10.1-1215 Suspended Licenses**

- a) Before 7:00 a.m. on the date a license suspension goes into effect, and until the suspension is completed, Commission staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.
- b) The suspension notice sign must be posted in a way that allows any person entering the premises to read it. Licensees must use the suspension notice sign provided by the

Commission. The sign will state that the license has been suspended by order of the Commission due to violations of the Commonwealth laws (statutes or administrative rules). If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.

- c) During the period of license suspension, the licensee is responsible for ensuring:
  - a. Compliance with all applicable laws and rules; and
  - b. That the suspension notice sign is not removed, altered, or covered.
- d) A licensee or licensee representative may not allow the sale, delivery to or from, or receipt of marijuana items at the licensed premises during the period of time that the license is under suspension. During a period of time that the license is under suspension, a marijuana licensee may operate the business provided there is no sale, delivery to or from, or receipt of a marijuana item.

**Part 1300 MEDICINAL MARIJUANA [RESERVED]**

**Part 1400 LABORATORY LICENSE**

§ 180-10.1-1401 Laboratory Licensing Requirements

§ 180-10.1-1405 Laboratory Tracking and Reporting

§ 180-10.1-1410 Laboratory Licensee Prohibited Conduct

**§ 180-10.1-1401 Laboratory Licensing Requirements**

- a) General Requirements
  - 1. A laboratory that intends to collect samples or test marijuana items for producer, processor, wholesaler, or retailer licensees, or research certificate holders must be licensed by the Commission.
  - 2. An applicant for a license under this rule must comply with all applicable application requirements in § 180-10.1-310 and pay the required application and license fees.
  - 3. A laboratory application is subject to the same application review procedures as other applicants.
  - 4. In addition to the denial criteria in § 180-10.1-335, the Commission may refuse to issue a laboratory license to any person who:
    - i. Holds a producer, processor, wholesaler, lounge or retail license;
- b) Accreditation by the Commission
  - 1. In addition to the requirements listed in section (a) of this rule, an applicant for a laboratory license must be accredited by the Commission for any cannabis sampling or testing the applicant will perform.

2. An applicant for a license under this rule may apply for licensure prior to receiving accreditation, but the Commission will not issue a license until proof of accreditation is received.
3. The Commission may make efforts to verify or check on an applicant's accreditation status during the licensing process, but an applicant bears the burden of taking all steps needed to secure accreditation and present proof of accreditation to the Commission.
4. In addition to the denial criteria in § 180-10.1-335, the Commission may consider an application incomplete if the applicant does not obtain accreditation from the Commission within six months of applying for a license. The Commission shall give an applicant an opportunity to be heard if an application is declared incomplete under this section, but an applicant is not entitled to a contested case proceeding under 1 CMC § 9113. An applicant whose application is declared incomplete may reapply at any time.
5. A licensed laboratory must maintain accreditation by the Commission at all times while licensed by the Commission. If a laboratory's accreditation lapses or is revoked at any time for any reason while licensed by the Commission, the laboratory may not perform any activities that are subject to the lapsed or revoked accreditation until it is reinstated.
6. Exercising license privileges without proper accreditation is a violation and could result in license revocation.

c) Accreditation

1. A laboratory shall submit an application to the Commission, on a form prescribed by the Commission, proof of receipt of accreditation to ISO/IEC 17025.
2. The Commission shall review the submitted application for Accreditation and related documents submitted in § 180-10.1-1401(c)(1) in determination of approval of Accreditation.

d) Renewal.

1. A laboratory must renew its license annually and pay the required renewal fees in accordance with § 180-10.1-320.

**§ 180-10.1-1405 Laboratory Tracking and Reporting**

- a) A laboratory licensee conducting sampling or testing for licensees is responsible for tracking and recording the following:
  1. Receipt of samples for testing, including:
    - i. Size of the sample;
    - ii. Name of licensee or research certificate holder from whom the sample was obtained;
    - iii. Date the sample was collected; and
    - iv. Identification tag information associated with the harvest or process lot from which the sample was obtained.
  2. Tests performed on samples, including:
    - i. Date testing was performed;

- ii. What samples were tested for;
- iii. Name of laboratory responsible for testing; and
- iv. Results of all testing performed.
- v. Disposition of any testing sample material.

**§ 180-10.1-1410 Laboratory Licensee Prohibited Conduct**

- a) In addition to the prohibitions set forth in § 180-10.1-1201, a laboratory licensee may not:
  - 1. Perform any required marijuana sampling or testing using any sampling or testing methods or equipment not permitted under the laboratory’s accreditation through the Commission.
  - 2. Perform any required marijuana sampling or testing for any licensed marijuana producer, processor, wholesaler or retailer in which the laboratory licensee has a financial interest;
- b) The Commission may suspend or revoke a laboratory license for any violation these regulations. The licensee has a right to a hearing under the procedures of 1 CMC § 9113.
- c) A violation of this regulation could result in license revocation.

**Part 1500 MARIJUANA EVENTS**

**§ 180-10.1-1501 Purpose**

These promulgated rules and regulations govern the application for and the conduct of temporary authorization to host marijuana events in the CNMI. No marijuana event, the advertising of marijuana events, or the allowance for the public consumption of cannabis during a public or private event is authorized or permitted without a valid permit or agreement authorized by these regulations.

The CNMI Cannabis Commission shall enforce these regulations to the extent allowed by law. The Commission shall issue written notice of violation to any person or entity acting in contravention of these regulations pursuant to § 180-10.1-160.

**§ 180-10.1-1505 Definitions.** In addition to the applicable definitions set forth in § 180-10.1-045, the following items are defined for the purposes of these regulations.

- a) “Commercial Use” means used for revenue generating activities. Active use means the actual physical operations or facilities generating revenue. Passive Use means a supplementary use that augments the revenue generating operations or facility.
- b) “Permittee” means a person or persons given a permit by the Commission and whose name appears on the permit.
- c) “Request for Proposal” (RFP) means an open solicitation made through a bidding process by the Commission to determine interest of potential applicants to host a marijuana event.
- d) “Special Event” means a scheduled and publicly advertised hosting of one or more persons for commercial use, whether active or passive, where marijuana items are to be displayed, possessed, sold, purchased, used and/or consumed at a private place.



### **§ 180-10.1-1510 Application Procedure**

- a) In addition to requirements listed in § 180-10.1-310 required by the Commission in a form provided by the Commission, an applicant for a Temporary Use of Marijuana Items, Special Event permit must submit to the following procedures
  1. Provide a detailed description of the type of event to be held. Description shall include, but is not limited to:
    - i. Venue or location where the event will be held
    - ii. Proof of authorization from the private owner or long-term lease holder of the venue or location, permitting the use for the purposes of hosting a Special Event
    - iii. Detailed plan for compliance with 4 CMC § 53019, 53052 and 53070 and methods for ensuring that persons under 21 years of age will not gain entry to the Special Event premises, or to be in view of the use of cannabis during the duration of the Special Event
    - iv. Planned duration and times for the Special Event
  4. Submit to the Commission a Special Events Plan that shall include detailed plans for:
    - i. The provision of food and beverages, entertainment, security to ensure compliance with 4 CMC § 53052 and related interests of the Commission;
    - ii. Ventilation and odor-control;
    - iii. Marijuana waste disposal;
    - iv. Prevention of underage entry to the consumption area;
    - v. Over-intoxication by patrons;
    - vi. Driving while intoxicated; and
    - vii. The illegal distribution of marijuana at the Special Event
    - viii. Detailed description of the type of revenue generating activities conducted during the Special Event
      1. Should the Special Event be active use in the direct sale or provision of marijuana items, the applicant shall prove to the Commission that all marijuana items are to be procured from an entity or individual licensed by the Commission for the commercial production or sale of marijuana items

### **§ 180-10.1-1515 Temporary Licensed Premises Designation**

- a) Locations for approved to host Special Events will be provided with a Temporary Licensed Premises designation and may be subject to the restrictions and requirements of § 180-10.1-501
- b) The Temporary Licensed Premises Designation shall expire upon the expiration of the Temporary Use of Marijuana at Special Events permit.

### **§ 180-10.1-1520 Permit for the Temporary Use of Marijuana Items at Special Events Privileges; Prohibitions**

- a) An approved permittee for the Temporary Use of Marijuana Items at Special Events may:

- i. Allow for the display or sale of marijuana items by individuals, businesses, or others in the manner described in the Special Events Plan
  - ii. Allow for the possession, use and consumption of marijuana items by individuals on the approved premises of the event
  - iii. Advertise for any approved Special Event under the restrictions provided by § 180-10.1-1115
- b) An approved permit holder for the Temporary Use of Marijuana Items at Special Events may not:
  - i. Hold a Special Event that is located within 500 feet of any school, child daycare, drug or alcohol treatment facility, or public pool;
  - ii. Hold a Special Event on public property, residential areas, or at events that serve alcohol
  - iii. Advertise or promote a Special Event prior receiving a permit from the Commission
  - iv. Host a Special Event for a period greater than ten (10) days per calendar year

**§ 180-10.1-1525 Public Notice.** The Commission must provide a public notice thirty (30) days prior to granting a permit under this section and will provide information for members of the public to submit comments on the timing, location, nature of the Special Event, or any other matter. The applicant will be given opportunity to amend the Special Events Plan to provide reasonable accommodations to ameliorate any concerns and weigh public comments in the process for granting a permit.

**§ 180-10.1-1530 Fees**

If the Commission approves an application and grants an Temporary Use of Marijuana Items at Special Events permit, the following fees must be paid:

- a) Temporary Use of Marijuana Items at Special Events Permit
  - 1) Application Fee - \$500
  - 2) Permit Fee - \$1500 per day the Special Event will take place
- b) Application and Permit Fee are non-refundable and shall be paid to the CNMI Treasury prior to receipt of permit

**PART 1600                    MARIJUANA RESEARCH CERTIFICATE**

§ 180-10.1-1601 Application for Marijuana Research Certificate

§ 180-10.1-1605 Marijuana Research Certificate Privileges; Prohibitions

**§ 180-10.1-1601 Application for Marijuana Research Certificate**

- a) The Commission shall issue Marijuana Research Certificates to qualifying public and private researchers who present research proposals that demonstrate:

1. The proposed research would benefit the Commonwealth's cannabis industry, medical research or public health and safety; and
  2. The proposed operation and methodology complies with all applicable laws and administrative rules governing marijuana licensees and licensee representatives.
- b) The process for applying for, receiving and renewing a certificate shall be the same as the process for applying for, receiving and renewing a marijuana license under § 180-10.1-310.
- c) In addition to the application requirements in § 180-10.1-310, the applicant must also provide:
1. A clear description of the research proposal;
  2. A description of the researchers' expertise in the scientific substance and methods of the proposed research;
  3. An explanation of the scientific merit of the research plan, including a clear statement of the overall benefit of the applicant's proposed research to the Commonwealth's cannabis industry, medical research, or to public health and safety;
  4. Descriptions of key personnel, including clinicians, scientists, or epidemiologists and support personnel who would be involved in the research, demonstrating they are adequately trained to conduct this research;
  5. A clear statement of the applicant's access to funding and the estimated cost of the proposed research;
  6. A disclosure of any specific conflicts of interest that the researcher or other key personnel have regarding the research proposal;
  7. A description of the research methods demonstrating an unbiased approach to the proposed research; and
  8. A description of the quantities of marijuana items, if any, that are proposed be transferred to licensees;
- d) Research certificates will be granted for up to a three-year term.
- e) The Commission may request that the research certificate holder submit information and fingerprints required for a criminal background check at any time within the research certificate term.
- f) A certificate holder may, in writing, request that the Commission waive one or more of these rules. The request must include the following information:
1. The specific rule and subsection of a rule that is requested to be waived;
  2. The reason for the waiver;
  3. A description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver, or why such a safeguard is not necessary; and
  4. An explanation of how and why the alternative safeguard or waiver of the rule protects public health and safety, prevents diversion of marijuana, and provides for accountability.
- g) The Commission may, in its discretion, and on a case-by-case basis, grant the waiver in whole or in part if it finds:
1. The reason the certificate holder is requesting the waiver is because another Commonwealth law prohibits compliance;

2. The certificate holder cannot comply with the particular rule, for reasons beyond the certificate holder's control or compliance with the rule is cost prohibitive; or
  3. Because of the nature of the research, the Commissions finds that compliance with a particular rule is not necessary and that even with the waiver public health and safety can be protected, there is no increased opportunity for diversion of marijuana, and the certificate holder remains accountable.
- h) The Commission must notify the certificate holder in writing whether the request has been approved. If the request is approved the notice must specifically describe any alternate safeguards that are required and, if the waiver is time limited, must state the time period the waiver is in effect.
  - i) The Commission may withdraw approval of the waiver at any time upon a finding that the previously approved waiver is not protecting public health and safety or the research certificate holder has other issues with compliance. If the Commission withdraws its approval of the waiver the certificate holder will be given a reasonable period of time to come into compliance with the requirement that was waived.
  - j) Applicant must submit their findings to the Commission upon completion of their licensed research.

**§ 180-10.1-1605 Marijuana Research Certificate Privileges; Prohibitions**

- a) A certificate holder may receive marijuana items from a licensee under 4 CMC § 53036 and these regulations.
- b) A certificate holder:
  1. May not:
    - i. Sell or otherwise transfer marijuana items to any other person, transferring to another certificate holder or transferring to another licensee pursuant these rules.
    - ii. Transfer more to another licensee than is permitted in the Commission's order granting the research certificate.
  2. Must comply with the testing rules applicable to a producer or processor prior to transferring marijuana items to a licensee.
- c) A certificate holder may not conduct any human subject research related to marijuana unless the certificate holder has received approval from an institutional review board that has adopted the Common Rule, 45 CFR Part 46. (4) All administrative rules adopted by Commission for the purpose of administering and enforcing Title 4, Division 5, Chapter 21 of the Commonwealth Code; and any rules adopted thereunder with respect to licensees and licensee representatives apply to certificate holders except for those which are inconsistent with this regulation.

SUBCHAPTER 180-10.2  
COMMONWEALTH CODE OF ETHICS

Part 001 CODE OF ETHICS

§180-10.2.101 Commission to follow Government Ethics Act

§180-10.2.105 Responsibilities of Public Office

§180-10.2.110 Commission Policies

§180-10.2.115 Conflict of Interest

§180-10.2.120 Political Activity

§180-10.2.125 Non-discrimination Policy

**§ 180-10.2-101 Commission to follow government Ethics Act.** The Commission and its employees shall be subject to and follow the Government Ethics Act found in 1 CMC § 8501 et. seq.

**§ 180-10.2-105 Responsibilities of Public Office.** Individuals appointed to the Commission are agents of the public and serve for the benefit of the public. They shall uphold and act in accordance with the Constitution of the United States of America, the Constitution of the Commonwealth of the Northern Mariana Islands, and the rules, Regulations and policies pursuant to the Act and the Government Ethics Act.

**§ 180-10.2-110 Commission Policies.** Commissioners and staff shall comply fully with the policies and standard procedures approved by the Commission.

**§ 180-10.2-115 Conflict of Interest.** There is a public trust to be protected from the danger of conflict of interest.

(a) A conflict occurs when an official's responsibilities, duties or activities conflict with the official's private interests, whether they are of a business, family, social or other nature.

(b) A Commissioner has an automatic conflict of interest in matters affecting a Commissioner's spouse, children and siblings. A Commissioner must automatically refrain on voting or engaging in any discussions relating to such family members.

(c) Commissioners and Commission staff shall comply with the following Conflict of Interest restrictions:

1. Shall not use their office/staff to seek employment or conduct business.
2. Shall not use their position to obtain private gain or advantage for themselves, a relative or an entity in which they have a present or potential financial interest.
3. Shall not disclose or use confidential information that is not generally available to the public for his/her own or another person's financial benefit.
4. Shall not participate in transactions that they may influence if they know that a spouse, child, or sibling has a substantial financial interest.
5. Shall not use public funds, time or equipment for their own private gain, unless authorized by law.

6. Shall not participate in, vote on, influence or attempt to influence an official decision if they, or the business they are associated with, have a financial interest or can potentially benefit from the matter, unless the interest or benefit is incidental to their position or would normally accrue to them in their profession, occupation or class.

7. Shall not participate or engage in any conduct or activity that is prohibited by the Ethics Act

**§ 180-10.2-120 Political Activity.** Each Commissioner, Managing Director and Commission staff must be aware of the rules that limit permissible political activity. The following is intended to highlight the kind of activities that can and cannot be engaged in.

(a) Permissible Activities:

1. Voting for the candidate of his/her choice.
2. Expressing opinions on all political subjects and candidates.
3. Membership in any political party, organization or club.
4. Making voluntary contributions to a political organization for its general expenditures.
5. Lobbying and supporting public, Legislative or other Constitutional amendments.

(b) Prohibited Activities:

2. Use of Commission funds, time, personnel or equipment for political
3. Activity unless that use is authorized by law or is incidental to a legally authorized or required activity.
4. Engaging in the discharge, promotion, demotion or changing of the status or compensation of any other official of employee or promising or threatening to do so.
5. Handing over to the other officials or staff any money or other thing of value to promote any political objective.
6. Use of their office or the Commission or influence to interfere with an election, or affect its results, or coerce the political action of any person or party.
7. Being obliged to contribute to any political fund, render any political service or be removed for refusing to do so.
8. Pressuring or coercing staff to participate in political activities or to support political parties or candidates under threat of losing one's employment.
9. Soliciting or receiving political contributions from anyone while on Commission time or on Commission or government property.
10. Campaigning for any candidate for public office during official working hours.
11. Promoting or opposing legislation relating to programs of departments on behalf of the Commission in contravention of Commission authority.

**§ 180-10.2-125 Non-discrimination Policy**

(a) It is the policy of the Commission that discrimination, for or against any employee, because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veterans status, disability, or genetic information is prohibited and will not be tolerated. No adverse action or

hiring decision shall be made on the basis of any of the above factors except that veterans' status may be considered positively as permitted by law.

(b) The Commission shall maintain every workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates Commission policy, and such misconduct will subject the employee to corrective action ranging from counseling to disciplinary action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited.

(c) The Commission shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.

(d) Any employee who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.

(e) An employer who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously and immediately advise the Managing Director or the Commonwealth Equal Employment Opportunity (EEO) Coordinator of the situation. The Managing Director, with the assistance of the EEO Coordinator, if sought, will ensure that it is investigated promptly, privately, and with as much confidentiality as possible, consistent with the need to determine the facts. The investigation will be documented by an investigative report that will be retained in a confidential file by the Managing Director or EEO Coordinator. Any person accused of a violation shall be allowed the opportunity to rebut the charges.

(e) After determining the facts through the investigation, the Managing Director shall take corrective action as required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including disciplinary action; making sure that this policy is reiterated to all employees or any group. An employer, or any supervisory staff, who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

### SUBCHAPTER 180-10.3 HOMEGROWN MARIJUANA REGISTRY

#### Part 001 HOMEGROWN MARIJUANA REGISTRY

- §180-10.3.101 Establishment of Homegrown Marijuana Registry
- §180-10.3.105 Homegrown Marijuana Privileges; Prohibitions
- §180-10.3.110 Maintenance of Homegrown Marijuana Registry

#### **§180-10.3.101 Establishment of Homegrown Marijuana Registry**



- a. Any individual producing, processing, keeping, or storing marijuana at their household or cultivation site for non-commercial purposes must first register to receive a Homegrown Marijuana Registry Card issued by the Commission.
- b. To register, individuals must provide to the Commission:
  1. Names and information of all individuals located in the household;
  2. Any forms required by the Commission and any information identified in the form that is required to be submitted;
  3. A map or sketch of the premises, including the defined boundaries of the premises and the village, street and relative location of the household or cultivation site;
  4. A description of the growing operation including growing media, a description of equipment to be used in the production, and whether production will be indoor, outdoor or both.
  5. Proof of right to occupy the premises;
    - i. If the household is a rental unit, provide:
      1. Agreement from the landlord or owner permitting the growing of marijuana on the premise
      2. Signed rental agreement with the landlord or owner
  6. Description of measures taken to ensure:
    - i. The plants are secure from access by a person under the age of 21 and unauthorized access. For purposes of illustration and not limitation, cultivating marijuana in an enclosed, locked space that persons under 21 years of age do not possess a key to constitutes reasonable precautions; and
    - ii. Marijuana plants are cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids.
- c. An individual is ineligible to produce, process, keep or store marijuana in their household if they are under 21 years of age or are not otherwise authorized under CNMI law.
- d. A Homegrown Marijuana Registry cardholder shall:
  1. Submit an amended registration notifying the Commission of any change concerning the registry identification cardholder's:
    - i. Name
    - ii. Location of residence
    - iii. Description of the growing operation used in the production
- e. The Commission shall:
  1. On the date on which the Commission receives an application described in subsection (2) of this section, issue a Homegrown Marijuana Registry card to the applicant verifying that the authority received the complete registration information under subsection of this section and that the information provided meets the requirements listed under 4 CMC § 53012; and
  2. Update the Homegrown Marijuana Registry following the issuance of the Homegrown Marijuana Registry card.

**§180-10.3.105 Homegrown Marijuana Privileges; Prohibitions**

- a. Individuals registered under the Homegrown Marijuana Registry and in possession of a Homegrown Marijuana Registry Card may:
1. Produce, process, keep or store homegrown marijuana at a household for non-commercial purposes by one or more persons 21 years of age and older, if
    - i. the total of homegrown marijuana at the household or cultivation site does not exceed six (6) mature marijuana plants and no more than twelve (12) immature plants at any time.
  2. Produce, process, keep or store useable marijuana at a household for non-commercial purposes by one or more persons 21 years of age or older, if:
    - i. The total amount of usable marijuana at the household or cultivation site does not exceed eight (8) ounces of useable marijuana at any time.
  3. Produce, process, keep or store homegrown marijuana at a household for non-commercial purposes by a medical marijuana patient or the patient's caregiver who may exceed the six (6) mature marijuana plant limit but not more than twelve (12) mature plants and twenty four (24) immature plants should the patient's physician deem it necessary and practical for the effective treatment of the medical marijuana patient; provided that any additional marijuana produced by the person's marijuana plants in excess of one (1) ounce of marijuana or eight (8) ounces of useable marijuana must remain in the same secure location where the marijuana was cultivated or secured at a person's household and such person holds a homegrown marijuana registry card issued by the Commission, and a document with a physician statement recommending the use of marijuana for medicinal use showing the name of the patient or the caregiver.
  4. Make, process, keep or store marijuana products at a household by one or more persons 21 years of age and older, that are properly identified and properly secured to ensure in an enclosed, locked space that persons under 21 years of age do not possess a key.
  5. Deliver, possess, transport or gift not more than one (1) ounce of any usable marijuana at any given time by a person 21 years of age and older to another person 21 years of age or older for non-commercial purposes.
  6. Deliver, possess, transport or gift not more than sixteen (16) ounces of any marijuana products in solid form at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  7. Deliver, possess, transport or gift not more than seventy-two (72) ounces of any marijuana products in liquid form at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  8. Deliver, possess, transport or gift not more than five (5) grams of marijuana extracts at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  9. Deliver, possess, transport or gift not more than six (6) immature marijuana plants at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  10. Transport any amount of harvested homegrown marijuana from a person's cultivation site being directly transported to the person's household at any given time by one or more persons 21 years of age or older, where the harvested homegrown marijuana will be secured at the person's household.

11. Make, process, keep or store homemade marijuana extracts or marijuana concentrates at a household by one or more persons 21 years of age and older if the marijuana extracts or concentrates were produced using only water or vegetable glycerin solvents or other forms of non-solvent extraction processing methods, as described in 4 CMC § 53057(a) in addition to other restrictions in the statute.
- b. Individuals registered under the Homegrown Marijuana Registry and in possession of a Homegrown Marijuana Registry Card may not:
  1. Make, process, keep or store homemade marijuana for commercial purposes
  2. Make, process, keep, store, use, or possess homemade marijuana in the presence of a person under 21 years of age, with exemptions and penalties provided under 4 CMC § 53030.
  3. Deliver, possess, transport or gift any quantity of marijuana, useable marijuana, marijuana extracts, mature or immature marijuana plants, marijuana extracts or marijuana concentrates in the presence of a person under 21 years of age, with exemptions provided under 4 CMC § 53030.

**§180-10.3.110 Maintenance of Homegrown Marijuana Registry.** The Commission shall maintain a ongoing database of Homegrown Marijuana Registrants.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CANNABIS COMMISSION

P.O. BOX 500135 Saipan, MP 96950  
Email: info@cnmicannabis.org

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**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION  
OF AMENDMENTS TO REGULATIONS OF  
CNMI Cannabis Commission**  
Nadine Deleon Guerrero, Chairman

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED AMENDMENTS TO REGULATIONS  
Volume 43 Number 07, pp 047113 of July 28, 2021

**Regulations of the CNMI Cannabis Commission**

**ACTION TO ADOPT PROPOSED AMENDMENTS TO REGULATIONS:** The Commonwealth of the Northern Mariana Islands Cannabis Commission ("The Commission") HEREBY ADOPTS AS PERMANENT amendments to the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Commission announced that it intended to adopt them as permanent, and now does so. (Id.). I also certify by signature below that, as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed Regulations, and that they are being adopted without modification or amendment, except as stated as follows:

(no changes)

**PRIOR PUBLICATION:** The prior publication were as stated above. The Commission adopted the regulations as final on August 27, 2021.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** Modifications were made as specified above. (There were no modifications). I further request and direct that this Notice of Adoption be published in the Commonwealth Register.

**AUTHORITY:** The Commonwealth is required by the Legislature to adopt rules and regulations regarding those matters over which the CNMICC has jurisdiction, see Public Laws 20-66 and 21-05.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC sec. 9105(b), these adopted regulations are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which, in this instance, is 10 days after this publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations (no written comments submitted). Attached hereto are the Commission responses to all public comments received. (none) Upon this adoption of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

ATTORNEY GENERAL APPROVAL for non-modified regulations or regulations with NON-material modification: The adopted regulations were approved for promulgation by the Attorney General in the above-cited pages of the Commonwealth Register, pursuant to 1 CMC sec. 2153(e) (To review and approve, as to form and legal sufficiency, all rules and regulations to be promulgated by any department, agency or instrumentality of the Commonwealth government, including public corporations, except as otherwise provided by law).

I DECLARE under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 27<sup>th</sup> day of August, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.


Certified and ordered by:

  
\_\_\_\_\_  
NADINE DELEON GUERRERO  
Chairman, CNMI Cannabis Commission

08.27.2021  
\_\_\_\_\_  
Date

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the certified final regulations, modified as indicated above from the cited proposed regulations, have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General, and shall be published (1 CMC § 2153(f) (publication of rules and regulations)).

Dated the 27 day of August, 2021.

  
\_\_\_\_\_  
EDWARD MANIBUSAN  
Attorney General

Filed and  
Recorded by:

  
\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Register *car*

08.27.2021  
\_\_\_\_\_  
Date

**TITLE 180  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
(CNMI) CANNABIS COMMISSION**

- CHAPTER 180-10 CNMI Cannabis Commission
- Subchapter 180-10.1 CNMI Cannabis Commission Rules and Regulations
- Subchapter 180-10.2 Code of Ethics

**CHAPTER 180-10  
CNMI CANNABIS COMMISSION**

**SUBCHAPTER 180-10.1  
CNMI CANNABIS COMMISSION RULES AND REGULATIONS**

**Part 001**

**ISSUANCE OF REGULATIONS;  
CONSTRUCTION; DEFINITIONS**

- § 180-10.1-001 Promulgation. Amendment, modification and repeal
- § 180-10.1-005 Construction
- § 180-10.1-010 Severability
- § 180-10.1-015 Preemption
- § 180-10.1-020 Practice where Regulations Do Not Govern
- § 180-10.1-025 Suspension of Regulations
- § 180-10.1-030 Definitions, words and terms; tense, number and gender
- § 180-10.1-035 Headings
- § 180-10.1-040 Definitions
- § 180-10.1-045 Further Definitions

**PART 100. CNMI CANNABIS COMMISSION: ORGANIZATION AND  
ADMINISTRATION**

- § 180-10.1-101 CNMI CANNABIS COMMISSION
- § 180-10.1-105 Powers and Duties
- § 180-10.1-110 Commissioners
- § 180-10.1-115 Limitations on Powers
- § 180-10.1-120 Managing Director
- § 180-10.1-125 Delegation of Officers
- § 180-10.1-130 Commission Meetings
- § 180-10.1-135 Resolutions and Minutes
- § 180-10.1-140 Appearances
- § 180-10.1-145 Recessed meetings
- § 180-10.1-150 Investigative Hearings
- § 180-10.1-155 Appointment of committees
- § 180-10.1-160 Service of Notice in General
- § 180-10.1-165 Subpoenas
- § 180-10.1-170 Employment and termination of employees

**Part 200 INFORMATION AND FILINGS:**

- § 180-10.1-201 Office Mailing Address and Hours
- § 180-10.1-205 Official Records; Fees for Copies
- § 180-10.1-210 Communications/Notices to Commission
- § 180-10.1-215 Public Information Office
- § 180-10.1-220 Filing of Petitions and Applications
- § 180-10.1-225 Petitions for Rulemaking

**Part 300 LICENSE AND REGISTRATION REQUIREMENTS:**

- § 180-10.1-301 Receipt
- § 180-10.1-305 Filing
- § 180-10.1-310 Processing
- § 180-10.1-315 True name on application
- § 180-10.1-320 Fees
- § 180-10.1-325 Application Review
- § 180-10.1-330 Approval of Application and Issuance of License
- § 180-10.1-335 Denial of Application
- § 180-10.1-340 Public Inspection of Information
- § 180-10.1-345 Amendment
- § 180-10.1-350 Withdrawal
- § 180-10.1-355 Limitation on number of licenses

**Part 400 LICENSEE RESPONSIBILITIES; GENERAL RESPONSIBILITIES**

- § 180-10.1-401 Financial and Business Records
- § 180-10.1-405 Licensee Responsibility
- § 180-10.1-410 Licensee Prohibitions

**Part 500 LICENSE PREMISES**

- § 180-10.1-501 Licensed Premises Restrictions and Requirement
- § 180-10.1-505 Signage

**Part 600 MARIJUANA PRODUCERS**

- § 180-10.1-601 Privileges; Prohibitions
- § 180-10.1-605 Operating Procedures
- § 180-10.1-610 Start-up Inventory
- § 180-10.1-615 Micro Producers
- § 180-10.1-620 Record Keeping

**Part 700 MARIJUANA RETAILERS**



- § 180-10.1-701 Retailer Privileges; Prohibitions
- § 180-10.1-705 Retailer Operational Requirements
- § 180-10.1-710 Retailer Premises

#### **Part 800 MARIJUANA PROCESSORS**

- § 180-10.1-801 General Processor Requirements
- § 180-10.1-805 Privileges; Prohibitions
- § 180-10.1-810 Endorsements
- § 180-10.1-815 Processor Policies and Procedures
- § 180-10.1-820 Processor Training Requirements
- § 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements
- § 180-10.1-830 Recordkeeping

#### **Part 900 MARIJUANA WHOLESALER**

- § 180-10.1-901 Privileges; Prohibitions
- § 180-10.1-905 Marijuana Reserve Requirements

#### **Part 1000 MARIJUANA LOUNGE**

- § 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions
- § 180-10.1-1005 Class 1 Lounge Operational Requirements
- § 180-10.1-1010 Class 1 Lounge Premises
- § 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions
- § 180-10.1-1020 Class 2 Lounge Operational Requirements
- § 180-10.1-1025 Class 2 Lounge Premises

#### **Part 1100 PACKAGING LABELING AND ADVERTISING**

- § 180-10.1-1101 Packaging and Labeling – Definitions
- § 180-10.1-1105 Packaging for Sale to Consumer
- § 180-10.1-1110 Advertising – Restrictions
- § 180-10.1-1115 Advertising Media, Coupons, and Promotions

#### **Part 1200 LICENSEE CONDUCT, INSPECTIONS AND SUSPENSION**

- § 180-10.1-1201 Prohibited Conduct
- § 180-10.1-1205 Dishonest Conduct
- § 180-10.1-1210 Inspections
- § 180-10.1-1215 Suspended Licenses

#### **Part 1300 MEDICINAL MARIJUANA [RESERVED]**

**Part 1400 LABORATORY LICENSE**

- § 180-10.1-1401 Laboratory Licensing Requirements
- § 180-10.1-1405 Laboratory Tracking and Reporting
- § 180-10.1-1410 Laboratory Licensee Prohibited Conduct

**Part 1500 MARIJUANA EVENTS**

- § 180-10.1-1501 Purpose
- § 180-10.1-1505 Definitions
- § 180-10.1-1510 Application Procedure
- § 180-10.1-1515 Temporary Licensed Premises Designation
- § 180-10.1-1520 Permit for the Temporary Use of Marijuana Items at Special Events Privileges; Prohibitions
- § 180-10.1-1525 Public Notice
- § 180-10.1-1530 Fees

**Part 1600 MARIJUANA RESEARCH CERTIFICATE**

- § 180-10.1-1601 Application for Marijuana Research Certificate
- § 180-10.1-1605 Marijuana Research Certificate Privileges; Prohibitions

**SUBCHAPTER 180-10.2 CODE OF ETHICS**

**Part 001 CODE OF ETHICS**

- §180-10.2.101 Commission to follow Government Ethics Act
- §180-10.2.105 Responsibilities of Public Office
- §180-10.2.110 Commission Policies
- §180-10.2.115 Conflict of Interest
- §180-10.2.120 Political Activity
- §180-10.2.125 Non-discrimination Policy

**SUBCHAPTER 180-10.3 HOMEGROWN MARIJUANA REGISTRY**

**Part 001 HOMEGROWN MARIJUANA REGISTRY**

- §180-10.3.101 Establishment of Homegrown Marijuana Registry
- §180-10.3.105 Homegrown Marijuana Privileges; Prohibitions
- §180-10.3.110 Maintenance of Homegrown Marijuana Registry

**Part 100**                      **CNMI CANNABIS COMMISSION: ORGANIZATION AND ADMINISTRATION**

**Part 001 ISSUANCE OF REGULATIONS; CONSTRUCTION; DEFINITIONS**

§ 180-10.1-001	Promulgation. Amendment, modification and repeal
§ 180-10.1-005	Construction
§ 180-10.1-010	Severability
§ 180-10.1-015	Preemption
§ 180-10.1-020	Practice where Regulations Do Not Govern
§ 180-10.1-025	Suspension of Regulations
§ 180-10.1-030	Definitions, words and terms; tense, number and gender
§ 180-10.1-035	Headings
§ 180-10.1-040	Applicability
§ 180-10.1-045	Definitions
§ 180-10.1-050	Further Definitions

**§ 180-10.1-001 Promulgation, amendment, modification and repeal.** The following regulations are issued pursuant to Public Law 20-66 and Public Law 21-05, in accordance with the procedures promulgated by the Administrative Procedures Act, 1 CMC § 9101 et seq. The Commission will, from time to time, promulgate, amend and repeal such regulations, consistent with the policy, objects and purposes of Public Law 20-66 and Public Law 21-05, as the Commission may deem necessary or desirable in carrying out the policy and provisions of the laws of the Commonwealth. These regulations supersede any other regulations previously promulgated.

**§ 180-10.1-005 Construction:**

- (a) Nothing contained in these regulations shall be construed as to conflict with any provision of the Act.
- (b) These rules and regulations shall be interpreted in accordance with generally accepted principles of statutory construction.
- (c) These rules and regulations shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

- (d) Nothing in these rules exempts a licensee or licensee representative from complying with any other applicable local laws.
- (e) Licensure under these rules does not protect a person from possible criminal prosecution under federal law.

**§ 180-10.1-010 Severability.** If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these entire rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of these rules and regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

**§ 180-10.1-015 Preemption.** The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its power under the provisions of the Act and these Regulations. These Regulations supersede any bylaws of the Commission.

**§ 180-10.1-020 Practice where Regulations Do Not Govern.** In any matter not governed by these Regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

**§ 180-10.1-025 Suspension of Regulations.** On its own or a party's motion, the Commission may - to expedite its decision or for other good cause - suspend any provision of these Regulations in a particular matter and order proceedings as it directs, except the Commission may not contradict any explicit requirement of the Act

**§ 180-10.1-030 Definitions, words and terms; tense, number and gender.** In interpreting these regulations, except when otherwise plainly declared or clearly apparent from the context: Words in the present tense include the future tense; The singular includes the plural and the plural includes the singular; and words of one gender include the other genders.

**§ 180-10.1-035 Headings.** The heading of a title, subtitle, chapter, subchapter, part, subpart, section or subsection does not limit or expand the meaning of a regulation.

**§ 180-10.1-040 Applicability.** A person may not produce, process, store, transport, sell, sample, test, or deliver marijuana for commercial recreational use without a license from the Commission or as otherwise authorized under these rules.

**§ 180-10.1-045 Definitions.** In this Subchapter 180-10.1 the following words have the following meanings, unless some contrary meaning is required:

- (a) "Act" means Public Law 20-66, as amended by Public Law 21-05 and as it may be amended or supplemented by subsequent legislation.
- (b) "Cannabis" means a genus of flowering plants that includes three putative varieties; cannabis sativa, cannabis indica, and cannabis ruderalis. The cannabis genus has two main species popularly known as cannabis sativa and cannabis indica:

- (1) Cannabis sativa plants are known to stretch to extraordinary heights of up to 20 feet when grown outside, and have much longer vegetation periods. Once the plant begins to flower, it can take anywhere from ten to sixteen weeks to fully mature. Since vegetation periods are so long, these plants typically produce a much higher yield than indica strains (3 ounces to 1 pound per plant), but possess a lower THC percentage than indica on average (around 12–16%);
  - (2) Cannabis indica are short and stout in composure (2–4 feet tall), and typically yield smaller (1.5 to 2.5 ounces per plant), higher quality crops (- 18% THC) than cannabis sativa. The plants are believed to have originated in the Middle East (Pakistan & Afghanistan), and thrive in cooler environments. Indica strains are typically darker green than sativa and have shorter, fatter leaves.
  - (3) The main active ingredient in cannabis is called delta-9 tetrahydrocannabinol, commonly known as THC. This is the part of the plant that gives the “high.” There is a wide range of THC potency between cannabis products.
  - (4) Cannabis is used in three main forms: marijuana, hashish, and hash oil. Marijuana is made from dried flowers and leaves of the cannabis plant. It is the least potent of all the cannabis products and is usually smoked or made into edible products like cookies or brownies. Hashish is made from the resin (a secreted gum) of the cannabis plant. It is dried and pressed into small blocks and smoked. It can also be added to food and eaten. Hash oil, the most potent cannabis product, is a thick oil obtained from hashish. It is also smoked.
  - (5) Cannabis is usually smoked in hand-rolled cigarettes (known as “joints”) or in special water pipes (“bongs”). These pipes or bongs can be bought or made from things such as orange juice containers, soft drink cans, or even toilet paper rolls.
- (c) “Caregiver” means a person who is 21 years of age or older who is responsible for the medical marijuana patient’s needs to the production, processing, keeping, or storage of homegrown marijuana at a household or cultivation site.\*
  - (d) “Commerce” means the Department of Commerce.
  - (e) “Commission” means the Cannabis Commission.
  - (f) “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.
  - (g) “Commonwealth” or “CNMI” means the Commonwealth of the Northern Mariana Islands.
  - (h) “Cultivation site” means a site in which marijuana is produced other than a household for non-commercial purposes. A cultivation site may include, but is not limited to, a farm, ranch, land parcel, lot, greenhouse, warehouse, building, room, or container.
  - (i) “Debilitating medical condition” means:
    - (1) cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, ulcerative colitis, agitation of Alzheimer’s disease, post-traumatic stress disorder, or the treatment of these conditions;
    - (2) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: stroke, diabetes, Parkinson’s disease, Wilson’s disease, traumatic brain injury, ADD/ADHD, muscular dystrophy (MD), cerebral palsy, asthma, and other types of immunomodulated inflammatory diseases, cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and

- persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or
- (3) any other serious medical condition or its treatment provided for by the Commission regulation in consultation with the Commonwealth Healthcare Corporation (CHCC) or other medical professionals.
- (j) “Division of Agriculture” means the Department of Lands and Natural Resources Division of Agriculture.
- (k) “Controlled substance” means a drug or its immediate precursor classified in Schedules I through V by 6 CMC §§ 2111–2123. The term “controlled substance,” as used in the Commonwealth Code does not include marijuana.
- (l) “Financial consideration,” except as provided in of this subsection, means value that is given or received directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.
- (1) “Financial consideration” does not mean any of the following:
- i. Homegrown marijuana made by another person.
  - ii. Homemade marijuana products made by another person.
- (m) “Hemp” means the plant of the genus cannabis and any part of the plant, whether growing or not, with a delta9-tetrahydrocannabinol concentration that does not exceed three tenths percent (0.3%) on a dry weight basis for any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.
- (n) “Homegrown” or “homemade” means grown or made by a person 21 years of age or older for non-commercial purposes.
- (o) “Homegrown marijuana registry” means a record maintained by the Commission of the names and addresses of persons who are 21 years of age or older or medical marijuana patients authorized to produce, process, keep, or store homegrown marijuana at a household or a cultivation site for non-commercial purposes.
- (p) “Homegrown marijuana registry card” means a card issued by the Commission to a person who is 21 years of age or older or a medical marijuana patient that is authorized to produce, process, keep, or store homegrown marijuana at a household or a cultivation site for non-commercial purposes.
- (q) “Household” means a housing unit, and includes any place in or around the housing unit at which the occupants of the housing unit are producing, processing, keeping, or storing marijuana, marijuana products, or marijuana extracts, whether homemade or purchased.
- (r) “Housing unit” means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.
- (s) “Immature marijuana plant” means a marijuana plant with no observable flowers or buds.
- (t) “Licensee” means any person holding a license issued under this chapter, or any person holding a license or permit issued under any regulation promulgated pursuant to this chapter.
- (u) “Licensee representative” means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent such person acts in such representative capacity.

- (v) “Marijuana” means all parts of the plant of the genus cannabis, the seeds thereof, and every compound, manufacture, salt derivative, mixture, or preparation of the plant and its seeds whether growing or not, regardless of moisture content, other than marijuana extracts. “Marijuana” does not include hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- (w) “Marijuana establishment” means an entity licensed by the Commission as a marijuana producer, marijuana lounge, marijuana testing facility, marijuana processor, a marijuana retailer, or a marijuana wholesaler.
- (x) “Marijuana extract” or “Marijuana concentrate” means a product obtained by separating resins from marijuana by solvent extraction, using solvents other than water or vegetable glycerin, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide: which is produced only by a licensed marijuana establishment.
- (y) (1) “Marijuana flowers” means the flowers of the plant cannabis family Moraceae.  
(2) “Marijuana flowers” does not include any part of the plant other than the flowers.
- (z) “Marijuana items” means marijuana, marijuana products, and marijuana extracts.  
(1) “Marijuana leaves” means the leaves of the plant Cannabis family Moraceae.  
(2) “Marijuana leaves” does not include any part of the plant other than the leaves.
- (aa) “Marijuana Lounge” means an entity licensed by the Commission to sell and/or allow for the on-site consumption of marijuana items.  
(1) “Class 1” means an entity licensed to sell marijuana items for on-site consumption.  
(2) “Class 2” means an entity licensed to allow for the on-site consumption of marijuana items, but for which the sale of marijuana items is prohibited.
- (bb) “Marijuana processor” means a person who processes marijuana items in this Commonwealth.
- (cc) “Marijuana producer” means a person who produces marijuana in this Commonwealth.
- (dd) (1) “Marijuana products” means products that contain marijuana or marijuana extracts and are intended for consumption, that include, but are not limited to, being edible, drinkable, or topical.  
(2) “Marijuana products” does not mean:
  - (i) Marijuana, by itself; or
  - (ii) A marijuana extract, by itself.
- (ee) “Marijuana retailer” means a person who sells marijuana items to a consumer in this Commonwealth.
- (ff) “Marijuana testing facility” means an entity licensed by the Commission to analyze and certify the safety and potency of marijuana items.
- (gg) “Marijuana wholesaler” means a person who purchases marijuana items in this Commonwealth for resale to a person other than a consumer in this Commonwealth, such as a licensed marijuana establishment.
- (hh) “Mature marijuana plant” means any marijuana plant that is not an immature marijuana plant. A mature marijuana plant has observable flowers or buds.
- (ii) “Medical marijuana” or “medicinal marijuana” means marijuana used by a person for medical or medicinal purposes.

- (jj) “Medical marijuana patient” means a person who uses marijuana as recommended by a doctor or other medical authority in the treatment of a debilitating medical condition or any other medical condition.
- (kk) “Micro producer” means a person with a micro production license to produce marijuana in this Commonwealth.
- (ll) “Minor” means a person under the age of 21 years old for purposes of this chapter.
- (mm) “Non-commercial” means not dependent or conditioned upon the provision or receipt of financial consideration.
- (nn) “Person” means any natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited liability company, general or limited partnership, joint venture, or any other legal entity.
- (oo) “Premises” or “licensed premises” or “marijuana establishment” means a location licensed under this chapter and includes:
  - (1) All enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms, including all public and private areas;
  - (2) All areas outside of a building that the Commission has specifically licensed for the consumption, production, processing, wholesale sale, or retail sale of marijuana items; and
  - (3) For a location that the Commission has specifically licensed for the production of marijuana outside of a building, the entire lot or parcel, that the licensee owns, leases, or has a right to occupy.
- (pp) (1) “Processes” means:
  - (i) The processing, compounding, or conversion of marijuana into marijuana products or marijuana extracts;
  - (ii) The processing, compounding, or conversion of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;
  - (iii) The packaging or repackaging of marijuana items; or
  - (iv) The labeling or relabeling of any package or container of marijuana items.
 (2) “Processes” does not include:
  - (i) The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise processing marijuana; or
  - (ii) The packaging and labeling of marijuana by a marijuana producer in preparation for delivery to a marijuana processor, marijuana retailer, marijuana wholesaler, or marijuana lounge.
- (qq) (1) “Produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana.
- (2) “Produces” does not include:
  - (i) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or
  - (ii) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana lounge, marijuana wholesaler, or marijuana retailer if the



marijuana processor, marijuana lounge, marijuana wholesaler, or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(rr) “Public place” or “public property” means a place to which the general public has access and includes, but is not limited to, beaches, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation or any property owned by the CNMI or Department of Public Lands (DPL).

(ss) “Sale” or “sold” means:

(1) Any transfer, exchange, or barter, in any manner or by any means, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling marijuana, for advertising, as a means of evading this chapter, or for any other purpose.

(2) If a marijuana producer also holds one or more processor licenses, one or more wholesale licenses, one or more marijuana lounge licenses, or one or more retail licenses, a sale of marijuana flowers, marijuana leaves, or immature marijuana plants will be deemed to occur if and when the marijuana producer processes or takes any other action with respect to such marijuana flowers, marijuana leaves, or immature marijuana plants for which a processor license, wholesale license, marijuana lounge license, or retail license is required, regardless of whether the marijuana producer continues to own or possess the marijuana flowers, marijuana leaves, or immature marijuana plants.

(tt) “Single Serving” of marijuana is defined as containing 10 mg of delta-9 tetrahydrocannabinol

(uu) (1) “Useable marijuana” means the dried leaves and flowers of marijuana.

(2) “Useable marijuana” does not include:

(i) Marijuana seeds;

(ii) The stalks and roots of marijuana; or

(iii) Waste material that is by-product of producing or processing marijuana.

#### **§ 180-10.1-050 Further Definitions. [RESERVED]**

### **PART 100. CNMI CANNABIS COMMISSION: ORGANIZATION AND ADMINISTRATION**

#### **§ 180-10.1-101 CNMI CANNABIS COMMISSION**

#### **§ 180-10.1-105 Powers and Duties**

#### **§ 180-10.1-110 Commissioners**

#### **§ 180-10.1-115 Limitations on Powers**

#### **§ 180-10.1-120 Managing Director**

#### **§ 180-10.1-125 Delegation of Officers**

#### **§ 180-10.1-130 Commission Meetings**

- § 180-10.1-135 Resolutions and Minutes
- § 180-10.1-140 Appearances
- § 180-10.1-145 Recessed meetings
- § 180-10.1-150 Investigative Hearings
- § 180-10.1-155 Appointment of committees
- § 180-10.1-160 Service of Notice in General
- § 180-10.1-165 Subpoenas
- § 180-10.1-170 Employment and termination of employees

**PART 100. CNMI CANNABIS COMMISSION: ORGANIZATION AND ADMINISTRATION**

**§ 180-10.1-101 CNMI CANNABIS COMMISSION:**

- (a) Commonwealth of the Northern Mariana Islands (CNMI) Cannabis Commission herein thereafter referred to as “The Commission.”
- (b) The Commission was established pursuant to Public Law 20-66, and as amended in Public Law 21-5, herein thereafter referred to as “The Act.”

**§ 180-10.1-105 Powers and Duties.** The Commission shall have all the powers and authority necessary to carry out the purposes of The Act, including, without limitation, the responsibility:

- a) To conduct hearings pertaining to the violation of the Act or regulations promulgated thereto; including hearings for the purpose of approving marijuana or hemp licenses and other business allowed under the Act.
- b) To promulgate such rules and regulations, as may be necessary to fulfill the intent, policies and purposes of this chapter. The Commission may use such rules and regulations to interpret, enlarge upon, except provisions defining the authority and powers of the Commission, or define, or any provision of this chapter to the extent that such provision is not specifically defined by the Act. The rules and regulations, at a minimum, provide for the following:
  1. A code of ethics for the members of the Commission and its officers and employees.
  2. Supervision, monitoring and investigation or other means to ensure suitability and compliance with the legal, statutory and contractual obligations of owners, operators, and employees of the marijuana or hemp businesses and other persons licensed under this title.
  3. The examination, supervision and monitoring of the continuing fiscal and financial capability and transactions of marijuana or hemp business owners, operators, concessionaires and other parties with any direct relation to the marijuana or hemp business operators and to protect the public in the event that such capability is significantly diminished.
  4. To collaborate in the definition, coordination and execution of the social, environmental and economic policies for the operations of the marijuana and hemp businesses.
  5. To authorize and certify all the equipment, facilities, and tools or utensils used by the operations of marijuana or hemp businesses.

6. To issue licenses for marijuana and hemp businesses and other authorized activities under the Act.
  7. To examine, supervise and monitor the eligibility of all authorized and licensed marijuana and hemp businesses or activities authorized under this title; including their partners and principal employees.
  8. To investigate and penalize any administrative infractions practiced according to the appropriate substantial and procedural legislations.
  9. To ensure that the relationship of the licenses marijuana and hemp businesses and individuals or entities authorized for personal or medicinal use of marijuana with the government and the public is in compliance with the Commission's regulations and provides the highest interest to the CNMI.
  10. The exclusion and removal of undesirable persons from the marijuana and hemp businesses
  11. Civil penalties for the violation of provisions or regulations imposed under The Act.
  12. Penalties for the late payment of applicable fines, or fees.
- c) To levy fines and penalties for the violation of provisions of The Act and the regulation promulgated by the Commission.
  - d) To require and demand access to and inspect, examine, photocopy, and audit all papers, books and records of the license marijuana and hemp businesses on its premises or elsewhere as practical, including inspecting the gross income produced by the marijuana and hemp businesses and verification of their income, and all other matters affecting the enforcement of the Commission's policy or as required pursuant to The Act.
  - e) For the types of licenses or permits to be covered by the marijuana and hemp license and their structure.
  - f) The Commission shall regulate fees.
  - g) To regulate the purchase, sale, production, processing, transportation, and delivery of marijuana items in accordance with the provisions of the Act.
  - h) To grant, refuse, suspend or cancel licenses for the sale, processing, or production of marijuana items, or other licenses in regard to marijuana items, and to permit, in its discretion, the transfer of a license of any person.
  - i) To investigate and aid in the prosecution of every violation of CNMI statutes relating to marijuana items, and cooperating in the prosecution of offenders before the Superior Court for the CNMI.
  - j) To adopt such regulations as necessary and feasible for carrying out the intent and provisions of The Act and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.
  - k) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of The Act.
  - l) To regulate and prohibit any advertising by manufacturers, processors, wholesalers or retailers of marijuana items by the medium of newspapers, letters, billboards, radio, online social media platforms, or otherwise.
  - m) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes.
  - n) To adopt separate regulations as are necessary and feasible for the development of a medical marijuana program.

- o) To adopt separate regulations as are necessary and feasible for the development of a hemp program for strains of cannabis that do not exceed three tenths percent (0.3%) on a dry weight basis of any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.
- p) To conduct an annual summit with the Commonwealth Healthcare Corporation, the Department of Public Safety, the Department of Lands and Natural Resources and other stakeholders in the government and private sectors to discuss the regulation of cannabis in the Commonwealth.
- q) Develop an educational curriculum piece for Homegrown Registry applicants to enroll in prior to issuance of licenses by the Commission.
- r) Update such curriculum as necessary to meet with population demands.
- s) Monitor and study federal laws, regulations and policies regarding cannabis
- t) Determine if the limitation of licenses is necessary for the viability of the industry.

**§ 180-10.1-110 Commissioners.** Pursuant to The Act, the composition of the Commission will be as follows:

- a) The Commission is an autonomous public agency of the government of the Commonwealth of the Northern Mariana Islands and shall consist of five (5) Commissioners:
  1. The Governor shall appoint from the Third Senatorial District three (3) members to the Commission, subject to the advice and consent of the Saipan and Northern Islands Legislative Delegation, provided that one of the three members appointed by the Governor shall be a voter from the Northern Islands and selected by the Northern Islands' mayor.
  2. The Mayor of Rota shall appoint from the First Senatorial District one (1) member to the Commission, subject to the advice and consent of the Rota Legislative Delegation.
  3. The Mayor of Tinian shall appoint from the Second Senatorial District one (1) member to the Commission, subject to the advice and consent of the Tinian and Aguiguan Legislative Delegation.

**(b) Terms of Office**

1. Each member shall serve for a term of four (4) years, except that of the members first appointed, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of four (4) years, however, each member shall serve no more than two (2) terms.
2. A term of a member is defined as the time a member serves as a Commissioner regardless of duration.
3. The Terms of all the members first appointed shall begin from September 12, 2019, regardless of the actual date of appointment.
4. Any vacancy shall be filled in the same manner as the original appointment and for the unexpired term thereof.
5. A member removed from the Commission for cause shall not be re-appointed to the Commission.

(c) Removal of a Commissioner: For Cause Only

1. The Governor may, for cause only, suspend or remove any Commission member, without regard to who appointed said member, subject to judicial review by the Superior Court, which may stay such removal or suspension pending such review.
  2. Membership on the Commission shall be automatically forfeited upon violation of subsection (e) of Article V, upon conviction of a felony, or upon conviction of any crime or offense involving moral turpitude.
  3. The Commission shall not be considered an agency of the local government for purposes of Article VI, Section 8, of the Constitution.
- (d) Members of the Commission shall each be compensated pursuant to law.
- (e) The members of the Commission are not employees of the Commission or the CNMI government.
- (f) The minimum number of members needed to constitute a quorum for the conduct of Commission business shall be three (3) members; provided at least one member of the Senatorial District of Tinian or Rota is counted in the quorum. A member who appears at a meeting telephonically or via videoconference shall be deemed present to constitute a quorum.

**§ 180-10.1-115 Limitations on Powers.** The Commission itself has no power to purchase, own, sell, or possess any marijuana items.

**§ 180-10.1-120 Managing Director.** The Commission shall hire a Managing Director who will be responsible for the overall administration of the Commission and the supervision of the marijuana and hemp licensees and others pursuant to the Act.

a) Qualifications of the Managing Director

The Managing Director shall possess the following minimum qualifications:

1. A bachelor's degree from a United States accredited educational institution; and
  2. Five years' work experience in professional, administrative, or management in government or private sectors; and
  3. Good ethical and moral character; and
  4. The Commission shall not hire any person for the Managing Director's position who has been convicted of a crime in any jurisdiction of the United States, or any foreign country carrying a minimum sentence of imprisonment of more than six months, excepting traffic offenses.
  5. The Managing Director shall not have any interest, directly or indirectly, in any business under the jurisdiction of the Commission.
- b) The Managing Director shall be the head of the administration of the Commission, and subject to the general oversight and direction of the Commission, shall organize the work of the Commission in a manner that will ensure its efficient and effective operation and, subject to the budgetary authority, the Managing Director may hire and terminate such staff necessary to carry out the purpose of the Commission. Such staff shall be exempt from the civil service. The Managing Director shall obtain such equipment, rent or build such additional office space, and generally make such regular office expenditure and

acquisitions as necessary to establish and maintain a working office suitable for the Commission to effectively function pursuant to the Act.

- c) The Managing Director shall have such other duties as may be assigned or delegated by the Commission.
- d) The Managing Director serves at the pleasure of the Commission.
- e) The Managing Director's annual salary shall be established by the Commission, not to exceed seventy thousand dollars (\$70,000.00) per year.
- f) The Managing Director shall be reimbursed for actual, necessary, and reasonable expenses incurred in the performance of his or her duties as allowed by the Commission, but in event not to exceed Twenty-Five Thousand Dollars (\$25,000.00) in reimbursements per calendar year. All travel will be subject to 1 CMC § 7407.

**§ 180-10.1-125 Delegation of Officers.**

a) Delegation to Chair

- 1. The Commission hereby delegates to the Chairman the authority to issue preliminary rulings on scheduling, procedural, and evidentiary matters, and other matters provided by these Regulations, that may be presented to the Commission during the course of conducting a meeting, or that may arise when the Commission is not meeting.
- 2. The Commission may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted pursuant to subsection (a) of this section.
- 3. Any specific ruling or decision of the Chairman pursuant to subsection (a) of this section is subject to consideration by the entire Commission upon request of any Commissioner, or upon timely motion of a person affected by the ruling or decision.
- 4. The Commission shall be deemed to have ratified an action of the Chairman taken pursuant to subsection (a), under the following circumstances:
  - i. If the Chairman's action occurred at the time other than during a meeting, the Chairman's action is ratified if the Commission does not overturn or address the action at that meeting.
  - ii. If the Chairman's action occurred at a time other than during a meeting, if the Commission does not overturn or address the Chairman's action at the next meeting concerning that particular matter.
- 5. The Chairman may sign all orders on behalf of the Commission.
- 6. Where the Commission is a party to civil litigation, the Chairman may give guidance regarding the course of the litigation to the attorney for the Commonwealth.
- 7. The Chair will preside over CCC meetings. In case of a scheduled absence of both the Chair and Vice-chair, the Chair will select another member to preside over that upcoming meeting.
- 8. The Chair will be the Expenditure Authority for the Commission and may delegate this authority as necessary.

(b) Delegation to Vice-chair

1. The Vice-chair has all the rights, duties and responsibilities of a regular Commissioner, including the right to introduce motions and proposals, as well as to speak and vote on issues before the board.
2. The Vice-chair will act for the Chair in the Chair's absence.
3. The Vice-chair will assist the Chair in performing Commission duties as delegated by the Chair.

(c) Delegation to Treasurer. The Treasurer of the Commission has primary responsibility for the financial well-being of the corporation but does not take day-to-day responsibility, included in the board treasurer's duties are:

1. Creates and maintains the Commission's annual budget for each fiscal (financial) year. This responsibility includes presenting the budget to the Commission for approval.
2. Creates, implements and reviews financial policies for the Commission.
3. Reviews the investment activities of the Commission.
4. Oversees the annual financial audit of the Commission (if public) and other audits of Commission records and finances.
5. Chairs the Board's Finance Committee.
6. Represents Commission on legislative meetings involving budgetary appropriations.

(d) Delegation to Secretary

1. Records minutes and circulates to commissioners for review; all minutes should be provided to commission members prior to commission's next meeting in preparation for adoption on subsequent agenda.
2. Stores all pertinent meeting minutes for shared access by all commissioners; this information should be readily available for the Commission to review at any time.
3. Solicits meeting agendas for draft review by the Commission and garners final approval by Chairperson for circulation to the rest of the Commission.
4. Keeps all records in a safe place for sharing with commissioners or in preparation of audits, if needed.

#### **§ 180-10.1-130 Commission Meetings**

- a) Regular meetings of the Commission shall be held at least once per month in the CNMI, on such dates and at such times as the Commission shall establish. All public meetings must conform to the Open Government Act as stated on 1 CMC Section 9901.
- b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient.
- c) Except as otherwise specifically provided by these regulations, any member of the Commission may place an item on a Commission agenda for consideration by the entire Commission.
- d) The Chairman may alter the order in which matters on the Commission agenda are heard.
- e) Requests for special meetings will be granted only upon a showing of exceptional circumstances. The Commission may require that a person requesting a special meeting pay the costs associated with such meeting, in addition to those costs usually assessed against an applicant.

- f) In the absence of incapacity of the Chairman, the Vice-chairman may call a special meeting. In the absence or incapacity of both, any two (2) members of the Commission may call a special meeting.
- g) Unless otherwise ordered by the Chairman, requests for continuances of any matter on the Commission agenda must be in writing, must set forth in detail the reasons a continuance is necessary, and must be received by the Secretary no later than two (2) calendar days before the meeting.
- h) Unless otherwise ordered by the Chairman, the original of any documentation supplementing an application as required by the Commission must be received by the Secretary no later than eight (8) calendar days before the meeting. Documentation not timely received will not be considered by the Commission unless the Commission, in its discretion, otherwise consents.
- i) The Chairman may defer to another meeting any matter with respect to which documentation has not been timely submitted. The applicant and its enrolled attorney or agent, if any, must appear at the meeting to which the matter is deferred, unless the Chairman waives their appearances.

**§ 180-10.1-135 Resolutions and Minutes**

- a) The records of the Commission shall include a minute book and a resolution book which may be stored electronically. The vote on any matter before the Commission shall be set forth in the minutes in substantial compliance with requirements of (b) below, unless the Chairman or the Commission determines otherwise. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in substantial compliance with the requirements of (c) below and shall be recorded in the resolution book.
- b) Every vote of the Commission recorded in the minutes shall include the following information:
  - 1. The substance of the matter considered;
  - 2. The vote of the Commission, including the names of any Commissioner dissenting or abstaining;
  - 3. If appropriate, reference to the existence of a formal resolution concerning the matter; and
  - 4. Certification by the Secretary of the Commission.
- c) Every formal resolution of the Commission shall include the following information:
  - 1. A concise statement of the issues presented and the relevant procedural history;
  - 2. The statutory authority for the action taken;
  - 3. A precise statement of the action taken by the Commission, including any terms or conditions attached thereof; and
  - 4. Certification by the Secretary of the Commission.
- d) The failure to substantially comply with the requirements of (a), (b), or (c) above shall not invalidate the vote of the Commission.

**§ 180-10.1-140 Appearances**

- a) Except as provided in § 180-10.1-140(b) or unless an appearance is waived by the Chairman, all persons, and their enrolled attorneys and agents, if any, must appear at the Commission meeting at which their matter is to be heard. Requests for waivers of



appearances must be in writing, must be received by the Secretary no later than eight (8) business days before the meeting, and must explain in detail the reasons for requesting the waiver. If at the time of its meeting the Commission has any questions of an applicant who has been granted a waiver and is not present, the matter may be deferred to another meeting of the Commission.

- b) Unless the Commission otherwise instructs, the following persons, and their enrolled attorneys and agents, are hereby granted a waiver of appearance for the Commission meeting:
  - 1. Applicants who have received unanimous recommendation of approval from the Commission;
  - 2. Licensees and Commission counsel on stipulations between the licensees and the Commission, where the stipulations fully resolve petitions for redeterminations, claims for refunds or other issues.
  - 3. Where the Commission is to consider a stipulation between the Managing Director and a licensee settling a disciplinary action and revoking, suspending or conditioning a license, the licensee shall be prepared to respond on the record to questions regarding the terms of the stipulation and the licensee's voluntariness in entering into the stipulation

**§ 180-10.1-145 Recessed meetings**

- a) Any meeting of the Commission may be recessed to consider matters which were duly noticed as items on the agenda of that meeting and must not exceed a time period of more than 24 hours.
- b) Notice of a recessed meeting to consider matters which were duly noticed as items on the agenda may be given by announcement at the meeting, but where any other matters are to be considered at a recessed meeting, such matters must be duly noticed as required by these Regulations or as otherwise required by statute.

**§ 180-10.1-150 Investigative Hearings.** Investigative hearings may be conducted by one (1) or more members of the Commission with the concurrence of a majority of the Commission at such times and places, within the Commonwealth, as the member or members may deem convenient.

**§ 180-10.1-155 Appointment of committees.** The Chairman may at his or her discretion appoint committees to study and report to the Commission any matter appropriate to the Commission's administration of The Act or these regulations, subject to objection by majority vote by the Commission.

**§ 180-10.1-160 Service of Notice in General**

- a. Each licensee and applicant shall provide an electronic mail address to the Commission for the purposes of sending notices and other communications from the Commission. Each licensee and applicant shall update this electronic mail address immediately as often as it is otherwise necessary. The original provision and subsequent updates of electronic mail addresses shall be made to the Commission's custodian of records by means designated by the Chairman. The Applicant or Licensee is accountable for the monitoring and the function of their email addresses provided to the Commission.

- b. Except as otherwise provided by law or in these regulations, notices and other communications may be sent to an applicant or licensee by electronic mail at the electronic mail address of the establishment as provided to the Commission for the purpose of sending notices and other communications. Except as otherwise provided by law or in these regulations, notices and other communications sent by electronic mail shall satisfy any requirement to mail a notice or other communication.
- c. Notices shall be deemed to have been served on the date the Commission sent such notices to the electronic mail address provided to the Commission by a licensee or applicant, and the time specified in any such notice shall commence to run from the date of such mailing.
- d. Any applicant or licensee who desires to have notices or other communications mailed to a physical address shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address, but the Commission may charge a fee therefore.
- e. An applicant or licensee will be addressed under the name or style designation in the application or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the Commission. In the absence of such specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

**§ 180-10.1-165 Subpoenas.**

[RESERVED]

**§ 180-10.1-170 Employment and termination of employees.** The Managing Director shall be responsible for the employment and termination of Commission employees. Members of the Commission are responsible only for the employment of the Managing Director and shall not interfere with the Managing Director’s employment decisions. The Managing Director shall create, and from time to time, update, an employee handbook or manual which reflect the Commission’s personnel policies. At a minimum, the handbook or manual shall provide for the hiring, discipline (up to and including termination), and appeal processes governing employment with the Commission.

**Part 200 INFORMATION AND FILINGS:**

- § 180-10.1-201 Office Mailing Address and Hours
- § 180-10.1-205 Official Records; Fees for Copies
- § 180-10.1-210 Communications/Notices to Commission
- § 180-10.1-215 Public Information Office
- § 180-10.1-220 Filing of Petitions and Applications
- § 180-10.1-225 Petitions for Rulemaking

**§ 180-10.1-201 Office Mailing Address and Hours.** Office Mailing Address and Hours

The main mailing address of the Commission is:

CNMI Cannabis Commission  
P.O. Box 500135  
Saipan, MP 96950

The normal office hours of the Commission are:  
8:00 am to 5:00 pm, Monday through Friday, unless otherwise authorized by the Commission.

The office of the Commission is closed to the public on legal holidays authorized by the CNMI government. The Commission may maintain work schedules for Commission employees during any hour of any day.

**§ 180-10.1-205 Official Records; Fees for Copies**

- a) No original official record of the Commission shall be released from the custody of the Commission unless upon the express direction of the Chairman or Managing Director or upon the order of a court of competent jurisdiction.
- b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in Article XXVI, and upon the payment of appropriate fees.
- c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by proper authority.
- d) No application, petition, notice, report, document, or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.
- e) The cost of copies of official records of the Commission which are required by law to be made available for public inspection where copies are provided shall be One Dollar (\$1.00) per page. Where copies are not provided, the cost for the mere inspection of documents is seventy cents (\$0.70) per minute of the Commission's legal counsel's time reviewing, redacting and copying the inspected documents.
- f) All payments of taxes, fees, deposits, and charges which are to be made to the Commonwealth Treasury shall be made by check payable to the order of the Commonwealth Treasurer and mailed to the Department of Finance with an original receipt delivered to the main office of the Commission or posted by certified mail to the mailing address of the Commission.
- g) The Commission may provide for payment by wire transfer.

**§ 180-10.1-210 Communications/Notices to Commission**

- a) Except as otherwise provided, all papers, process, or correspondence other than fees deposits or charges, relating to the Commission should be addressed to or served upon the Commonwealth Cannabis Commission main office.

- b) All such papers, process, or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission but a Commissioner or such individual members of the Commission's staff as the Chairman may designate, may in his or her discretion receive papers or correspondence or accept service of process.

**§ 180-10.1-215 Public Information Office.** Requests for information regarding the Commission may be sent to:

CNMI Cannabis Commission  
Attn: Managing Director  
Caller Box 10007  
Saipan, MP 96950

The official spokesperson for the Commission shall be the Chairperson, Managing Director or their designated appointee.

**§ 180-10.1-220 Filing of Petitions and Applications.** Petitions for formal action by the Commission shall be addressed to the Chairman of the Commission and should be certified mailed or delivered to:

CNMI Cannabis Commission  
Attn: Chairman  
Caller Box 10007  
Saipan, MP 96950

**§ 180-10.1-225 Petitions for Rulemaking**

- a) Any interested person may file a petition with the Commission for the adoption, amendment, or repeal of any rule, pursuant to Commission regulation. Such petition shall be in writing, be signed by the petitioner, and include the following information:
  - 1. The name and address of the petitioner;
  - 2. The substance or nature of the requested rulemaking;
  - 3. The reasons for the request;
  - 4. The specific legal rights, duties, obligations, privileges, benefits, or other specific legal relations of the interested persons which are affected by the requested rulemaking; and
  - 5. Reference to the statutory authority under which the Commission may take the requested action; and
- b) A petition for rulemaking shall be scheduled for consideration at a public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.
- c) Within thirty (30) days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition, which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.
- d) Commission action on a petition for rulemaking may include:
  - 1. Approval or denial of the petition;



- a) A person may submit an application to the Commission, on a form prescribed by the Commission, for a marijuana producer, processor, wholesaler, retail, lounge, research certificates, or laboratory license.
- b) An application for a license and all documentation required in the application instructions and in subsection §180-10.1-310(c) of this provision must be submitted in a manner specified by the Commission. The application fee specified in 4 CMC § 53036 must also be paid in a manner specified by the Commission.
- c) An individual or legal entity are applicants if any individual or legal entity that has an ownership interest in the business proposed to be licensed.
- d) If a legal entity is an applicant, the following individuals within a legal entity are also applicants:
  1. All general partners in a limited partnership;
  2. Limited partners whose investment commitment is ten percent or more of the total investment commitment;
  3. All members in a limited liability company or partnership whose investment commitment or membership interest is ten percent or more;
  4. All directors who own or control three percent or more of the voting stock
  5. Principal officers of corporate applicants and;
  6. All natural person stockholders owning or controlling ten percent or more of the voting stock of a corporate entity.
- e) Applicants must submit the following:
  1. Information for individual applicants and individuals within a legal entity who have been identified as applicants;
  2. Any forms required by the Commission and any information identified in the form that is required to be submitted;
  3. A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises and the location of any primary residence located on the same lot as the licensed premises;
  4. A scaled floor or plot plan sketch of all enclosed areas with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, and all limited access areas;
  5. Proof of right to occupy the premises proposed for licensure;
  6. An operating plan that demonstrates at a minimum, how the applicant's proposed premises and business will comply with the applicable laws and rules regarding:
    - i. Security;
    - ii. Employee qualifications and training;
    - iii. Transportation of product;
    - iv. Prevention of minors from entering the licensed premises;
    - v. Preventing minors from obtaining or attempting to obtain marijuana items; and
    - vi. Disposal of marijuana waste plan
  7. For producers:
    - i. The proposed canopy size and tier as described in 4 CMC § 53036 and a designation of the canopy area within the license premises.

- ii. A report describing the applicant's electricity and water usage, on a form prescribed by the Commission.
    - 1. For initial licensure and renewal, the report must describe the estimated electricity and water usage taking into account all portions of the premises and expected requirements of the operation for the next twelve months.
    - 2. In addition to requirements of § 180-10.1-310(f)(7)(ii)(1), for renewal, the report must describe the actual electricity and water usage for the previous year taking into account all portions of the premises.
  - iii. A description of the growing operation including growing media, a description of equipment to be used in the production, and whether production will be indoor, outdoor or both.
  - iv. Proof of a legal source of water as evidenced by a statement that water is supplied from a public or private water provider.
8. For processors:
- i. On a form prescribed by the Commission, the proposed endorsements as described in these regulations.
  - ii. A description of the type of products to be processed, a description of equipment to be used, including any solvents, gases, chemicals or other compounds used to create extracts or concentrates.
9. For lounges:
- i. On form prescribed by the Commission, applicants shall submit in addition to the requirements under 180-10.1-310 (f)(1-6):
    - 1. A description or rendering of the interior design schematics;
    - 2. Hours of operation
  - ii. If the proposed lounge will be providing food intended to be consumed, the applicant shall submit the necessary permits from the CNMI Bureau of Environmental Health and must maintain compliance and good standing with the standards set by the Bureau of Environmental Health
- f) In addition to submitting the application form and the items described in § 180-10.1-310 (e), the Commission may require the following to be submitted:
- i. Any forms required by the Commission and any information identified in the form that is required to be submitted.
  - ii. Any additional information if there is a reason to believe that the information is needed to determine the merits of the license application.
- g) The Commission must review an application to determine if it is complete. An application will be considered incomplete if an application form is not complete, the full application fee has not been paid, or some or all of the additional information required under these rules is not submitted.
- h) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such request must be received by the Commission within ten (10) days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A

hearing under this subsection will be held within the standards set by Commission regulations.

- i) If, prior to an application being acted upon by the Commission, there is a change with regard to who is an applicant or who is a person with a financial interest in the proposed business, the new applicant or person with a financial interest must submit a form, prescribed by the Commission, that:
  - 1. Identified the individual or person;
  - 2. Describes the individual's or person's financial interest in the business proposed for licensure; and
  - 3. Includes any additional information required by the Commission, including but not limited to information required for a criminal background check.
- j) Failure to comply with §180-10.1-310 (j) may result in an application being denied.

**§ 180-10.1-315 True name on application**

- a) True name on application. An application for a license must specify the real and true names of all individuals and legal entities that have an ownership interest in the business proposed to be licensed by identifying all such persons and legal entities as applicants.
- b) License privileges. License privileges are available only to applicants identified in the application and their authorized representatives and only for the premises designated by the licenses.
- c) Ownership interest. The Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed, a person with an ownership interest is not identified as an applicant, or an undisclosed ownership interest exists. For the purposes of this provision, an "ownership interest, is indicated by the following behaviors, benefits or obligations:
  - a. Any person or legal entity, other than an employee acting under the direction of the owner, that exercises control over, or is entitled to exercise control over, the business;
  - b. Any person or legal entity, other than an employee acting under the direction of the owner, that incurs, or is entitled to incur, debt or similar obligations on behalf of the business;
  - c. Any person or legal entity, other than an employee acting under the direction of the owner, that enters into, or is entitled to enter into, a contract or similar obligations on behalf of the business; or
  - d. Any person or legal entity identified as the lessee of the premises proposed to be licensed.

**§ 180-10.1-320 Fees**

- a) If the Commission approves an application and grants an annual license, the following fees must be paid:
  - 1. Producers:
    - i. Micro Production
      - 1. \$250 Application Fee
      - 2. \$500 License Fee
    - ii. Class 1 – Less than 750 square feet under cultivation
      - 1. \$500 Application Fee



- 2. \$1000 License Fee
  - iii. Class 2 – 750 to 2,999 square feet under cultivation
    - 1. \$750 Application Fee
    - 2. \$3,700 License Fee
  - iv. Class 3 – 3,000 to 5,000 square feet under cultivation
    - 1. \$1,000 Application Fee
    - 2. \$6,500 License Fee
- 2. Processor License
  - i. \$1,000 Application Fee
  - ii. \$4,500 License Fee
- 3. Wholesale License
  - i. \$250 Application Fee
  - ii. \$2,000 License Fee
- 4. Retail License
  - i. \$1,000 Application Fee
  - ii. \$6,000 License Fee
- 5. Marijuana Lounge License
  - i. Class 1
    - 1. \$1,500 Application Fee
    - 2. \$5,000 License Fee
  - ii. Class 2
    - 1. \$1,500 Application Fee
    - 2. \$3,500 License Fee
- 6. Marijuana Testing Facility License
  - i. \$1,500 Application Fee
  - ii. \$4,500 License Fee
- 7. Transfer of Ownership
  - i. \$500 Application Fee
- b) If the Commission approves an application and grants a research certificate, the fee is \$4,000 for a three-year term with an application fee of \$500.
- c) Applicants must pay the non-refundable application fee at the time of license or certificate application renewal.
- d) If the Commission approves a renewal application the renewal license or certificate fees must be paid in the amounts specified in subsection (a)(1-6) of this provision.
- e) The Commission shall charge the following fees:
  - 1. Transfer of location of premises review: \$1,000 per license
  - 2. Packaging preapproval: \$100
  - 3. Labeling preapproval: \$100
  - 4. Change to previously approved package or label: \$25

**§ 180-10.1-325 Application Review**

- a) Once the Commission has determined that an application is complete it must review the application to determine compliance with the Act and these regulations.
- b) The Commission:
  - 1) Must, prior to acting on an application for a new license, a change to a larger producer canopy designation, a change to producer cultivation method designation or change in

processor endorsement type, receive the appropriate zoning authorizations (if applicable) for the applicant's proposed premises is located.

2) May, in its discretion, prior to acting on an application:

- i) Contact any applicant or individual with a financial interest and request additional documentation or information; and
- ii) Verify any information submitted by the applicant.

c) The requirements of §180-10.1-325 (b)(1) of this rule do not apply to applicants for a producer license if the applicant demonstrates in a form and manner specified by the Commission that:

- 1) The applicant is applying for a license at a location where a marijuana grow site registered under 4 CMC § 53021 is located; or
- 2) The location is within the municipalities of Rota, or Tinian;

d) The Commission must inspect the proposed premises prior to issuing a license.

e) If during an inspection the Commission determines the applicant is not in compliance with these rules, the applicant will be provided with a notice of the failed inspection and the requirements that have not been met.

1) An applicant that fails an inspection will have 15 calendar days from the date the notice was sent to submit a written response that demonstrates the deficiencies have been corrected.

2) An applicant may request in writing one extension of the 15-day time limit in §180-10.1-325 (d)(1) of this provision, not to exceed 30 days.

f) If an applicant does not submit a timely plan of correction or if the plan of correction does not correct the deficiencies in a manner that would bring the applicant into compliance, the Commission may deny the application.

g) If the plan of correction appears, on its face, to correct the deficiencies, the Commission will schedule another inspection.

h) If an applicant fails a second inspection, the Commission may deny the application unless the applicant shows good cause for the Commission to perform additional inspections.

### **§ 180-10.1-330 Approval of Application and Issuance of License**

a) If, after the application review and inspection, the Commission determines that an applicant is in compliance with these regulations the Commission must notify the applicant in writing that the application has been approved and after payment by the applicant of the license fee, provide the applicant with proof of licensure that includes a unique license number, the effective date of the license, date of expiration, and a description of premises for which the license was issued. If the applicant paid the license fee with a check the Commission will not issue a license until it has confirmation that the check has cleared.

b) A licensee:

- 1) May not operate until on or after the effective date of the license.
- 2) Must display proof of licensure in a prominent place on the premises.
- 3) May not use the Commission name or logo on any signs at the premises, on the business' website, or in any advertising or social media, except to the extent that information is contained on the proof of licensure or is contained in part of warnings, signage or other documents required by these rules.

c) Licensure is only valid for the premises indicated on the license and is only issued to the individuals or entities listed on the application or subsequently approved by the Commission.

**§ 180-10.1-335 Denial of Application**

- a) The Commission must deny an initial or renewal application if:
  - 1. An applicant is under the age of 21.
  - 2. The applicant's location is within an area that is determined to be prohibited in the applicable zone, if a zoning permit is required.
  - 3. The proposed licensed premises is located:
    - i. On federal property.
    - ii. CNMI Public Lands, with the exemption provided under 4 CMC § 53074
    - iii. At the same location or address, as a retail, processor or wholesale license, unless all of the licenses at the address or location are held or sought by identical applicants.
    - iv. The location proposed to be licensed is prohibited under 4 CMC § 53021.
    - v. The proposed licensed premises of a producer is located on the same lot, as a site registered with the Commission for the production of industrial hemp, unless the applicant submits and the Commission approves a control plan describing how the registered site will be separated from the premises proposed to be licensed and how the applicant will prevent transfer of industrial hemp to the licensed premises.
    - vi. The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.
    - vii. The proposed licensed premises of a retail applicant is located at the time the license is issued:
      - 1. Within 500 feet of:
        - a. A public or private school;
        - b. Any church, hospital, medical clinic;
        - c. Daycare center;
        - d. Youth center; or
        - e. In an area that is outside of the approved location for marijuana retail establishments.
  - 4. The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.
- b) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if it has reasonable cause to believe that:
  - 1. The applicant:
    - i. Has made false statements to the Commission.
    - ii. Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
    - iii. Is not of good repute and moral character.
    - iv. Does not have a good record of compliance with this Act to, or these regulations, prior to or after licensure including but not limited to:
      - 1. The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of 4 CMC § 53046;

- 2. Providing marijuana items to an individual without checking that the individual is 21 or older;
  - 3. Unlicensed transfer of marijuana items for financial consideration; or
  - 4. Violations of Commonwealth law adopted, pending or adjudicated by the Commonwealth government
  - v. Does not have a good record of compliance with this Act or any regulations adopted thereunder.
  - vi. Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.
  - vii. Is unable to understand the laws of the Commonwealth relating to marijuana or these Regulations. Inability to understand laws and rules of the Commonwealth related to marijuana may be demonstrated by violations documented by the Commission.
2. Any individual listed on the application has been convicted of violating CNMI law or law of another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in 4 CMC § 53037(c).
  3. Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.
  4. The proposed licensed premises of a producer applicant is on the same lot, as another producer licensee under common ownership.
    - i. For the purpose of this, a cultivation lot is defined as a unit of land that can be legally described by metes and bounds.
  5. The proposed licensed premises of a producer applicant is on the same lot, as another producer licensee under diverse ownership if the Commission reasonably believes that the presence of multiple producers on the same lot creates a compliance risk or other risk to public health and safety.
- c) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing to issue a license or for revocation or suspension of a license if such person were the license applicant or licensee.
  - d) If the Commission denies an application because an applicant submitted false or misleading information to the Commission, the Commission may prohibit the applicant from re-applying for five years.
  - e) A notice of denial must be issued in accordance with § 180-10.1-160.
  - f) Notwithstanding § 180-10.1-335(b), in determining whether the Commission may refuse to license an applicant, the Commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent, or other representative of the applicant for:
    1. (1) The manufacture of marijuana, if:
      - i. The date of the conviction is more than ten years before the date of the application; and

- ii. The person has not been convicted more than once for the manufacture or delivery of marijuana;
- 2. The delivery of marijuana to a person 21 years of age or older, if:
  - i. The date of the conviction is more than ten years before the date of the application; and
  - ii. The person has not been convicted more than once for the manufacture or delivery of marijuana; or
- 3. The possession of marijuana.

**§ 180-10.1-340 Public Inspection of Information.** No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the rules and regulations. Thereafter, the Commission may release information to the public on its own initiative or upon proper request as may be required by law.

**§ 180-10.1-345 Amendment.** It shall be the duty of each applicant to promptly file with the Commission, or such members of the Commission staff as the Managing Director shall designate, a written amendment to the application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Managing Director or designee to file any other amendment to the application at any time prior to final action made by the Commission.

**§ 180-10.1-350 Withdrawal**

- a) Except as otherwise provided in § 180-10.1-350 (b), a written notice of withdrawal of application may be filed by any applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and policies of the Act. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable in whole or in part by reason of withdrawal of the application. The Commission shall not direct the refunding, in whole or in part, of any fee or other payment relating to any application unless the Commission determines that the refunding of the fee is in the best interest of the Commonwealth.
- b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:
  - 1. The application matter has been assigned to any other hearing examiner authorized by law or these Regulations to hear such matter; or
  - 2. The Commission has made a determination to hear the application matter directly.
  - 3. Notwithstanding the foregoing, the Commission may accept and consider written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

**§ 180-10.1-355 Limitation on number of licenses.** By resolution of the Commission, the number of available licenses may be limited. Once the number of approved licenses is reached,

the Commission shall not receive additional applications until such time limitations are increased or removed.

**Part 400                    LICENSEE RESPONSIBILITIES; GENERAL RESPONSIBILITIES**

§ 180-10.1-401 Financial and Business Records

§ 180-10.1-405 Licensee Responsibility

§ 180-10.1-410 Licensee Prohibitions

**§ 180-10.1-401 Financial and Business Records.** In addition to any other recordkeeping requirements in these rules, a licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records may be kept in either paper or electronic form and must be maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission:

- a) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase;
- a) Bank statements for any accounts relating to the licensed business;
- b) Accounting and tax records related to the licensed business;
- c) Audited Financial Statements
- d) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business; and
- e) All employee records, including training.

**§ 180-10.1-405 Licensee Responsibility.** A licensee is responsible for:

- a) The violation of any administrative rule of the Commission; any provision of affecting the licensee’s license privileges.
- b) Any act or omission of a licensee representative in violation of any administrative rule of the Commission or any provision of the regulations or Commonwealth law affecting the licensee’s license privileges.

**§ 180-10.1-410 Licensee Prohibitions**

- a) A licensee may not:
  - 1. Import into the Commonwealth or export from the Commonwealth any marijuana items unless permitted by the Commission;
  - 2. Give marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind;
  - 3. Sell, give or otherwise make available any marijuana items to any person who is visibly intoxicated;
  - 4. Make false representations or statements to the Commission in order to induce or prevent action by the Commission;

5. Maintain a noisy, disorderly or unsanitary establishment or supply adulterated marijuana items;
  6. Misrepresent any marijuana item to a customer or to the public;
  7. Sell any marijuana item through a drive-up window;
  8. Deliver marijuana to any consumer off the licensed premises except as permitted by [the provision regarding the delivery of marijuana items by retailers];
  9. Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the laws of the Commonwealth; or
  10. Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container's contents or in any way might deceive a customer as to the nature, composition, quantity, age or quality of the marijuana item.
  11. Sell any marijuana items during elections.
  12. Sell a whole marijuana plant [Addition]
- b) No licensee or licensee representative may be under the influence of intoxicants while on duty.
1. For purposes of this rule "on duty" means:
    - i. The beginning of a work shift that involves the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, to the end of the shift including all breaks;
    - ii. For an individual working outside a scheduled work shift, the performance of acts on behalf of the licensee that involve the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, if the individual has the authority to put himself or herself on duty; or
    - iii. A work shift that includes supervising those who handle or sell marijuana items, check identification or control the licensed premises.
    - iv. Whether a person is paid or scheduled for work is not determinative of whether the person is considered "on duty" under this subsection

**Part 500**

**LICENSE PREMISES**

§ 180-10.1-501 Licensed Premises Restrictions and Requirement

§ 180-10.1-505 Signage

**§ 180-10.1-501 Licensed Premises Restrictions and Requirement.**

- a) A licensed premises may not be located:
  1. On federal property; or
  2. CNMI Public Lands, with the exemption provided under 4 CMC § 53074
- b) The licensed premises of a producer applicant may not be on:
  1. Public land, with the exemption provided under 4 CMC § 53074; or
  2. The same lot as another producer licensee under common ownership.

- c) The licensed premises of a retailer may not be located:
  - 1. Within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center;
    - iv. Youth center; or
    - v. In an area that is outside of the approved location for marijuana retail establishments.
- d) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.
- e) The licensed premises of a processor, wholesaler, laboratory, research certificate holder, and retailer must be enclosed on all sides by permanent walls and doors.
- f) A licensee may not permit:
  - 1. Any minor on a licensed premises except as described in § 180-10.1-501 (g) and (h); or
  - 2. On-site consumption of a marijuana item, by any individual, except if the premises is licensed under 4 CMC § 53026.
- g) Notwithstanding § 180-10.1-501 (f)(1), a minor, other than a licensee's employee, who has a legitimate business purpose for being on the licensed premises, may be on the premises for a limited period of time in order to accomplish the legitimate business purpose. For example, a minor plumber may be on the premises in order to make a repair.
- h) Notwithstanding § 180-10.1-501 (f)(1), a minor who resides on the lot where a marijuana producer is licensed may be present on those portions of a producer's licensed premises that do not contain usable marijuana or cut and drying marijuana plants or have marijuana items in view or accessible range of the minor.
- i) A licensee must clearly identify all limited access areas in accordance with § 180-10.1-501 (e)
- j) All employees, contractors and licensee representatives present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee, contractor or licensee representative.
  - 1. A licensee must record the name of every current employee and license representative.
  - 2. The licensee must record the name and date of birth for that individual.
- k) The general public is not permitted in limited access areas on a licensed premises, except for the consumer sales area of a retailer and as provided by § 180-10.1-501 (n). In addition to licensee representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements in § 180-10.1-501 (l) and (m):
  - 1. Laboratory personnel, if the laboratory is licensed by the Commission;
  - 2. A contractor, vendor or service provider authorized by a licensee representative to be on the licensed premises;
  - 3. Another licensee or that licensee's representative;
  - 4. Invited guests subject to requirements of § 180-10.1-501 (l); or
  - 5. Tour groups as permitted under § 180-10.1-501 (n) .
- l) Prior to entering a licensed premises all visitors permitted by § 180-10.1-501 (k) must be documented and issued a visitor identification badge from a licensee representative that



must remain visible while on the licensed premises. A visitor badge is not required for government officials. All visitors described in § 180-10.1-501 (k) must be accompanied by a licensee representative at all times.

- m) A licensee must maintain a log of all visitor activity allowed under § 180-10.1-501 (k). The log must contain the first and last name and date of birth of every visitor and the date they visited. A licensee is not required to record the date of birth for government officials.
- n) A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public if the licensee submits a control plan in writing and the plan is approved by the Commission.
  - 1. The plan must describe how conduct of the individuals on the tour will be monitored, how access to usable marijuana will be limited, and what steps the licensee will take to ensure that no minors are permitted on the licensed premises.
  - 2. The Commission may withdraw approval of the control plan if the Commission finds there is poor compliance with the plan. Poor compliance may be indicated by, for example, individuals on the tour not being adequately supervised, an individual on the tour obtaining a marijuana item while on the tour, a minor being part of a tour, or the tours creating a public nuisance.
- o) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises.
- p) A licensee may not sublet any portion of a licensed premises unless approved by the Commission.
- q) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission or as otherwise provided by these regulations.
- r) Notwithstanding § 180-10.1-501 (f)(1) of this rule, a minor may pass through the licensed area of an outdoor producer in order to reach an unlicensed area, so long as the minor does not have access to areas that contain marijuana items.

### **§ 180-10.1-505 Signage**

- a) A licensee must post:
  - 1. At every licensed premises signs that read:
    - i. “No Minors Permitted Anywhere on This Premises”; and
    - ii. “No On-Site Consumption of Marijuana” if the location is not licensed under 4 CMC § 53026 [lounge area]; and
  - 2. At all areas of ingress or egress to a limited access area a sign that reads: “Do Not Enter – Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors.”
- b) All signs required by § 180-10.1-505 (a) must be:
  - 1. Legible, not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height;
  - 2. In English; and
  - 3. Posted in a conspicuous location where the signs can be easily read by individuals on the license premises

- § 180-10.1-601 Privileges; Prohibitions
- § 180-10.1-605 Operating Procedures
- § 180-10.1-610 Start-up Inventory
- § 180-10.1-615 Micro Producers
- § 180-10.1-620 Record Keeping

**§ 180-10.1-601 Privileges; Prohibitions**

- a) A producer may:
  - 1. Plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with 4 CMC § 53022 and these regulations;
  - 2. Engage in indoor or outdoor production of marijuana, or a combination of the two;
  - 3. Sell or transport:
    - i. Usable marijuana to the licensed premises of a marijuana processor, wholesaler, retailer, marijuana lounge, laboratory, or research certificate holder;
    - ii. Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana processor, wholesaler, , or research certificate holder;
    - iii. Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;
    - iv. Marijuana waste to a producer, processor, wholesaler, or research certificate holder, an approved waste disposal service.
  - 4. Purchase and receive:
    - i. Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;
    - ii. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
  - 5. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules.
- b) A producer may not sell, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-601 (a).

**§ 180-10.1-605 Operating Procedures**

- a) A producer must:
  - 1. Establish written standard operating procedures for the production of marijuana. The standard operating procedures must, at a minimum, include when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and
  - 2. Maintain a copy of all standard operating procedures on the licensed premises.
- b) If a producer makes a material change to its standard operating procedures it must document the change and revise its standard operating procedures accordingly. Records detailing the material change must be maintained on the licensed premises by the producer.

### **§ 180-10.1-610 Start-up Inventory**

- a) Marijuana producers may not receive immature marijuana plants or seeds from any source other than from another licensee, except:
  - 1. Between January 1, 2021 and January 1, 2022, a marijuana producer may receive immature marijuana plants and seeds from any source within the Commonwealth for up to one year following initial licensure by the Commission;
- b) The marijuana producer shall report receipt of the number of immature marijuana plants or seeds received under this section within 24 hours of the plants or seeds arriving at the licensed premises. A producer does not have to document the source of the immature plants or seeds during the one-year start-up period.
- c) Failure to comply with this rule is a violation and could result in license revocation.

### **§ 180-10.1-615 Micro Producers**

- a) A micro producer may:
  - 1. Possess no more than twenty-five (25) mature marijuana plants;
  - 2. Harvest and dry marijuana in the manner approved by the Commission and consistent with 4 CMC § 53022 and these regulations;
  - 3. Engage in indoor or outdoor production of marijuana, or a combination of the two if the micro producer has entered into an agreement with a licensed marijuana wholesaler;
  - 4. Sell or transport:
    - i. Usable marijuana to the licensed premises of a licensed wholesaler in which the micro producer has an existing and valid agreement;
    - ii. Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana wholesaler in which the micro producer has an existing and valid agreement;
    - iii. Marijuana waste to a producer, processor, wholesaler, or research certificate holder, an approved waste disposal service.
  - 5. Purchase and receive:
    - i. Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;
    - ii. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
  - 6. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules.
- b) A micro producer may not sell, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-615 (a).
- c) Valid agreements between micro producers and wholesaler must contain:
  - 1. the type of marijuana item to be produced by the micro producer;
  - 2. the location and license information of the wholesaler; and
  - 3. terms in which the wholesaler will purchase marijuana items from the micro producer

- d) Micro producers must adhere to the requirements listed in § 180-10.1-610.
- c) Licensees licensed to operate in municipalities with fewer than eight thousand (8,000) residents, as defined by the most recent population Census, and no licensed marijuana wholesaler, may obtain a Micro Producer license under the requirements set forth under § 180-10.1-601, granted that the Micro Producer licensee shall possess no more than twenty-five (25) mature marijuana plants.

**§ 180-10.1-620 Record Keeping.** Every marijuana producer shall keep a complete and accurate record of all sales of marijuana flowers, marijuana leaves, and immature marijuana plants, and a complete and accurate record of the number of ounces of marijuana flowers produced, the number of ounces of marijuana leaves produced, the number of immature marijuana plants produced, and the dates of production. The producers shall submit a report to the Commission on the last Wednesday of each month reporting the total quantity of marijuana items sold, the date of sale, the type of marijuana product, the purchaser of the product, a copy of the transaction invoice, and the total cost of the sale.

**Part 700 MARIJUANA RETAILERS**

- § 180-10.1-701 Retailer Privileges; Prohibitions
- § 180-10.1-705 Retailer Operational Requirements
- § 180-10.1-710 Retailer Premises

**§ 180-10.1-701 Retailer Privileges; Prohibitions**

- a) A retailer may:
  - 1. Between the hours of 7:00 AM and 10:00 PM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
  - 2. Sell:
    - i. Marijuana items to a consumer 21 years of age or older within a licensed premises.
    - ii. Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
    - iii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
  - 3. Deliver:
    - i. Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
    - ii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
  - 4. Purchase and receive:
    - i. Usable marijuana, immature marijuana plants, and seeds from a producer or from a research certificate holder;
    - ii. Cannabinoid concentrates, extracts, and products from a processor or from a research certificate holder;

- iii. Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
  - iv. Any marijuana item from a laboratory.
5. Refuse to sell marijuana items to a consumer;
  6. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations;
  7. Accept returned marijuana items that the retailer sold to a consumer and provide a refund or exchange with a product of equal or lesser value;
  8. Sell marijuana items that have not been tested in a marijuana testing facility so long as the marijuana item marks or labels the product with a disclaimer that clearly reads "UNTESTED PRODUCT"; and
  9. May sell immature marijuana plants and seeds to consumers, provided that the consumer presents valid homegrown marijuana registry information as determined by the Commission, and that the retailer maintains adequate records of sale.

b) A retailer may not:

1. Sell more than the following amounts to an individual at any [*one time transaction*]:
  - i. 1 ounce of usable marijuana to recreational consumers;
  - ii. 16 ounces of a cannabinoid product in solid form;
  - iii. 72 ounces of a cannabinoid product in liquid form;
  - iv. Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system; and
  - v. Ten marijuana seeds.
2. Sell more than six immature marijuana plants to a single Homegrown Registry permit holder within a 90-day period.
3. Provide free marijuana items to a recreational consumer.
4. Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
5. Discount a marijuana item if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items.
6. Sell a marijuana item at a nominal price for promotional purposes.
7. Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 6:59 a.m. local time the following day.
8. Sell an product that contains cannabinoids and is intended for human consumption, unless that product has been labeled and packaged in accordance with the applicable sections of these rules.
9. Sell or transfer a returned marijuana item where the original package has been altered, opened, damage, or tampered to another consumer.
10. Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-701 (a) of this rule.
11. Permit a consumer to open or alter a package containing a marijuana item or otherwise remove a marijuana item from packaging required by these rules within the licensed premises or in an area that the licensee controls;

12. Sell a marijuana item whose container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such marijuana items.
13. Permit a consumer to bring marijuana items onto the licensed premises except for marijuana items being returned for refund or exchange as allowed by this rule.

**§ 180-10.1-705 Retailer Operational Requirements**

- a) Prior to completing the sale of a marijuana item to a consumer, a retailer must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
  1. Passport;
  2. Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
  3. United States military identification card; or
  4. Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.
- b) Marijuana items offered for sale by a retailer must be stored in such a manner that the items are only accessible to authorized representatives until such time as the final sale to the consumer is completed.

**§ 180-10.1-710 Retailer Premises**

- a) The licensed premises of a retailer:
  1. May not be located in an area that is outside of the approved location for marijuana retail establishments.
  2. May not be located within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center; or
    - iv. Youth center;
  3. Must be enclosed on all sides by permanent walls and doors.
- b) A retailer must post in a prominent place signs that read:
  1. "No Minors Permitted Anywhere on the Premises";
  2. "No On-Site Consumption"; and
  3. Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".
- c) A retailer must designate a consumer sales area on the licensed premises where consumers are permitted. The area shall include the portion of the premises where marijuana items are displayed for sale to the consumer and sold and may include other contiguous areas such as a lobby or a restroom. The consumer sales area is the sole area of the licensed premises where consumers are permitted.
- d) All inventory must be stored on the licensed premises.
- e) For purposes of determining the distance between a retailer and a school referenced in § 180-10.1-710 (a)(2), "within 500 feet" means a straight line measurement in a radius

extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 500 feet of a school as described § 180-10.1-710 (a)(2) an applicant will not be licensed.

**Part 800**

**MARIJUANA PROCESSORS**

§ 180-10.1-801 General Processor Requirements

§ 180-10.1-805 Privileges; Prohibitions

§ 180-10.1-810 Endorsements

§ 180-10.1-815 Processor Policies and Procedures

§ 180-10.1-820 Processor Training Requirements

§ 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements

§ 180-10.1-830 Recordkeeping

**§ 180-10.1-801 General Processor Requirements**

- a) A processor must:
  - 1. Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.
  - 2. Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.
  - 3. Maintain the licensed premises in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.
  - 4. Store all marijuana items not in use in a locked area, including products that require refrigeration in accordance with plans submitted in § 180-10.1-310(f).
- b) A processor may not process, transfer or sell a marijuana item:
  - 1. That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
    - i. Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
    - ii. Products in the shape of an animal, vehicle, person or character.
  - 2. That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.
  - 3. That contains Dimethyl sulfoxide (DMSO).
- c) A processor may not treat or otherwise adulterate a cannabinoid product, concentrate or extract with any non-cannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, caffeine, chemicals that increase carcinogenicity or cardiac effects.

**§ 180-10.1-805 Privileges; Prohibitions**

- a) A processor may:

1. Transfer, sell or transport:
    - i. Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, class 1 lounge, wholesaler, retailer, or research certificate holder; and
    - ii. Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
  2. Purchase and receive:
    - i. Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, or from a research certificate holder;
    - ii. Usable marijuana from a producer, wholesaler, or from a research certificate holder;
    - iii. Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;
    - iv. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
    - v. Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a licensed wholesaler.
  3. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations.
- b) A processor may not transfer, sell transport, purchase, or receive any marijuana item other than as provided in § 180-10.1-805 (a).

### **§ 180-10.1-810 Endorsements**

- a) A marijuana processor may only process and sell cannabinoid products, concentrates or extracts if the processor has received an endorsement from the Commission for that type of processing activity. Endorsements types are:
  1. Cannabinoid edible processor;
  2. Cannabinoid topical processor;
  3. Cannabinoid concentrate processor; and
  4. Cannabinoid extract processor.
- b) An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time following licensure.
- c) In order to apply for an endorsement an applicant or processor licensee must submit a form prescribed by the Commission that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
- d) Only one application and license fee is required regardless of how many endorsements an applicant or licensee requests or at what time the request is made.
- e) An individual processor licensee may hold multiple endorsements.
- f) For the purposes of endorsements any cannabinoid product that is intended to be consumed or ingested orally or applied in the mouth is considered a cannabinoid edible.
- g) If a processor is no longer going to process the product for which the processor is endorsed the processor must notify the Commission in writing and provide the date on which the processing of that product will cease.



- h) The Commission may deny a processor's request for an endorsement if the processor cannot or does not meet the requirements stated in these regulations for the endorsement that is requested.

**§ 180-10.1-815 Processor Policies and Procedures.** A processor must create and maintain written, detailed standard policies and procedures that include but are not limited to:

- a) Instructions for making each cannabinoid concentrate, extract or product.
- b) The ingredients and the amount of each ingredient for each process lot;
- c) The process for making each product;
- d) The number of servings in a process lot;
- e) The intended amount of THC per serving and in a unit of sale of the product;
- f) The process for making each process lot homogenous;
- g) If processing a cannabinoid concentrate or extract:
  - 1. Conducting necessary safety checks prior to commencing processing;
  - 2. Purging any solvent or other unwanted components from a cannabinoid concentrate or extract;
- h) Procedures for cleaning all equipment, counters and surfaces thoroughly;
- i) Procedures for preventing growth of pathogenic organisms and toxin formation;
- j) Proper handling and storage of any solvent, gas or other chemical used in processing or on the licensed premises in accordance with material safety data sheets and any other applicable laws;
- k) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations;
- l) Quality control procedures designed to maximize safety and minimize potential product contamination;
- m) Appropriate use of any necessary safety or sanitary equipment; and
- n) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.

**§ 180-10.1-820 Processor Training Requirements**

- a) A processor must have a comprehensive training program that includes, at a minimum, the following topics:
  - 1. The standard operating policies and procedures;
  - 2. The hazards presented by all solvents or other chemicals used in processing and on the licensed premises as described in the material safety data sheet for each solvent or chemical; and
  - 3. Applicable Commission statutes and rules.
- b) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a cannabinoid concentrate, extract or product must be trained in accordance with the processor's training program.

**§ 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements**

- a) Cannabinoid Concentrates or Extracts. A processor with a cannabinoid concentrate or extract endorsement:
  - 1. May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 CFR 67377).

2. Must:
  - i. Only use a hydrocarbon-based solvent that is at least 99 percent purity.
  - ii. Only use a non-hydrocarbon-based solvent that is food-grade.
  - iii. Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
  - iv. Use only potable water and ice made from potable water in processing.
  - v. If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor and comply with [above provision on edible processor requirements].
- b) Cannabinoid Extracts. A processor with an endorsement to make cannabinoid extracts:
  1. May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products.
  2. Must:
    - i. Process in a:
      1. Fully enclosed room clearly designated on the current floorplan of the licensed premises.
      2. Room and with equipment, including all electrical installations that meet the requirements of the CNMI Department of Public Work's building code, and the CNMI Fire Code.
    - ii. Use a professional grade closed loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted good engineering standards, such as those of:
      1. American National Standards Institute (ANSI);
      2. Underwriters Laboratories (UL); or
      3. The American Society for Testing and Materials (ASTM).
    - iii. If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch.
    - iv. Have equipment and facilities used in processing approved for use by the CNMI Department of Fire and Emergency Services.
    - v. For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the CNMI Board of Professional Licensing.
    - vi. Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.
    - vii. Have all applicable material safety data sheets readily available to personnel working for the processor.

### **§ 180-10.1-830 Recordkeeping**

- a) A processor must keep records documenting the following:
  1. How much marijuana is in each process lot;
  2. If a product is returned by a licensee, how much product is returned and why;

3. If a defective product was reprocessed, how the defective product was reprocessed; and
  4. Each training provided in accordance with § 180-10.1-820, the names of employees who participated in the training, and a summary of the information provided in the training.
- b) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.
  - c) If the Commission requires a processor to submit or produce documents to the Commission that the processor believes falls within the definition of a trade secret, the processor must mark each document “confidential” or “trade secret”.

**Part 900                      MARIJUANA WHOLESALER**

- § 180-10.1-901 Privileges; Prohibitions
- § 180-10.1-905 Marijuana Reserve Requirements

**§ 180-10.1-901 Privileges; Prohibitions**

- a) A wholesale licensee may:
  1. Sell, including sale by auction, transfer and or transport:
    - i. Any type of marijuana item to a retailer, wholesaler, Class 1 lounge, or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer;
    - ii. Immature marijuana plants and seeds to a producer, or retailer;
    - iii. Usable marijuana to a producer that the wholesaler has stored on the producer’s behalf;
    - iv. Usable marijuana, cannabinoid extracts and concentrates to a processor licensee, or retailer; and
    - v. Marijuana waste to a producer, processor, wholesaler, research certificate holder, or an approved waste disposal service.
  2. Purchase or receive:
    - i. Any type of marijuana item from a wholesaler;
    - ii. Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;
    - iii. Seeds, immature plants or usable marijuana from a producer, or wholesaler;
    - iv. Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer; and
    - v. Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder.
  3. Transport and store marijuana items received from other licensees, pursuant to the requirements of ;transport and storage provisions below

4. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations.
- b) A wholesale licensee may not sell, deliver, purchase, or receive any marijuana item other than as provided in section (a) of this rule.
- c) For purposes of this rule, “marijuana item” does not include a mature marijuana plant.

**§ 180-10.1-905 Marijuana Wholesaler Reserve Requirements. [RESERVED]**

**Part 1000 MARIJUANA LOUNGE**

- § 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions
- § 180-10.1-1005 Class 1 Lounge Operational Requirements
- § 180-10.1-1010 Class 1 Lounge Premises
- § 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions
- § 180-10.1-1020 Class 2 Lounge Operational Requirements
- § 180-10.1-1025 Class 2 Lounge Premises

**§ 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions**

- a) A Class 1 Lounge may:
  1. Between the hours of 7:00 AM and 2:00 AM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
  2. Sell:
    - i. Marijuana items to a consumer 21 years of age or older within a licensed premises.
    - ii. Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
    - iii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the Class 1 Lounge.
  3. Deliver:
    - i. Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
    - ii. Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
  4. Purchase and receive:
    - i. Usable marijuana from a producer, wholesaler, processor, retailer or from a research certificate holder;
    - ii. Cannabinoid concentrates, extracts, and products from a processor, retailer or from a research certificate holder;
    - iii. Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
    - iv. Any marijuana item from a laboratory.
  5. Refuse to sell marijuana items to a consumer;

6. Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations;
7. Allow for the on-site consumption of marijuana, marijuana extracts, or marijuana products within the licensed premises;
8. Sell marijuana items that have not been tested in a marijuana testing facility so long as the marijuana item is sold to a consumer with a disclaimer that clearly reads “UNTESTED PRODUCT”; and

b) A Class 1 lounge may not:

1. Sell a product that contains cannabinoids and is intended for human consumption, unless that product has been labeled and packaged in accordance with the applicable sections of these rules.
2. Sell edible marijuana items intended for human consumption to a consumer if the premises have not received the necessary food handler’s certifications from the CNMI Bureau of Environmental Health.
3. Sell or transfer a returned marijuana item where the original package has been altered, opened, damaged, or tampered to another consumer.
4. Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in section (a) of this rule.
5. Sell, serve, distribute or allow the consumption of alcohol on the marijuana lounge premises;
6. Permit a consumer under the age of 21 to enter the licensed premises unless that individual meets the requirements of 4 CMC § 53026(f).
7. Permit a consumer to bring marijuana items onto the licensed premises.

**§ 180-10.1-1005 Class 1 Lounge Operational Requirements**

- a) Prior to completing the sale of a marijuana item to a consumer, a Class 1 Lounge licensee must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer’s:
1. Passport;
  2. Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
  3. United States military identification card; or
  4. Any other identification card issued by a state or country that bears a picture of the person, the name of the person, the person’s date of birth and a physical description of the person.

**§ 180-10.1-1010 Class 1 Lounge Premises**

- a) The licensed premises of a Class 1 Lounge:
1. May not be located in an area that is outside of the approved location for Class 1 Lounge establishments.
  2. May not be located within 500 feet of:
    - i. A public or private school;

- ii. Any church, hospital, medical clinic;
  - iii. Daycare center; or
  - iv. Youth center;
- 3. Must be enclosed on all sides by walls and doors.
- b) A Class 1 Lounge must post in a prominent place signs that read:
  - 1. "No Minors Permitted Anywhere on the Premises";
  - 2. Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".
- c) A Class 1 Lounge must designate a consumer consumption area on the licensed premises where consumers are permitted to consume marijuana, marijuana extracts, or marijuana products
- d) All inventory must be stored on the licensed premises.
- e) For purposes of determining the distance between a Class 1 Lounge and a school referenced in subsection (a)(2) of this rule, "within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a Class 1 Lounge. If any portion of the licensed premises is within 500 feet of a school as described subsection (a)(2) of this rule an applicant will not be licensed.

**§ 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions**

- a) A Class 2 Lounge may:
  - 1. Deliver:
    - i. Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
  - 2. Refuse to entry into a Class 2 lounge to a consumer;
  - 3. Allow for the on-site consumption of marijuana, marijuana extracts, or marijuana products within the licensed premises;
  - 4. Permit a consumer to bring marijuana items onto the licensed premises.
- b) A Class 2 lounge may not:
  - 1. Sell:
    - i. Marijuana items to consumers within a licensed premise.
  - 2. Purchase and receive:
    - i. Usable marijuana, immature marijuana plants, and seeds from a producer, retailer or from a research certificate holder;
    - ii. Cannabinoid concentrates, extracts, and products from a processor, retailer or from a research certificate holder;
    - iii. Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
    - iv. Any marijuana item from a laboratory.
  - 3. Sell a product that contains cannabinoids and is intended for human consumption.
  - 4. Allow the consumption of alcohol on the marijuana lounge premises;

5. Permit a consumer under the age of 21 to enter the licensed premises unless that individual meets the requirements of 4 CMC § 53026(f);
6. Permit the commercial sale of marijuana items on the license premises.

#### **§ 180-10.1-1020 Class 2 Lounge Operational Requirements**

- a) Prior to allowing entry into the licensed premises, a Class 2 Lounge licensee must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
  1. Passport;
  2. Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
  3. United States military identification card; or
  4. Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

#### **§ 180-10.1-1025 Class 2 Lounge Premises**

- a) The licensed premises of a Class 2 Lounge:
  1. May not be located within 500 feet of:
    - i. A public or private school;
    - ii. Any church, hospital, medical clinic;
    - iii. Daycare center; or
    - iv. Youth center;
  2. Must be enclosed on all sides by permanent walls and doors.
- b) A Class 2 Lounge must post in a prominent place signs that read:
  1. "No Minors Permitted Anywhere on the Premises";
  2. Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".
- c) The consumer consumption area is the sole area of the licensed premises where consumers are permitted.
- d) For purposes of determining the distance between a Class 2 Lounge and a school referenced in § 180-10.1-1025 (a)(2), "within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a Class 2 Lounge. If any portion of the licensed premises is within 500 feet of a school as described § 180-10.1-1025 (a)(2) an applicant will not be licensed.

### **Part 1100 PACKAGING LABELING AND ADVERTISING**

§ 180-10.1-1101 Packaging and Labeling – Definitions

§ 180-10.1-1105 Packaging for Sale to Consumer

§ 180-10.1-1110 Advertising – Restrictions

§ 180-10.1-1115 Advertising Media, Coupons, and Promotions

**§ 180-10.1-1101 Packaging and Labeling – Definitions.** For the purposes of these regulations:

- a) “Attractive to minors” means packaging, labeling and marketing that features:
  - 1. Cartoons;
  - 2. A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;
  - 3. Symbols or celebrities that are commonly used to market products to minors;
  - 4. Images of minors; and
  - 5. Words that refer to products that are commonly associated with minors or marketed by minors.
- b) “Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.
- c) “Cannabinoid concentrate or extract” means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.
- d) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.
- e) “Cannabinoid product” means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person’s skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.
- f) “Cannabinoid product” does not include:
  - 1. Usable marijuana by itself;
  - 2. A cannabinoid concentrate or extract by itself; or
  - 3. Industrial hemp.
- g) “Cartoon” means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:
  - 1. The use of comically exaggerated features;
  - 2. The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
  - 3. The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.
- h) “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.
- i) “Container” means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed prior to being sold to a consumer.
- j) “Exit Package” means a sealed container provided at the retail point of sale in which any marijuana items already within a container are placed.

**§ 180-10.1-1105 Packaging, Labeling for Sale to Consumer.** The purpose of this provision is to set the minimum standards for the packaging of marijuana items that are sold to the consumer, applicable to a licensee



- a) Containers or packaging for marijuana items must protect a marijuana item from contamination and must not impart any toxic or deleterious substance to the marijuana item.
- b) No licensee shall use or allow the use of any mark or label on the container of any marijuana items which are kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age, or quality of such marijuana items. Marijuana items that have been tested and satisfactorily complied with the minimum standards set forth by the Commission shall bear a label that reads: "CERTIFIED"; and whereas, in the absence of a marijuana testing facility or in the absence of testing a marijuana item, marijuana establishments are required to mark or label the marijuana item with a disclaimer that clearly reads: "UNTESTED PRODUCT." All marijuana items which are kept for sale shall bear a label that reads: "This product has not been evaluated by the FDA."
- c) Marijuana items for ultimate sale to a consumer, except for immature plants and seeds, must:
  - 1. Not be packaged or labeled in a manner that is attractive to minors; and
  - 2. Marijuana items for sale must have the following label and container standards:
    - i. The length of time it typically takes for a product to take effect;
    - ii. The amount of marijuana the product is considered the equivalent to;
    - iii. Ingredients and possible allergens;
    - iv. A nutritional fact panel;
    - v. Opaque, child resistant packaging, which must be designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995);
    - vi. Marijuana products must be clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana
    - vii. Label must state the number of servings contained within a container
- d) Packaging may not contain any text that makes an untruthful or misleading statement.
- e) Nothing in this rule:
  - 1. Prevents the re-use of packaging that is capable of continuing to be child-resistant, as permitted by rules established by the Commission; or
  - 2. Prohibits the Commission from imposing additional packaging requirements in their respective rules governing licensees.

**§ 180-10.1-1110 Advertising – Restrictions**

- a) Marijuana advertising may not:
  - 1. Contain statements that are deceptive, false, or misleading;
  - 2. Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoon characters, toys, or similar images and items typically marketed towards minors, or

- references to products that are commonly associated with minors or marketed by minors;
  - 3. Specifically encourages the transportation of marijuana items across state lines;
  - 4. Assert that marijuana items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana;
  - 5. Make claims that recreational marijuana has curative or therapeutic effects;
  - 6. Display consumption of marijuana items;
  - 7. Contain material that encourages the use of marijuana because of its intoxicating effect; or
  - 8. Contain material that encourages excessive or rapid consumption.
- b) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.
  - c) A licensee must include the following statement on all print, billboard, television, radio and internet advertising in font size legible to the viewer:
    - 1. "Do not operate a vehicle or machinery under the influence of this drug".
    - 2. "For use only by adults twenty-one years of age and older."
    - 3. "Keep out of the reach of children."

**§ 180-10.1-1115 Advertising Media, Coupons, and Promotions**

- a) The Commission prohibits advertising through handbills that are posted or passed out in public areas such as parking lots and publicly owned property.
- b) A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.

**Part 1200 LICENSEE CONDUCT, INSPECTIONS AND SUSPENSION**

- § 180-10.1-1201 Prohibited Conduct
- § 180-10.1-1205 Dishonest Conduct
- § 180-10.1-1210 Inspections
- § 180-10.1-1215 Suspended Licenses

**§ 180-10.1-1201 Prohibited Conduct**

- a) Sale to a Minor. A licensee may not sell, deliver, transfer or make available any marijuana item to a person under 21 years of age.
  - 1. Violation of this section for an intentional sale to a minor by a licensee, permittee or license representative will result in a penalty to the licensee.
- b) Identification. A licensee or license representative must require a person to produce identification before selling or providing a marijuana item to that person as required by 4 CMC § 53019.
- c) Access to Premises.
  - 1. A licensee may not:

- i. During regular business hours for the licensed premises, refuse to admit or fail to promptly admit a Commission regulatory employee who identifies him or herself and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with the Act affecting the licensed privileges; or these regulations;
  - ii. Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit a Commission regulatory employee who identifies him or herself and requests entry on the basis that there is a reason to believe a violation of the Act affecting the licensed privileges; or these regulations is occurring; or
  - iii. Once a regulatory employee is on the licensed premises, ask the regulatory employee to leave until the employee has had an opportunity to conduct an inspection to ensure compliance with the Act affecting the licensed privileges; or these rules
- d) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.
  - 1. No licensee, or licensee representative may consume any intoxicating substances while on duty, except for employees as permitted under regulations.
  - 2. No licensee, licensee representative, or permittee may be under the influence of intoxicating substances while on duty.
  - 3. Whether a person is paid or scheduled for a work shift is not determinative of whether the person is considered “on duty.”
  - 4. As used in this section:
    - i. “On duty” means:
      - 1. From the beginning to the end of a work shift for the licensed business, including any and all coffee, rest or meal breaks; or
      - 2. Performing any acts on behalf of the licensee or the licensed business outside of a work shift if the individual has the authority to put himself or herself on duty.
    - ii. “Intoxicants” means any substance that is known to have or does have intoxicating effects, and includes alcohol, marijuana, or any other controlled substances.
- e) Permitting Use of Marijuana at Licensed Premises. A licensee may not permit the use or consumption of marijuana, or any other intoxicating substance, anywhere in or on the licensed premises, or in surrounding areas under the control of the licensee, except for [those licensed under 4 CMC 53026.
- f) Import and Export. A licensee may not import marijuana items into the Commonwealth or export marijuana items out of the Commonwealth unless authorized by the Commission.
- g) Permitting, Disorderly or Unlawful Conduct. A licensee may not permit disorderly activity or activity that is unlawful under Commonwealth law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.
  - 1. If the prohibited activity under this section results in death or serious physical injury, or involves unlawful use or attempted use of a deadly weapon against another person, or results in a sexual offense which is a Class A felony such as first degree rape, sodomy, or unlawful sexual penetration, the violation could result in license revocation.

2. If the prohibited activity under this section involves use of a dangerous weapon against another person with intent to cause death or serious physical injury, it is a punishable violation.
3. As used in this section:
  - i. "Disorderly activities" means activities that harass, threaten or physically harm oneself or another person.
  - ii. "Unlawful activity" means activities that violate the laws of the Commonwealth, including but not limited to any activity that violates a Commonwealth's criminal statute.
4. The Commission does not require a conviction to establish a violation of this section.
- h) Marijuana as a Prize, Premium or Consideration. No licensee may give or permit the giving of any marijuana item as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premise.
- i) Visibly Intoxicated Persons. No licensee may sell, give, or otherwise make available any marijuana item to any person who is visibly intoxicated.
- j) Additional Prohibitions. A licensee may not:
  1. Sell or deliver any marijuana item through a drive-up window.
  2. Use any device or machine that both verifies the age of the consumer and delivers marijuana to the consumer; or
  3. Deliver marijuana to a consumer off the licensed premises

**§ 180-10.1-1205 Dishonest Conduct**

- a) False Statements. A licensee may not:
  1. Make a false statement or representation to the Commission or law enforcement in order to induce or prevent action or investigation by the Commission or law enforcement.
  2. If the Commission finds that the false statement or representation was intentional, the Commission may charge a violation and could result in license revocation.
- b) Marijuana Item Misrepresentations.
  1. A licensee may not misrepresent any marijuana item to a consumer, licensee, or the public, including:
    - i. Misrepresenting the contents of a marijuana item;
    - ii. Misrepresenting the testing results of a marijuana item;
    - iii. Misrepresenting the potency of a marijuana item; or
    - iv. Making representations or claims that the marijuana item has curative or therapeutic effects.
  2. A licensee may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight or smell or that has the effect or intent of increasing potency, toxicity or addictiveness.
  3. A knowing or intentional violation of this section could result in license revocation.
- c) Supply of Adulterated Marijuana Items.

1. A licensee may not supply adulterated marijuana items.
  2. Violation of this section could result in license revocation.
- d) Evidence. A licensee may not:
1. Intentionally destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so. Violation of this subsection could result in license revocation.
  2. Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so, in any manner other than intentional.
  3. Refuse to give, or fail to promptly give, a Commission regulatory employees or law enforcement officer evidence when lawfully requested to do so.

**§ 180-10.1-1210 Inspections**

- a) The Commission may conduct:
  1. A complaint inspection at any time following the receipt of a complaint that alleges a licensee is in violation of 4 CMC § 53001 et seq or these regulations;
  2. A random inspection at any time in order to determine compliance with 4 CMC § 53001 et seq or these regulations; or
  3. Compliance transactions in order to determine whether a licensee is complying with 4 CMC § 53001 et seq or these regulations.
- b) A licensee, or licensee representative must cooperate with the Commission during an inspection.

If licensee or licensee representative fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records

**§ 180-10.1-1215 Suspended Licenses**

- a) Before 7:00 a.m. on the date a license suspension goes into effect, and until the suspension is completed, Commission staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.
- b) The suspension notice sign must be posted in a way that allows any person entering the premises to read it. Licensees must use the suspension notice sign provided by the Commission. The sign will state that the license has been suspended by order of the Commission due to violations of the Commonwealth laws (statutes or administrative rules). If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.
- c) During the period of license suspension, the licensee is responsible for ensuring:
  - a. Compliance with all applicable laws and rules; and
  - b. That the suspension notice sign is not removed, altered, or covered.
- d) A licensee or licensee representative may not allow the sale, delivery to or from, or receipt of marijuana items at the licensed premises during the period of time that the license is under suspension. During a period of time that the license is under suspension, a marijuana licensee may operate the business provided there is no sale, delivery to or from, or receipt of a marijuana item.

**Part 1300 MEDICINAL MARIJUANA [RESERVED]**

**Part 1400 LABORATORY LICENSE**

§ 180-10.1-1401 Laboratory Licensing Requirements

§ 180-10.1-1405 Laboratory Tracking and Reporting

§ 180-10.1-1410 Laboratory Licensee Prohibited Conduct

**§ 180-10.1-1401 Laboratory Licensing Requirements**

a) General Requirements

1. A laboratory that intends to collect samples or test marijuana items for producer, processor, wholesaler, or retailer licensees, or research certificate holders must be licensed by the Commission.
2. An applicant for a license under this rule must comply with all applicable application requirements in § 180-10.1-310 and pay the required application and license fees.
3. A laboratory application is subject to the same application review procedures as other applicants.
4. In addition to the denial criteria in § 180-10.1-335, the Commission may refuse to issue a laboratory license to any person who:
  - i. Holds a producer, processor, wholesaler, lounge or retail license;

b) Accreditation by the Commission

1. In addition to the requirements listed in section (a) of this rule, an applicant for a laboratory license must be accredited by the Commission for any cannabis sampling or testing the applicant will perform.
2. An applicant for a license under this rule may apply for licensure prior to receiving accreditation, but the Commission will not issue a license until proof of accreditation is received.
3. The Commission may make efforts to verify or check on an applicant's accreditation status during the licensing process, but an applicant bears the burden of taking all steps needed to secure accreditation and present proof of accreditation to the Commission.
4. In addition to the denial criteria in § 180-10.1-335, the Commission may consider an application incomplete if the applicant does not obtain accreditation from the Commission within six months of applying for a license. The Commission shall give an applicant an opportunity to be heard if an application is declared incomplete under this section, but an applicant is not entitled to a contested case proceeding under 1 CMC § 9113. An applicant whose application is declared incomplete may reapply at any time.

5. A licensed laboratory must maintain accreditation by the Commission at all times while licensed by the Commission. If a laboratory's accreditation lapses or is revoked at any time for any reason while licensed by the Commission, the laboratory may not perform any activities that are subject to the lapsed or revoked accreditation until it is reinstated.
6. Exercising license privileges without proper accreditation is a violation and could result in license revocation.

c) Accreditation

1. A laboratory shall submit an application to the Commission, on a form prescribed by the Commission, proof of receipt of accreditation to ISO/IEC 17025.
2. The Commission shall review the submitted application for Accreditation and related documents submitted in § 180-10.1-1401(c)(1) in determination of approval of Accreditation.

d) Renewal.

1. A laboratory must renew its license annually and pay the required renewal fees in accordance with § 180-10.1-320.

### **§ 180-10.1-1405 Laboratory Tracking and Reporting**

- a) A laboratory licensee conducting sampling or testing for licensees is responsible for tracking and recording the following:
  1. Receipt of samples for testing, including:
    - i. Size of the sample;
    - ii. Name of licensee or research certificate holder from whom the sample was obtained;
    - iii. Date the sample was collected; and
    - iv. Identification tag information associated with the harvest or process lot from which the sample was obtained.
  2. Tests performed on samples, including:
    - i. Date testing was performed;
    - ii. What samples were tested for;
    - iii. Name of laboratory responsible for testing; and
    - iv. Results of all testing performed.
    - v. Disposition of any testing sample material.

### **§ 180-10.1-1410 Laboratory Licensee Prohibited Conduct**

- a) In addition to the prohibitions set forth in § 180-10.1-1201, a laboratory licensee may not:
  1. Perform any required marijuana sampling or testing using any sampling or testing methods or equipment not permitted under the laboratory's accreditation through the Commission.
  2. Perform any required marijuana sampling or testing for any licensed marijuana producer, processor, wholesaler or retailer in which the laboratory licensee has a financial interest;

- b) The Commission may suspend or revoke a laboratory license for any violation these regulations. The licensee has a right to a hearing under the procedures of 1 CMC § 9113.
- c) A violation of this regulation could result in license revocation.

**Part 1500 MARIJUANA EVENTS**

**§ 180-10.1-1501 Purpose**

These promulgated rules and regulations govern the application for and the conduct of temporary authorization to host marijuana events in the CNMI. No marijuana event, the advertising of marijuana events, or the allowance for the public consumption of cannabis during a public or private event is authorized or permitted without a valid permit or agreement authorized by these regulations.

The CNMI Cannabis Commission shall enforce these regulations to the extent allowed by law. The Commission shall issue written notice of violation to any person or entity acting in contravention of these regulations pursuant to § 180-10.1-160.

**§ 180-10.1-1505 Definitions.** In addition to the applicable definitions set forth in § 180-10.1-045, the following items are defined for the purposes of these regulations.

- a) “Commercial Use” means used for revenue generating activities. Active use means the actual physical operations or facilities generating revenue. Passive Use means a supplementary use that augments the revenue generating operations or facility.
- b) “Permittee” means a person or persons given a permit by the Commission and whose name appears on the permit.
- c) “Request for Proposal” (RFP) means an open solicitation made through a bidding process by the Commission to determine interest of potential applicants to host a marijuana event.
- d) “Special Event” means a scheduled and publicly advertised hosting of one or more persons for commercial use, whether active or passive, where marijuana items are to be displayed, possessed, sold, purchased, used and/or consumed at a private place.

**§ 180-10.1-1510 Application Procedure**

- a) In addition to requirements listed in § 180-10.1-310 required by the Commission in a form provided by the Commission, an applicant for a Temporary Use of Marijuana Items, Special Event permit must submit to the following procedures
  - 1. Provide a detailed description of the type of event to be held. Description shall include, but is not limited to:
    - i. Venue or location where the event will be held
    - ii. Proof of authorization from the private owner or long-term lease holder of the venue or location, permitting the use for the purposes of hosting a Special Event
    - iii. Detailed plan for compliance with 4 CMC § 53019, 53052 and 53070 and methods for ensuring that persons under 21 years of age will



not gain entry to the Special Event premises, or to be in view of the use of cannabis during the duration of the Special Event

- iv. Planned duration and times for the Special Event
4. Submit to the Commission a Special Events Plan that shall include detailed plans for:
- i. The provision of food and beverages, entertainment, security to ensure compliance with 4 CMC § 53052 and related interests of the Commission;
  - ii. Ventilation and odor-control;
  - iii. Marijuana waste disposal;
  - iv. Prevention of underage entry to the consumption area;
  - v. Over-intoxication by patrons;
  - vi. Driving while intoxicated; and
  - vii. The illegal distribution of marijuana at the Special Event
  - viii. Detailed description of the type of revenue generating activities conducted during the Special Event
    - 1. Should the Special Event be active use in the direct sale or provision of marijuana items, the applicant shall prove to the Commission that all marijuana items are to be procured from an entity or individual licensed by the Commission for the commercial production or sale of marijuana items

**§ 180-10.1-1515 Temporary Licensed Premises Designation**

- a) Locations for approved to host Special Events will be provided with a Temporary Licensed Premises designation and may be subject to the restrictions and requirements of § 180-10.1-501
- b) The Temporary Licensed Premises Designation shall expire upon the expiration of the Temporary Use of Marijuana at Special Events permit.

**§ 180-10.1-1520 Permit for the Temporary Use of Marijuana Items at Special Events Privileges; Prohibitions**

- a) An approved permittee for the Temporary Use of Marijuana Items at Special Events may:
  - i. Allow for the display or sale of marijuana items by individuals, businesses, or others in the manner described in the Special Events Plan
  - ii. Allow for the possession, use and consumption of marijuana items by individuals on the approved premises of the event
  - iii. Advertise for any approved Special Event under the restrictions provided by § 180-10.1-1115
- b) An approved permit holder for the Temporary Use of Marijuana Items at Special Events may not:
  - i. Hold a Special Event that is located within 500 feet of any school, child daycare, drug or alcohol treatment facility, or public pool;
  - ii. Hold a Special Event on public property, residential areas, or at events that serve alcohol
  - iii. Advertise or promote a Special Event prior receiving a permit from the Commission

- iv. Host a Special Event for a period greater than ten (10) days per calendar year

**§ 180-10.1-1525 Public Notice.** The Commission must provide a public notice thirty (30) days prior to granting a permit under this section and will provide information for members of the public to submit comments on the timing, location, nature of the Special Event, or any other matter. The applicant will be given opportunity to amend the Special Events Plan to provide reasonable accommodations to ameliorate any concerns and weigh public comments in the process for granting a permit.

**§ 180-10.1-1530 Fees**

If the Commission approves an application and grants an Temporary Use of Marijuana Items at Special Events permit, the following fees must be paid:

- a) Temporary Use of Marijuana Items at Special Events Permit
  - 1) Application Fee - \$500
  - 2) Permit Fee - \$1500 per day the Special Event will take place
- b) Application and Permit Fee are non-refundable and shall be paid to the CNMI Treasury prior to receipt of permit

**PART 1600                      MARIJUANA RESEARCH CERTIFICATE**

§ 180-10.1-1601 Application for Marijuana Research Certificate

§ 180-10.1-1605 Marijuana Research Certificate Privileges; Prohibitions

**§ 180-10.1-1601 Application for Marijuana Research Certificate**

- a) The Commission shall issue Marijuana Research Certificates to qualifying public and private researchers who present research proposals that demonstrate:
  - 1. The proposed research would benefit the Commonwealth's cannabis industry, medical research or public health and safety; and
  - 2. The proposed operation and methodology complies with all applicable laws and administrative rules governing marijuana licensees and licensee representatives.
- b) The process for applying for, receiving and renewing a certificate shall be the same as the process for applying for, receiving and renewing a marijuana license under § 180-10.1-310.
- c) In addition to the application requirements in § 180-10.1-310, the applicant must also provide:
  - 1. A clear description of the research proposal;
  - 2. A description of the researchers' expertise in the scientific substance and methods of the proposed research;
  - 3. An explanation of the scientific merit of the research plan, including a clear statement of the overall benefit of the applicant's proposed research to the

- Commonwealth's cannabis industry, medical research, or to public health and safety;
4. Descriptions of key personnel, including clinicians, scientists, or epidemiologists and support personnel who would be involved in the research, demonstrating they are adequately trained to conduct this research;
  5. A clear statement of the applicant's access to funding and the estimated cost of the proposed research;
  6. A disclosure of any specific conflicts of interest that the researcher or other key personnel have regarding the research proposal;
  7. A description of the research methods demonstrating an unbiased approach to the proposed research; and
  8. A description of the quantities of marijuana items, if any, that are proposed be transferred to licensees;
- d) Research certificates will be granted for up to a three-year term.
  - e) The Commission may request that the research certificate holder submit information and fingerprints required for a criminal background check at any time within the research certificate term.
  - f) A certificate holder may, in writing, request that the Commission waive one or more of these rules. The request must include the following information:
    1. The specific rule and subsection of a rule that is requested to be waived;
    2. The reason for the waiver;
    3. A description of an alternative safeguard the licensee can put in place in lieu of the requirement that is the subject of the waiver, or why such a safeguard is not necessary; and
    4. An explanation of how and why the alternative safeguard or waiver of the rule protects public health and safety, prevents diversion of marijuana, and provides for accountability.
  - g) The Commission may, in its discretion, and on a case-by-case basis, grant the waiver in whole or in part if it finds:
    1. The reason the certificate holder is requesting the waiver is because another Commonwealth law prohibits compliance;
    2. The certificate holder cannot comply with the particular rule, for reasons beyond the certificate holder's control or compliance with the rule is cost prohibitive; or
    3. Because of the nature of the research, the Commission finds that compliance with a particular rule is not necessary and that even with the waiver public health and safety can be protected, there is no increased opportunity for diversion of marijuana, and the certificate holder remains accountable.
  - h) The Commission must notify the certificate holder in writing whether the request has been approved. If the request is approved the notice must specifically describe any alternate safeguards that are required and, if the waiver is time limited, must state the time period the waiver is in effect.
  - i) The Commission may withdraw approval of the waiver at any time upon a finding that the previously approved waiver is not protecting public health and safety or the research certificate holder has other issues with compliance. If the Commission withdraws its approval of the waiver the certificate holder will be given a reasonable period of time to come into compliance with the requirement that was waived.

- j) Applicant must submit their findings to the Commission upon completion of their licensed research.

**§ 180-10.1-1605 Marijuana Research Certificate Privileges; Prohibitions**

- a) A certificate holder may receive marijuana items from a licensee under 4 CMC § 53036 and these regulations.
- b) A certificate holder:
  - 1. May not:
    - i. Sell or otherwise transfer marijuana items to any other person, transferring to another certificate holder or transferring to another licensee pursuant these rules.
    - ii. Transfer more to another licensee than is permitted in the Commission’s order granting the research certificate.
  - 2. Must comply with the testing rules applicable to a producer or processor prior to transferring marijuana items to a licensee.
- c) A certificate holder may not conduct any human subject research related to marijuana unless the certificate holder has received approval from an institutional review board that has adopted the Common Rule, 45 CFR Part 46. (4) All administrative rules adopted by Commission for the purpose of administering and enforcing Title 4, Division 5, Chapter 21 of the Commonwealth Code; and any rules adopted thereunder with respect to licensees and licensee representatives apply to certificate holders except for those which are inconsistent with this regulation.

SUBCHAPTER 180-10.2  
COMMONWEALTH CODE OF ETHICS

Part 001 CODE OF ETHICS

- §180-10.2.101 Commission to follow Government Ethics Act
- §180-10.2.105 Responsibilities of Public Office
- §180-10.2.110 Commission Policies
- §180-10.2.115 Conflict of Interest
- §180-10.2.120 Political Activity
- §180-10.2.125 Non-discrimination Policy

**§ 180-10.2-101 Commission to follow government Ethics Act.** The Commission and its employees shall be subject to and follow the Government Ethics Act found in 1 CMC § 8501 et. seq.

**§ 180-10.2-105 Responsibilities of Public Office.** Individuals appointed to the Commission are agents of the public and serve for the benefit of the public. They shall uphold and act in accordance with the Constitution of the United States of America, the Constitution of the Commonwealth of the Northern Mariana Islands, and the rules, Regulations and policies pursuant to the Act and the Government Ethics Act.

**§ 180-10.2-110 Commission Policies.** Commissioners and staff shall comply fully with the policies and standard procedures approved by the Commission.

**§ 180-10.2-115 Conflict of Interest.** There is a public trust to be protected from the danger of conflict of interest.

(a) A conflict occurs when an official's responsibilities, duties or activities conflict with the official's private interests, whether they are of a business, family, social or other nature.

(b) A Commissioner has an automatic conflict of interest in matters affecting a Commissioner's spouse, children and siblings. A Commissioner must automatically refrain on voting or engaging in any discussions relating to such family members.

(c) Commissioners and Commission staff shall comply with the following Conflict of Interest restrictions:

1. Shall not use their office/staff to seek employment or conduct business.
2. Shall not use their position to obtain private gain or advantage for themselves, a relative or an entity in which they have a present or potential financial interest.
3. Shall not disclose or use confidential information that is not generally available to the public for his/her own or another person's financial benefit.
4. Shall not participate in transactions that they may influence if they know that a spouse, child, or sibling has a substantial financial interest.
5. Shall not use public funds, time or equipment for their own private gain, unless authorized by law.
6. Shall not participate in, vote on, influence or attempt to influence an official decision if they, or the business they are associated with, have a financial interest or can potentially benefit from the matter, unless the interest or benefit is incidental to their position or would normally accrue to them in their profession, occupation or class.
7. Shall not participate or engage in any conduct or activity that is prohibited by the Ethics Act

**§ 180-10.2-120 Political Activity.** Each Commissioner, Managing Director and Commission staff must be aware of the rules that limit permissible political activity. The following is intended to highlight the kind of activities that can and cannot be engaged in.

(a) Permissible Activities:

1. Voting for the candidate of his/her choice.
2. Expressing opinions on all political subjects and candidates.
3. Membership in any political party, organization or club.

4. Making voluntary contributions to a political organization for its general expenditures.
5. Lobbying and supporting public, Legislative or other Constitutional amendments.

(b) Prohibited Activities:

2. Use of Commission funds, time, personnel or equipment for political
3. Activity unless that use is authorized by law or is incidental to a legally authorized or required activity.
4. Engaging in the discharge, promotion, demotion or changing of the status or compensation of any other official of employee or promising or threatening to do so.
5. Handing over to the other officials or staff any money or other thing of value to promote any political objective.
6. Use of their office or the Commission or influence to interfere with an election, or affect its results, or coerce the political action of any person or party.
7. Being obliged to contribute to any political fund, render any political service or be removed for refusing to do so.
8. Pressuring or coercing staff to participate in political activities or to support political parties or candidates under threat of losing one's employment.
9. Soliciting or receiving political contributions from anyone while on Commission time or on Commission or government property.
10. Campaigning for any candidate for public office during official working hours.
11. Promoting or opposing legislation relating to programs of departments on behalf of the Commission in contravention of Commission authority.

**§ 180-10.2-125 Non-discrimination Policy**

(a) It is the policy of the Commission that discrimination, for or against any employee, because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veterans status, disability, or genetic information is prohibited and will not be tolerated. No adverse action or hiring decision shall be made on the basis of any of the above factors except that veterans' status may be considered positively as permitted by law.

(b) The Commission shall maintain every workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates Commission policy, and such misconduct will subject the employee to corrective action ranging from counseling to disciplinary action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited.

(c) The Commission shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.

(d) Any employee who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.

(e) An employer who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously and immediately advise the Managing Director or the Commonwealth Equal Employment Opportunity (EEO) Coordinator of the situation. The Managing Director, with the assistance of the EEO Coordinator, if sought, will ensure that it is investigated promptly, privately, and with as much confidentiality as possible, consistent with the need to determine the facts. The investigation will be documented by an investigative report that will be retained in a confidential file by the Managing Director or EEO Coordinator. Any person accused of a violation shall be allowed the opportunity to rebut the charges.

(e) After determining the facts through the investigation, the Managing Director shall take corrective action as required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including disciplinary action; making sure that this policy is reiterated to all employees or any group. An employer, or any supervisory staff, who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

### SUBCHAPTER 180-10.3 HOMEGROWN MARIJUANA REGISTRY

#### Part 001 HOMEGROWN MARIJUANA REGISTRY

§180-10.3.101 Establishment of Homegrown Marijuana Registry

§180-10.3.105 Homegrown Marijuana Privileges; Prohibitions

§180-10.3.110 Maintenance of Homegrown Marijuana Registry

#### **§180-10.3.101 Establishment of Homegrown Marijuana Registry**

- a. Any individual producing, processing, keeping, or storing marijuana at their household or cultivation site for non-commercial purposes must first register to receive a Homegrown Marijuana Registry Card issued by the Commission.
- b. To register, individuals must provide to the Commission:
  1. Names and information of all individuals located in the household;
  2. Any forms required by the Commission and any information identified in the form that is required to be submitted;
  3. A map or sketch of the premises, including the defined boundaries of the premises and the village, street and relative location of the household or cultivation site;
  4. A description of the growing operation including growing media, a description of equipment to be used in the production, and whether production will be indoor, outdoor or both.
  5. Proof of right to occupy the premises;
    - i. If the household is a rental unit, provide:
      1. Agreement from the landlord or owner permitting the growing of marijuana on the premise
      2. Signed rental agreement with the landlord or owner
  6. Description of measures taken to ensure:

- i. The plants are secure from access by a person under the age of 21 and unauthorized access. For purposes of illustration and not limitation, cultivating marijuana in an enclosed, locked space that persons under 21 years of age do not possess a key to constitutes reasonable precautions; and
    - ii. Marijuana plants are cultivated in a location where the plants are not subject to public view without the use of binoculars, aircraft, or other optical aids.
- c. An individual is ineligible to produce, process, keep or store marijuana in their household if they are under 21 years of age or are not otherwise authorized under CNMI law.
- d. A Homegrown Marijuana Registry cardholder shall:
  - 1. Submit an amended registration notifying the Commission of any change concerning the registry identification cardholder's:
    - i. Name
    - ii. Location of residence
    - iii. Description of the growing operation used in the production
- e. The Commission shall:
  - 1. On the date on which the Commission receives an application described in subsection (2) of this section, issue a Homegrown Marijuana Registry card to the applicant verifying that the authority received the complete registration information under subsection of this section and that the information provided meets the requirements listed under 4 CMC § 53012; and
  - 2. Update the Homegrown Marijuana Registry following the issuance of the Homegrown Marijuana Registry card.

**§180-10.3.105 Homegrown Marijuana Privileges; Prohibitions**

- a. Individuals registered under the Homegrown Marijuana Registry and in possession of a Homegrown Marijuana Registry Card may:
  - 1. Produce, process, keep or store homegrown marijuana at a household for non-commercial purposes by one or more persons 21 years of age and older, if
    - i. the total of homegrown marijuana at the household or cultivation site does not exceed six (6) mature marijuana plants and no more than twelve (12) immature plants at any time.
  - 2. Produce, process, keep or store useable marijuana at a household for non-commercial purposes by one or more persons 21 years of age or older, if:
    - i. The total amount of usable marijuana at the household or cultivation site does not exceed eight (8) ounces of useable marijuana at any time.
  - 3. Produce, process, keep or store homegrown marijuana at a household for non-commercial purposes by a medical marijuana patient or the patient's caregiver who may exceed the six (6) mature marijuana plant limit but not more than twelve (12) mature plants and twenty four (24) immature plants should the patient's physician deem it necessary and practical for the effective treatment of the medical marijuana patient; provided that any additional marijuana produced by the person's marijuana plants in excess of one (1) ounce of marijuana or eight (8)



ounces of useable marijuana must remain in the same secure location where the marijuana was cultivated or secured at a person's household and such person holds a homegrown marijuana registry card issued by the Commission, and a document with a physician statement recommending the use of marijuana for medicinal use showing the name of the patient or the caregiver.

4. Make, process, keep or store marijuana products at a household by one or more persons 21 years of age and older, that are properly identified and properly secured to ensure in an enclosed, locked space that persons under 21 years of age do not possess a key.
  5. Deliver, possess, transport or gift not more than one (1) ounce of any usable marijuana at any given time by a person 21 years of age and older to another person 21 years of age or older for non-commercial purposes.
  6. Deliver, possess, transport or gift not more than sixteen (16) ounces of any marijuana products in solid form at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  7. Deliver, possess, transport or gift not more than seventy-two (72) ounces of any marijuana products in liquid form at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  8. Deliver, possess, transport or gift not more than five (5) grams of marijuana extracts at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  9. Deliver, possess, transport or gift not more than six (6) immature marijuana plants at any given time by a person 21 years of age or older to another person 21 years of age or older for non-commercial purposes.
  10. Transport any amount of harvested homegrown marijuana from a person's cultivation site being directly transported to the person's household at any given time by one or more persons 21 years of age or older, where the harvested homegrown marijuana will be secured at the person's household.
  11. Make, process, keep or store homemade marijuana extracts or marijuana concentrates at a household by one or more persons 21 years of age and older if the marijuana extracts or concentrates were produced using only water or vegetable glycerin solvents or other forms of non-solvent extraction processing methods, as described in 4 CMC § 53057(a) in addition to other restrictions in the statute.
- b. Individuals registered under the Homegrown Marijuana Registry and in possession of a Homegrown Marijuana Registry Card may not:
1. Make, process, keep or store homemade marijuana for commercial purposes
  2. Make, process, keep, store, use, or possess homemade marijuana in the presence of a person under 21 years of age, with exemptions and penalties provided under 4 CMC § 53030.
  3. Deliver, possess, transport or gift any quantity of marijuana, useable marijuana, marijuana extracts, mature or immature marijuana plants, marijuana extracts or marijuana concentrates in the presence of a person under 21 years of age, with exemptions provided under 4 CMC § 53030.

**§180-10.3.110 Maintenance of Homegrown Marijuana Registry.** The Commission shall maintain a ongoing database of Homegrown Marijuana Registrants.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**DEPARTMENT OF CORRECTIONS**

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P. O. Box 506506, Susupe, Saipan MP 96950  
Telephone: (670) 237-2701/2700 Facsimile: (670) 664-9515



**PUBLIC NOTICE OF PROPOSED  
AMENDMENTS TO THE DEPARTMENT OF CORRECTIONS  
PRISONER GRIEVANCE REGULATIONS**

**INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS:** The Department of Corrections (DOC) intends to adopt as permanent the attached NMIAC Title 57 Part 700 Grievance Procedure pursuant to the procedures of the Administrative Procedure Act. 1 CMC § 9104(a). The new Grievance Procedure will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** The Department of Corrections Commissioner shall prescribe reasonably necessary rules and regulations to implement and enforce the provisions of this chapter for the entire department including its divisions. 1 CMC § 2854.

**THE TERMS AND SUBSTANCE:** The proposed revisions purports a complete overhaul of the existing regulations in Part 700 of DOC’s Grievance Regulations. If adopted, the existing NMIAC Sections 57-20.1-701 – 57-20.1-730 would be repealed and replaced with the proposed Part 700 in its entirety.

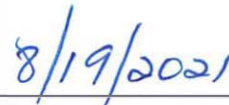
**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations to the Title 57 Part 700 Grievance Procedure shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular and will be codified at NMIAC Sections 57-20.1-701 – 57-20.1-730.

**TO PROVIDE COMMENTS:** Send or deliver your comments to the Department of Corrections, Attn: Revised Regulations, at the above address, fax or email address: [cnmidoc3@gmail.com](mailto:cnmidoc3@gmail.com), with the subject line “Revised Grievance Procedure.” Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).


These proposed comprehensive revisions to NMIAC Title 57 Part 700 grievance procedures (in its entirety) were approved by the Department of Corrections Commissioner.

Submitted by:

  
\_\_\_\_\_  
**WALLY F. VILLAGOMEZ**  
Commissioner

  
\_\_\_\_\_  
Date

Received as:

  
\_\_\_\_\_  
**MATHILDA A. ROSARIO**  
Special Assistant to the Administration

08/20/21  
\_\_\_\_\_  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
**ESTHER SN. NESBITT**  
Commonwealth Registrar

08-27-2021  
\_\_\_\_\_  
Date

Pursuant to 1 CMC § 2153(e) (Attorney General approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain Attorney General approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 20<sup>th</sup> day August, 2021.

  
\_\_\_\_\_  
**EDWARD MANIBUSAN**  
Attorney General



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**DEPARTMENT OF CORRECTIONS**

Vicente Taman Seman Building  
P. O. Box 506506, Susupe, Saipan MP 96950  
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**NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDA  
SIHA GI DIPATTAMENTUN CORRECTIONS  
NU REGULASION GRIEVANCE PRISUNERU**

I AKSION NI MA'INTENSIONA PARA U ADAPTA ESTI I MANMAPROPONI NA TINILAIKA GI AREKLAMENTU YAN REGULASION SIHA: I Dipattamentun Corrections (DOC) ha intensiona para u adapta komu petmanienti i mañechettun na NMIAC Titulu 57 Patti 700 Maneran "Grievance" sigun para i maneran nu i Akton Administrative Procedure. I CMC § 9104(a). I nuebu na Maneran "Grievance" siempri umifektibu gi dies (10) dihas dispues di adaptasion yan publikasion gi halum i Rehistran Commonwealth. (I CMC § 9105(b))

ATURIDAT: I Kumisinan Dipattamentun Corrections para u pega nisisariu rasonapbli na areklamentu yan regulasion siha para u implimenta yan katga huyung i "provisions" nu esti na patti para tod u dipattamentu kuntu i dibision-niha. I CMC § 2854.

I TEMA YAN SUSTANSIAN I PALABRA SIHA: I manmapropo ni na tinilaika umannuk kumplidu na "overhaul" gi maneksissisti na regulasion gi halum Patti 700 nu DOC's Grievance na Regulasion. Yanggin ma'adapta, i manmapropo ni na tinilaika siha siempri u tulaika i Patti 700 gi iyon-niha tod u.

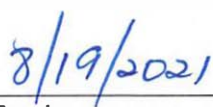
DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA: Esti i Manmapropo ni na Regulasion gi Titulu 57 Patti 700 Maneran "Grievance" para u mapupblika gi halum Rehistran Commonwealth gi halum seksiona ni manmapropo ni yan nuebu na ma'adapta na regulasion siha (I CMC § 9102(a)(1)) yan u mapega gi halum kumbinienti na lugat gi halum civic center yan gi halum ufisinan gubietnamentun gi halum kada distritun senadot, gi finu' Inglis yan gi prinsipat na linguahin natibu yan para u codified gi NMIAC Seksiona 57-20.1-701 – 57-20.1-730.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hãno pat intrega hãlum i upiñon-mu guatu gi Dipattamentun Corrections, Attn: Maribisa na Regulasion siha, gi sanhilu' na address, fax pat email address: [cnmidoc3@gmail.com](mailto:cnmidoc3@gmail.com), yan i suhetu na rãya "Maribisa na Maneran "Grievance". I upiñon siha debi na u fanhãlum gi halum trenta (30) dihas ginen i fethan publikasion nu esti na nutisia. Put fabot na'hãlum i imfotmasion, testimoniun kinentra pat atgmentom-mu siha. (I CMC § 9104(a)(2)).

Esti i manmapropo ni na kinemprendin tinilaika siha gi NMIAC Titulu 57 Patti 700 "grievance procedures" (tod u iyon-niha) maninapruaba ni Kumisinan Dipattamentun Corrections.

Nina'hãlum as:

  
\_\_\_\_\_  
**WALLY F. VILLAGOMEZ**  
Kumisina

  
\_\_\_\_\_  
Fetcha

Rinisibi as:

  
\_\_\_\_\_  
**MATHILDA A. ROSARIO**  
Ispisiât Na Ayudânti Para I Atministradot

08/20/21  
Fetcha

Pine'lu yan  
Ninota as:

  
\_\_\_\_\_  
**ESTHER SN. NESBITT**  
Rehistran Commonwealth

08-27-2021  
Fetcha

Sigun para I CMC § 2153(e) (I Abugâdu Henerât ma`aprueba i regulasion siha na para u macho`gui kumu fotma) yan i I CMC § 9104(a)(3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma`aprueba kumu fotma yan sulisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapublika, I CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 20<sup>th</sup> gi August, 2021.

  
\_\_\_\_\_  
**EDWARD MANIBUSAN**  
Abugâdu Henerât





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**DEPARTMENT OF CORRECTIONS**

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**ARONGORONGOL TOULAP REEL POMMWOL  
LIWEL NGÁLI BWULASIYOL CORRECTIONS  
MWÓGHUTUGHUTÚL PRISONER GRIEVANCE**

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL LIWEL NGÁLI ALLÉGH ME MWÓGHUTUGHUT:** Bwulasiyol Corrections (DOC) re mángemángil rebwe adóptááli bwe ebwe lléghló ikka e appasch bwe NMIAC Title 57 Part 700 Grievance Procedure sángi mwóghutughutúl Administrative Procedure Act. 1 CMC §9104(a). Grievance Procedure iye e ffé ebwe bwunguló seigh ráál mwiril aal adóptááli me akkatééwowul me llól Commonwealth Register. (1 CMC § 9105(b))

**BWÁNGIL:** Commissioner-il Bwulasiyol Correction ebwe ayoora allégh me mwóghutughut ikka e ffíl reel ebwe ayoora mwóghut me plóno reel chapter ngáli bwulasiyo ebwal schuulong divisions. 1 CMC § 2854.

**KKAPASAL ME AWEEWEL:** Pommwol siiwel e bwáá alongal “overhaul” reel mwóghutughut ikka e lo llól Part 700 reel aar DOC Grievance Regulations. Ngáre re adóptááli, pommwol siiwel kkal ebwe liiweli Part 700 llól alongal.

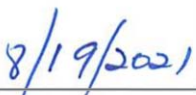
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Pommwol Mwóghutughut ngáli Title 57 Part 700 Grievance Procedure me llól Commonwealth Register llól tálil wóól pommwol me ffél mwóghutughut (1 CMC § 9102(a)(1)) me ebwe appaschetá llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me bwal llól mwaliyaasch me ebwe “codified” me NMIAC Sections 57-20.1-701 – 57-20.1-730.

**REEL ISIISILONGOL KKAPAS:** Afanga ngáre bwughiló yóómw ischil kkapas ngáli Bwulasiyol Corrections, Attn: Revised Regulations, reel féléfél iye e lo weiláng, fax ngáre email address: [cnmidoc3@gmail.com](mailto:cnmidoc3@gmail.com), ebwe lo wóól subject line bwe “Revised Grievance Procedure.” Ebwe toolong kkapas llól eliigh ráál mwiril aal akkatééwowul arongorong yeel. Isiisilong yóómw data, views ngáre angiingi. (1 CMC § 9104(a)(2)).

Aa átirow pommwol liiwel kkal ngáli NMIAC Title 57 Part 700 grievance policy (llól alongal reel autol) sángi Commissioner-il Bwulasiyol Corrections.

Isáliyalong:

  
\_\_\_\_\_  
**WALLY F. VILLAGOMEZ**  
Commissioner


  
\_\_\_\_\_  
Ráál

Bwughiyal:

  
\_\_\_\_\_  
**MATHILDA A. ROSARIO**  
Special Assistant ngáli Administration

08/20/21  
Ráál

Ammwelil:

  
\_\_\_\_\_  
**ESTHER SN. NESBITT**  
Commonwealth Registrar

08.27.2021  
Ráál

Sáangi 1 CMC § 2153(e) (Mwiril aal átirowa mwóghutughut sáangi Soulemelemil Allégh Lapalap bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal Soulemelemil Allégh Lapalap) reel pommwol mwóghutughut ikka ra takkal amwuri físchiiy me átirowa bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Aghikkilátiw 20<sup>th</sup> ráálil August, 2021.

  
\_\_\_\_\_  
**EDWARD MANIBUSAN**  
Soulemelemil Allégh Lapalap



SUBCHAPTER 57-20.1  
INMATES AND CORRECTIONAL FACILITY RULES AND REGULATIONS

**Part 700 Inmate Grievance Procedure**

- § 57-20.1-701 Grievances
- § 57-20.1-705 Informal Resolution
- § 57-20.1-710 Screening Criteria
- § 57-20.1-715 Emergency Grievance
- § 57-20.1-720 Step 1 Grievance (I-701)
- § 57-20.1-725 Step 2 Grievance (I-702)
- § 57-20.1-730 [Reserved]

**Part 700 - Inmate Grievance Procedure**

**§ 57-20.1-701 Grievances**

It is the policy of the Department of Corrections (“DOC”) to provide inmates confined in the facility an internal grievance mechanism for the resolution of complaints arising from institutional matters, to reduce the need for litigation and afford staff the opportunity to improve facility operations.

The inmate grievance procedure is an administrative means for the expression and resolution of inmate problems. A grievant is entitled to a written response; however, investigative notes, reports or written testimony from staff or other inmates shall not be provided to the grievant.

Grievance investigations and supporting documentation are protected and not available to the inmate or the public through open records pursuant to 1 CMC §9918(a)(4). Disciplinary action, if any, against staff will not be disclosed through the grievance process pursuant to 1 CMC §9918(a)(2). Employee participation in the resolution of grievances is confidential, yet essential to the resolution of issues.

**I. Definitions:**

- (a) “Commissioner” is the person appointed by the Governor in charge of all operations and administration of the Department of Corrections.
- (b) “Director(s)” is the person(s) under direct supervision of the Commissioner who plans, organizes and supervises any unit of the Department of Corrections as needed including custody operations, medical, classification, and rehabilitation programs.
- (c) “Emergency Grievance” is a written complaint about matters for which the disposition within regular time limits would subject the grieving inmate to a substantial risk of personal injury or cause other serious or irreparable harm, such as sexual assault, life

## TITLE 57: DEPARTMENT OF CORRECTIONS

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endangerment, extortion, or medical emergencies.

- (d) “Grievable” is forming a reasonable basis for a formal written complaint.
- (e) “Grievance” is a formal written complaint by one person against another or conditions of confinement.
- (f) “Grievant” is one who submits a complaint for resolution through this grievance procedure.
- (g) “Internal Affairs” or “IA” is the unit responsible for processing all newly received grievance files upon receipt from the locked grievance container and forwarding to either the Operations Captain, Medical Unit, Director(s) or Commissioner.
- (h) “Non-compliant” is the failure or refusal to provide the appropriate documentation.
- (i) “Operation Captain” supervises and directs the entire operations of the Department of Corrections.
- (j) “Reprisal” is any coercion, threat, or harassment against anyone for the use of, or participation in, the inmate grievance procedure.
- (k) “Shift Commander(s)” supervise daily correctional operations to include officer training, staffing, transportation, programs, and assignments.

### **II. Grievable Issues:**

- a. An alleged violation of civil, constitutional, or statutory rights or departmental policy;
- b. An alleged criminal or prohibited act;
- c. A condition existing within the facility that creates unsafe or unsanitary living conditions; and
- d. Appeal of a decision of a disciplinary action taken against the inmate, such as restriction of personal telephone calls, modification of restricted visitation, or other privileges.

### **III. Non-Grievable Issues:**

- a. Commonwealth and federal court decisions, laws, and regulations;
- b. Parole decisions; and
- c. Any matter beyond the control of DOC.

**IV. Available Remedies:**

- a. Restitution of property, either monetary, repair or replacement;
- b. Change of policy or procedure;
- c. Correction of records; and
- d. Other relief, as appropriate.

**V. Non-Available Remedies:**

- a. Request for disciplinary action against employees; and
- b. Request for punitive damages.

An inmate may file only for himself/herself; he/she may assist another inmate in completing the Step 1 (I-701) or Step 2 (I-702) grievance form, but the inmate filing the grievance must sign the grievance form. Only one Step 1 grievance may be filed on a single incident. An inmate may withdraw a filed grievance in writing at any time.

The inmate shall place his/her grievance form in the locked container in his/her pod designated for this purpose. The Commissioner shall designate one person and an alternate from IA to pick up the grievance at 0800 hours (8:00 AM) and 1600 hours (4:00 PM) each weekday excluding holidays, weekends, or any other designated emergency. Inmate request forms shall not be accepted as a grievance; only Step 1 (I-701) or Step 2 (I-702) grievance forms shall be accepted through the locked grievance container. Keys to the locked grievance containers are restricted to the Internal Affairs unit and the Commissioner.

Grievances shall be numbered sequentially when received and date stamped by IA. The grievance number, date and grievance code will be entered into a tracking system. IA will be responsible for copying the grievance, sending one copy to the inmate with the tracking number and forwarding one copy to the appropriate person/unit to respond. If the grievance concerns operational issues, it shall be forwarded to the Operations Captain. If the grievance concerns any medical issue, it shall be forwarded to the Medical Unit. Submission concerning a medical matter through an inmate request form may not guarantee that the matter will remain confidential if the form was not delivered directly to the medical staff. If an IA officer or other grievance responder is named in a grievance or was involved in the incident grieved in any way, that staff shall not conduct the investigation or answer the grievance.

If the inmate writes or makes any other marks in the OFFICE USE ONLY box, it shall be returned unprocessed and marked VOID across the grievance form.

No staff may retaliate against an inmate for filing or withdrawing a grievance; reprisal can be grieved.

**§ 57-20.1-705 Informal Resolution**

The inmate grievance procedure is not intended to be the first line of response to an inmate's concerns. Every employee has a responsibility to resolve issues within their control. Informal resolution can effectively resolve many issues long before they escalate to a formal claim. However, used improperly, informal resolution can actually undermine effective communication and problem-solving capabilities of staff by creating resentment and conflict. Using informal resolution to solve issues is not just a requirement of every employee's duty at DOC, but when applied correctly can be an effective tool.

**a. Inmate Responsibility**

Attempting informal resolution requires the inmate to practice responsible patterns of interacting in a courteous and respectful manner with authority to resolve conflicts while staff benefits from the opportunity to address issues at the lowest possible level. The attempt must be documented on the grievance form, in the space provided, identifying the name of staff that was contacted, if known, and what action was taken. This requirement demonstrates that the inmate took the initiative and responsibility to try to resolve the conflict and provides the Operations Captain, Director(s) and Commissioner valuable information about staff's ability to solve problems.

**b. Staff Responsibility**

When inmates approach staff with legitimate problems in a respectful manner, staff shall informally resolve the issue, if it is within the realm of their responsibility. The inmate may also be referred to a supervisor for resolution. When inmates use communication instead of confrontation, staff must recognize the benefits of the attempt and respond with appropriate action. An effective grievance procedure provides a tool to resolve problems and is a valuable component of a well-managed facility.

**§ 57-20.1-710 Screening Criteria**

Internal Affairs officers are expected to apply good correctional practice and exercise sound judgment when applying the screening criteria. If any level of uncertainty exists concerning the applicability of screening criteria, IA should err on the side of caution, and process the grievance.

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**The following criteria noted with an asterisk (\*) are eligible for correction and resubmission.**

**1. Grievance time period has expired.**

**Step 1 (I-701)** - Inmates have 15 calendar days to file a grievance, beginning from the date of the alleged incident or issue, or when he/she should have knowledge of the incident or issue. When a grievance is returned to an inmate unprocessed, the inmate is afforded 15 calendar days from the date of return to resubmit any correctable Step 1 grievance. Grievances received after that time may be returned to the inmate unprocessed and they are not eligible for correction.

**Step 2 (I-702)** – Inmates have 15 calendar days to appeal a Step 1 decision on a grievance, beginning from the date of return of the Step 1 grievance to the inmate. Grievances received after that time may be returned to the inmate unprocessed.

**NOTE:** When calculating the 15-day time limit, consideration should be given for the number of days grievances were not collected, such as holidays that fall during the workweek or weekends. Grievances received after that time may be returned to the inmate unprocessed.

**2. Submission in excess of 1 every 7 days. \***

**Emergency grievances and Step 1 grievances regarding disciplinary appeals are exempt.**

Only one Step 1 (I-701) grievance may be processed every seven calendar days, based on the date of the last processed Step 1 (I-701) grievance entered in the tracking system. Unprocessed grievances are not counted when determining the one in seven criteria. Grievances submitted in excess of one every seven days may be returned to the inmate unprocessed.

**3. Original not submitted. \***

Inmate grievances must be submitted in original form. Copies are not considered original documents; even if an original signature is documented on the signature line. Grievances that are not signed by the inmate, or when an inmate writes a name on the grievance other than his name of commitment such as, a religious name or an alias, the grievance may be returned unprocessed.

Inmates must submit the original, answered Step 1 (I-701) grievance form with their Step 2 (I-702) grievance.

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### **4. Non-compliant/excessive attachments. \***

Inmates must state the nature of the grievance on a single grievance form in the space provided. DOC documents such as answered sick call request forms, answered inmate request forms, and property forms which substantiate or further prove the inmate's allegations should be accepted and the grievance processed. Unofficial documents, continuation pages, informal legal-like documents, petitions, unanswered inmate request forms or sick call requests, and drawings will not be accepted. Items such as insects, food particles, or similar items will not be accepted as attachments. Grievances submitted with excessive or inappropriate attachments may be returned to the inmate unprocessed.

### **5. No documented attempt at informal resolution. \***

Inmates must document an attempt to informally resolve an issue prior to filing a Step 1 (I-701) grievance. Any documented attempt noted in the appropriate space of the grievance form will fulfill this requirement and (if any) attached inmate request form. The method or appropriateness of the attempt will not be scrutinized. Inmates may contact medical staff regarding non-emergent medical concerns by submitting a sick call request. Inmate grievances that do not include a documented attempt at an informal resolution may be returned to the inmate unprocessed.

**NOTE:** Informal resolution is not appropriate for emergencies, disciplinary appeals and use of force.

### **6. No requested relief is stated. \***

Inmates must document a request for action to resolve the claim in the space provided on the grievance form. The requested relief often provides valuable information and is helpful when assigning an issue code to the grievance. If the inmate fails to include a request for relief, the grievance may be returned to the inmate unprocessed.

### **7. Malicious use of vulgar, indecent, or physically threatening language. \***

Inmate grievances that contain blatant or malicious use of vulgar, indecent, or physically threatening language may be returned to the inmate unprocessed. Threats of physical harm to staff shall be reported to the Shift Commander. The Commissioner must review the grievance prior to its use as the basis for a disciplinary action.

### **8. The issue presented is not grievable.**

Inmate grievances regarding issues that are not grievable, as specified under part 701 in this subsection of these regulations, may be returned to the inmate unprocessed.

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### **9. Redundant issue.**

This screening criterion may be used to manage inmates who continue to file grievances on issues already addressed in a previous grievance. When this criterion is used, the previous grievance number must be documented in the space provided on the back of the Step 1 grievance form, as well as entered into the tracking system.

### **10. Illegible/incomprehensible. \***

Inmate grievances that are illegible, or incomprehensible may be returned to the inmate unprocessed. If this criterion is continually utilized for the same inmate, the Classification unit shall be notified by IA to interview the inmate to ensure he/she knows how to submit a grievance and there are no issues being missed that should be addressed.

### **11. Inappropriate. \***

Inmate grievances requesting disciplinary action against an employee, such as a reprimand, termination, counseling, or disciplinary action; or a request for compensation as a result of consequential or punitive damages may be returned to the inmate unprocessed. Requests regarding reimbursement for lost or damaged property should not be screened based on this criterion.

Inmate grievances that do not qualify for processing utilizing the definitions of the screening criteria may be returned to the inmate unprocessed. This means the grievances do not require investigation, or a response. IA will check all applicable screening criteria on the back of the grievance form and then record the grievance number, screening criteria used, the date the grievance was received and returned to the inmate unprocessed (not more than 3 calendar days) in the OFFICE USE ONLY box. The IA officer shall sign their name on the signature line provided.

A copy of the unprocessed grievance shall be placed in the inmate's grievance file and the original returned to the inmate.

*Generally, comments written on returned grievances are discouraged; however, simple guidance may be useful to assist the inmate when correcting and resubmitting the grievance. The IA should be mindful if the comment includes more than a few words of simple guidance, the grievance should be processed as a regular grievance, to include investigation, response, and a signature.*

Each time the IA handles the resubmitted, uncorrected grievance, an entry is made into the designated field of the tracking system. Only two attempts for resubmission shall be accepted.

### **§ 57-20.1-715 Emergency Grievance**

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Emergency grievances are not eligible for any of the screening criteria and will be processed unless determined to not be an emergency.

An emergency grievance is one that involves an immediate threat to the welfare or safety of an inmate and is subject to expedited processing. Emergency grievances will begin with the initial determination by the receiving staff. Emergency grievances will be given directly to the Shift Commander to determine whether the grievance is an emergency, requiring immediate attention. If resolved at the shift level, a report will be prepared by the Shift Commander and submitted to the Director and Commissioner. The report should describe the nature of the problem and the resolution achieved. Emergency grievances that cannot be resolved at the shift level will be channeled without delay through the chain of command, including bringing the matter to the Commissioner, until a level is reached where actions can be taken. If upon consideration the Shift Commander determines that the matter is not in fact an emergency issue, then it will be returned to the inmate so he/she may place a Step 1 (I-701) grievance in the locked grievance container.

### § 57-20.1-720 Step 1 Grievance (I-701)

- a. An inmate may submit **one** Step 1 (I-701) grievance within a seven-calendar day period.
- b. The incident or issue grieved must be stated on the Step 1 (I-701) grievance form and in the space provided. Only official documents to support the issue presented may be attached, such as disciplinary sanctions or other official documents.
- c. The inmate shall submit the grievance within 15 calendar days from:
  - i. The date of the alleged incident or problem; or
  - ii. When the inmate became aware or should have become aware of the incident or problem.
- d. The grievance shall state the relief requested.
- e. Internal Affairs shall have 40 calendar days from the receipt of the grievance in which to forward the grievance to the appropriate person, receive a response after an investigation, and return the grievance to the inmate.
- f. Grievances concerning the outcome of a disciplinary shall be processed within 7 calendar days of receipt from the inmate.
- g. All extensions for any investigation must be approved by the Commissioner. An extension of up to an additional 45 calendar days may be necessary to complete an investigation and response. A Notice of Extension shall be provided to the inmate. Extensions should be the exception, not the rule.



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### § 57-20.1-725 Step 2 Grievance (I-702)

- a. At any point of the Step 2 review, if an emergency issue is identified, the grievance will be given immediate attention and processed accordingly.
- b. Inmates have 15 calendar days to appeal a Step 1 (I-701) decision on a grievance, beginning from the date of return to inmate signed by IA in the OFFICE USE ONLY box on the Step 1 (I-701) grievance. Grievances will be accepted for review up to and including the first working day beyond the 15-day time limit. Grievances received after that time may be returned to the inmate unprocessed.
- c. Step 2 (I-702) grievances will be screened and may be returned to the inmate unprocessed.
- d. Step 2 (I-702) grievances shall be answered by the Commissioner, Director or designee. An answered and signed Step 2 (I-702) grievance shall constitute exhaustion of administrative remedies.

### § 57-20.1-730 [Reserved]



# Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands  
1 Lower Navy Hill Road Navy Hill, Saipan, MP 96950



## **PUBLIC NOTICE OF PROPOSED REVISION TO THE CHCC HUMAN RESOURCES RULES AND REGULATIONS REGARDING TYPES OF EMPLOYMENT**

**INTENDED ACTION TO ADOPT THESE PROPOSED REVISIONS TO THE RULES AND REGULATIONS:** The Commonwealth Healthcare Corporation (CHCC) intends to adopt as permanent the attached Proposed Revision to the Rules and Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The CHCC Human Resources Rules and Regulations were initially published in November, 2016 in Volume 38, Number 11 of the Commonwealth Register. They were adopted in February, 2017 in Volume 39, Number 2 of the Commonwealth Register. The Revision to the CHCC Human Resources Rules and Regulations will become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** CHCC has developed and adopted and can amend the personnel system independent of the civil service system in accordance with the law. 3 CMC Section 2824(k).

**THE TERMS AND SUBSTANCE:** The CHCC Human Resources Rules and Regulations provide guidance on all aspects of the employment relationship between CHCC and its permanent, provisional, temporary, and contract employees.

**THE SUBJECTS AND ISSUES INVOLVED:** This Revision is to delete Part 100 – Type of Employment, § 140.90.10, (F)5 of the CHCC Human Resources Rules and Regulations which states “All full time employment contract employees will earn the annual leave benefit of eight (8) hours. Those employees who currently accrue less than eight (8) hours will have their contract amended to reflect the current leave accrual to eight (8) hours. The effective date of the amendments shall be effective on the day it was processed”.



**DIRECTIONS FOR FILING AND PUBLICATION:** These Notice of Proposed Revision to the Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)). Copies are available upon request from Clarinda Ngirausui, HR Classification and Compensation Manager.

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P.O. Box 500409 CK, Saipan, MP 96950  
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

TO PROVIDE COMMENTS: Send or deliver your comments to Esther Muna, *Attn: Revision to CHCC HR Rules and Regulations*, at the above address, fax or email address, with the subject line "Human Resources Revision." Comments are due within 30 days from the date of publication of this notice. Please submit your data, views or arguments. (1 CMC § 9104(a)(2)).

This proposed revision was approved by the CEO on 10th of August, 2021.


Submitted by:  08/10/21  
ESTHER MUNA Date  
Chief Executive Officer  
 8/11/2021  
LAURI B. OGUMORO Date  
Chairperson, CHCC Board of Trustees

Received by:  08/17/21  
MATHILDA A. ROSARIO Date  
Governor's Special Assistant for Administration

Filed and Recorded by:  08.27.2021  
ESTHER SN. NESBITT Date  
Commonwealth Registrar

Pursuant to 1 CMC § 2153(e) (AG approval of regulations to be promulgated as to form) and 1 CMC § 9104(a)(3) (obtain AG approval) the proposed regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).

Dated the 17<sup>th</sup> day of Aug, 2021.

  
EDWARD E. MANIBUSAN  
Attorney General

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P.O. Box 500409 CK, Saipan, MP 96950  
Telephone: (670) 236-8201/2 FAX: (670) 233-8756



# Commonwealth Healthcare Corporation

Commonwealth gi Sangkattan na Islas Mariãnas  
I Lower Navy Hill Road Navy Hill, Saipan, MP 96950



## NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA TINILAIKA PARA I AREKLAMETU YAN REGULASION SIHA GI CHCC HUMAN RESOURCES PUT I KLÄSIN NU IMPLEHU SIHA

I AKSION NI MA'INTENSIONA PARA U ADÄPTA ESTI I MANMAPROPONI NA TINILAIKA PARA I AREKLAMETU YAN REGULASION SIHA: I Commonwealth Healthcare Corporation (i CHCC) ha intensiona para u adäpta komu petmanienti i mañechettun na Manmaproponi na Tinilaika para i Areklamentu yan Regulasion siha, sigun para i manera nu i Äkton Administrative Procedure, 1 CMC § 9104(a). I Areklamentu yan Regulasion i CHCC Human Resources tinituhun mapupblika gi halum Nubembri, 2016 hãlum i Baluma 38, Numiru 11 gi Rehistran Commonwealth. Manma'adäpta gi halum Fibreru, 2017 hãlum i Baluma 39, Numiru 2 gi Rehistran Commonwealth. I tinilaika para i Areklamentu yan Regulasion gi CHCC Human Resources siempri umifektibu gi halum dies (10) dihas dispues di adäptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

ÄTURIDÄT: I CHCC madibelop yan ma'adäpta yan siña amenda i sisteman "personnel" ni independienti nu i sisteman "civil service" ni tumatättiyi yan i lai. 3 CMC Seksiona 2824(k).

I TEMA YAN SUSTÄNSIAN I PALÄBRA SIHA: I Areklamentu yan Regulasion i CHCC Human Resources prinibeniyi gihida gi todü i båndan nu i rilasion implehu yan i CHCC yan i iyon-ñiha petmanienti, "provisional," tempurãriu, yan kuntrãtan impli'ão siha.

I SUHETU NI MASUMÄRIA YAN ASUNTU NI TINEKKA: Esti na Tinilaika para u funas i Pãtti 100 – Klãsin Implehu, § 140.90.10, (F)5 gi Areklamentu yan Regulasion "CHCC Human Resources" ni mamensiona "Todü i "full time" na kuntrãtan impli'ão siempri manmanã'i ochu (8) oras na benifisiun "annual leave." Eyi siha na impli'ão ni rumisisibi menus ki ochu (8) oras siempri ma'amenda i iyon-ñiha kuntrãta para u riflekta i ochu (80) oras na prisenti "leave accrual."

DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA: Esti i Nutisia put i Manmaproponi na Tinilaika siha para i Regulasion debi na u mapupblika gi halum Rehistran Commonwealth gi halum seksiona gi manmaproponi yan nuebu na manma'adäpta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi halum kumbinienti na lugãt gi halum civic center yan gi halum ufisinan gubietnamentu gi kada distritun sendadot, parehu gi finu' Inglis yan i prinsipãt na linguãhin natibu (1 CMC §

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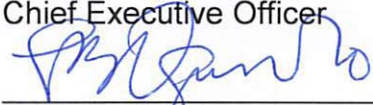
P.O. Box 500409 CK, Saipan, MP 96950  
Telephone: (670) 236-8201/2 FAX: (670) 233-8756



9104(a)(1)). Guaha kopia siña marikuesta gi HR Classification and Compensation Manager as Clarinda Ngirausui.

PARA U MAPRIBENIYI UPIÑON SIHA: Na'hånão pat intrega hálum i upiñon-mu guatu as Esther Muna, Attn: *Tinilaika na Areklamentu yan Regulasion siha* gi CHCC HR, gi sanhilu' na address, fax osino email address, yan i suhetu na rãya "Tinilaikan Human Resources." I upiñon siha debi na u fan hálum gi halum trenta (30) dihas ginen i fetchan nu publikasion esti na nutisia. Put fabot na'hálum i infotmasion, upiñon pat testimonion kinentrã-mu siha. (1 CMC § 9104(a)(2)).

Esti i manmaproponi na tinilaika manma'apreba ginen i CEO gi dihades gi Agusto, 2021.

Nina'hálum as:  08/10/21  
ESTHER L. MUNA Fetcha  
Chief Executive Officer  
 8/11/2021  
LAURI B. OGUMORO Fetcha  
Kabesiyu, CHCC Board of Trustees

Rinisibi as:  08/17/21  
MATHILDA A. ROSARIO Fetcha  
Ispisiãt na Ayudãnti para i Administration Gubietnu

Pine'lu yan  
Ninota as:  08.27.2021  
ESTHER SN. NESBITT Fetcha  
Rehistran Commonwealth

Sigun i 1 CMC § 2153 (e), (Inaprueban Abugãdu Henerãt i regulasion siha ni para u macho'gui kumu fotma) yan i 1 CMC § 9104 (a) (3) (inahentan inaprueban Abugãdu Henerãt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisient I ligãt ginin i CNMI Abugãdu Henerãt yan debi na u mapupblika, 1 CMC § 2153 (f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 17<sup>th</sup> gi Aug, 2021.

  
EDWARD E. MANIBUSAN  
Abugãdu Henerãt

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Telephone: (670) 236-8201/2 FAX: (670) 233-8756



# Commonwealth Healthcare Corporation

Commonwealth Téel Falúw kka Efáng Ilól Marianas  
1 Lower Navy Hill Road Navy Hill, Saipan, MP 96950



## ARONGORONGOL TOULAP REEL POMMWOL LIIWEL NGÁLI ALLÉGHUL ME MWÓGHUTUGHUT CHCC HUMAN RESOURCES IKKA E SSÚL NGÁLI TAPPAL ANGAANG

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL LIIWEL NGÁLI ALLÉGH ME adóptáali Pommwol Liiwel ngáli Allégh me Mwóghutughut ikka e appasch bwe ebwe le lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). E ghommwal akkatééwow Alléghúl me Mwóghutughutúl CHCC Human Resources wóól Aremwoy, 2016 Ilól Volume 38, Numuro 11 reel Commonwealth Register. Re adóptáali Ilól Mááischigh, 2017 Ilól Volume 39, Numuro 2 reel Commonwealth Register. Ebwe bwunguló Alléghúl me Mwóghutughutúl CHCC Human Resources seigh ráál mwiril aal akkatééwow me adóptáail me Ilól Commonwealth Register. (1 CMC § 9105(b)).

BWÁNGIL: CHCC re ayoora me adóptáali me emmwel rebwe liiweli mille “personnel system independent” reel “civil service system” Ilól angúungúl fengál me allégh. 3 CMC Tálil 2824(k).

KKAPASAL ME AWEEWEL: CHCC Human Resources Allégh me Mwóghutughut e ayoorai afal Ilól alongal mwóghutughut sáangi school angaang me CHCC me schóo kka re lo bwe permanent, provisional, temporary, me contract employees.

KKAPASAL ME AUTOL: Liiwel yeel ebwe siiweli Part 100 – Tappal Angaang, § 140.90.10, (F) 5 reel Alléghúl me Mwóghutughutúl CHCC Human Resources iye e ira bwe “Alongeer schóol angaang ikka re lo bwe full time employment contract employees rebwe bweibwogh waluuw (8) oora reel annual leave benefit. Schóol angaang ikka e bwáá bwe re bweibwogh waluuw (8) oora ngáre eghus ebwe liiwel aar “contract” bwe rebwe bwughi waluuw (8) oora reel annual leave benefit. Ebwe bwunguló liiwel kkal wóól rááilil igha re ammwela”.

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Arongorongol Pommwol Liiwel ngáli Mwóghutughut me Ilól Commonwealth Register Ilól tálil pommwol me flél mwóghutughut ikka ra adóptáali me ebwe appaschetá Ilól civic center me bwal Ilól bwulasiyol gobetnameento Ilól senatorial district, fengál reel English me mwaliyaasch (1 CMC § 9102(a)(1)). Emmwel ubwe tingór pappid yeel sáangi Clarinda Ngirausui, HR Classification and Compensation Manager.

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P.O. Box 500409 CK, Saipan, MP 96950  
Telephone: (670) 236-8201/2 FAX: (670) 233-8756

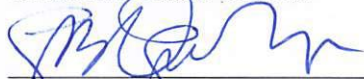
REEL ISIISILONGOL KKAPAS: Afanga ngáre bwughiló yóomw ischil kkapas ngáli Esther Muna, *Attn: Revision to CHCC HR Rules and Regulations*, reel féléfé iye e lo weiláng, fax ngáre email address, ebwe lo wóol subject line bwe “Human Resources Revision.” Ebwe toolong kkapas llól eliigh ráál mwiril aal akkatéewow arongorong yeel. Isiisilong yóomw data, views, ngáre angiingi. (CMC § 9104(a)(2)).

Aa átirow pommwol liiwel kkal sáangi CEO wóol \_\_\_\_\_ rááil \_\_\_\_\_, 2021.

Isáliyalong:

\_\_\_\_\_  
ESTHER L. MUNA  
Chief Executive Officer

\_\_\_\_\_  
Ráál



\_\_\_\_\_  
8/11/2021

\_\_\_\_\_  
LAURI B. OGUMORO  
Chairperson, CHCC Board of Trustees

\_\_\_\_\_  
Ráál

Bwughiyal:



\_\_\_\_\_  
MATHILDA A. ROSARIO  
Special Assistant for Administration

\_\_\_\_\_  
08/17/21

\_\_\_\_\_  
Ráál

Ammwelil:



\_\_\_\_\_  
ESTHER SN. NESBITT  
Commonwealth Registrar

\_\_\_\_\_  
08.27.2021

\_\_\_\_\_  
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG bwe aa lléghló reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel pommwol mwóghutughut ikka ra takkal amwuri físchiiy bwe aa ffíl reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalapal CNMI me ebwe akkatéewowul allégh me mwóghutughut).

Aghikkilátiw wóol 17<sup>th</sup> rááil Aug, 2021.



\_\_\_\_\_  
EDWARD E. MANIBUSAN  
Soulemelemil Allégh Lapalap





Commonwealth of the Northern Mariana Islands  
OFFICE OF THE GOVERNOR  
Bureau of Environmental and Coastal Quality  
DEQ: P.O. Box 501504, DCRM: P.O. Box 10007, Saipan, MP 96950-1504  
DEQ Tel.: (670) 664-8500/01; Fax: (670) 664-8540  
DCRM Tel.: (670) 664-8300; Fax: (670) 664-8315  
[www.deq.gov.mp](http://www.deq.gov.mp) and [www.crm.gov.mp](http://www.crm.gov.mp)



Ralph DLG. Torres  
Governor

Arnold I. Palacios  
Lt. Governor

Eli D. Cabrera  
Administrator

Robert Deleon Guerrero  
Acting Director, DEQ

Janice E. Castro  
Director, DCRM

**PUBLIC NOTICE**  
**OF PROPOSED AMENDMENTS TO SOLID WASTE MANAGEMENT REGULATIONS**  
**RECYCLING, COMPOSTING, SALVAGE, AND C&D WASTE**

**NOTICE OF INTENDED ACTION:** The Commonwealth of the Northern Mariana Islands, Office of the Governor, Bureau of Environmental and Coastal Quality (BECQ) intends to amend the Division of Environmental Quality (DEQ) Solid Waste Management Regulations, NMIAC Chapter 65-80, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a).

**AUTHORITY:** These amendments are promulgated under the authority of BECQ pursuant to 2 CMC § 3121 to issue regulations to carry out its policies and purposes, including to develop and administer programs to prevent or regulate activities as necessary to protect the public health or welfare from any significant adverse effect of the transportation, storage, use, and disposal of solid wastes. 2 CMC § 3122.

**TERMS AND SUBSTANCE:** The proposed amendments will, among other things:

- Define “construction and demolition waste,” “recoverable materials,” “recycling,” “recycling drop-off facility,” “recycling processing or materials recovery facility,” “solid waste,” “solid waste disposal facility,” and “white goods,” and delete the definition for “refuse”;
- Update federal regulations incorporated by reference to current versions;
- Require an application for a permit to be accompanied by an application fee, and establish a fee schedule setting the fee amount;
- Establish a permit by rule authorizing certain recycling drop-off facilities, composting facilities, automobile salvage facilities, and white goods salvage facilities provided that certain conditions are met;
- Adopt regulations governing the construction and operation of recycling processing or materials recovery facilities, including requiring a permit, identifying information required to be contained in the application, and establishing operating conditions and reporting requirements;
- Increase the annual registration fee for commercial waste haulers; and
- Adopt regulations governing the construction and operation of miscellaneous solid waste management activities (composting facilities, construction and demolition solid waste landfills, and salvage facilities), including requiring a permit, identifying information



required to be contained in the application, and establishing operating conditions and reporting requirements.

**CITATION OF AFFECTED REGULATIONS:** The proposed amendments affect NMIAC Chapter 65-80 by amending NMIAC §65-80-010 Definitions; adopting new regulations at NMIAC § 65-80-106 Fees, NMIAC § 65-80-108 Permit by Rule, NMIAC Chapter 65-80 Part 600 Recycling and Materials Recovery Facilities, and NMIAC Chapter 65-80 Part 800 Miscellaneous Facilities/Activities, currently reserved; and amending NMIAC §65-80-701 Registration Required.

**DIRECTIONS FOR FILING AND PUBLICATION:** The proposed amendment shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9201(a)(1)) and posted in convenient places in the civic center and in local governmental offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

**COMMENTS:** Interested parties may submit written comments on the proposed amendment to Greg Reyes, DEQ Solid Waste Management Branch Manager, to the following address, fax, or email address, with the subject line "Proposed Adoption of Recycling, Composting, Salvage, and C&D Waste Provisions."

**BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY**

PO Box 501304, Saipan, MP 96950

Fax: (670) 664-8540

Email: [greg.reyes@becq.gov.mp](mailto:greg.reyes@becq.gov.mp)

Comments are due within thirty (30) calendar days from the date of publication of this notice. 1 CMC § 9104(a)(2).

Submitted by:



Eli Cabrera  
Administrator, BECQ

7/26/2021  
Date

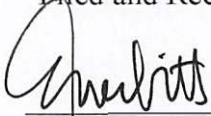
Received by:



Ms. Mathilda A. Rosario  
Special Assistant for Administration

07/28/21  
Date

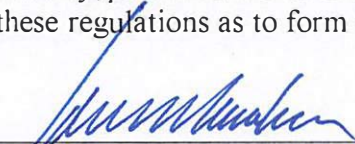
Filed and Recorded by:



Ms. Esther SN. Nesbitt  
Commonwealth Registrar

8.27.2021  
Date

I certify, pursuant to 1 CMC § 2153(e) and 1 CMC § 9104(a)(3), that I have reviewed and approved these regulations as to form and legal sufficiency.



Mr. Edward Manibusan  
Attorney General

7/30/2021  
Date



# Commonwealth gi Sangkattan na Islas Mariãnas

## UFISINAN GUBIETNU

### Bureau of Environmental and Coastal Quality

DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304

DEQ Tel.: (670) 664-8500; Fax: (670) 664-8540

DCRM Tel.: (670) 664-8300; Fax: (670) 664-8315

[www.deq.gov.mp](http://www.deq.gov.mp) and [www.crm.gov.mp](http://www.crm.gov.mp)



Ralph DLG. Torres  
Maga'láhi

Arnold I. Palacios  
Sigundu Maga'láhi

Eli D. Cabrera  
Atrninistradot

Robert Deleon Guerrero  
Acting Direktot, DEQ

Janice E. Castro  
Direktot, DCRM

## NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDA SIHA GI REGULASION SOLID WASTE MANAGEMENT, RECYCLING, COMPOSTING, SALVAGE, YAN C&D WASTE

I AKSION NI MA'INTENSIONA: I Commonwealth gi Sangkattan na Islas Mariãnas, i Ufisinan Gubietnu, i Bureau of Environmental Quality (BECQ) ha intensiona para u amenda i Dibision nu Environmental Quality (DEQ) i Regulasion Solid Waste Management siha, NMIAC Pãtti 65-80, sigun gi Ákton Administrative Procedure (APA), I CMC § 9104(a).

ÁTURIDÁT: Esti na amenda siha manmacho'gui gi pápa' i aturidát nu BECQ sigun para 2 CMC § 3121 para u manã'i regulasion ni para u kinátga huyung iyon-ñiha "policies" yan rason siha, kuntodu para u madibelop yan kátga huyung i prugrãma siha para u prinihibi pat gubietna i aktibidát siha komu nisisãriu para u prutehi i hinemlu' pupbliku o sino inadahi ginen kuatkuet na siknifikãnti na "adverse effect" nu i transpottasion, sagan pinega, isan, yan yinitin nu "solid wastes." 2 CMC § 3122.

I TEMA YAN I SUSTANSIAN I PALÁBRA SIHA: I manmaproponi na amenda siempre, yan otru siha:

- Difina "construction" yan "demolition waste," "recoverable materials," "recycling," fasilidát "recycling drop-off," fasilidát "recycling processing" pat "materials recovery," "solid waste," fasilidát "solid waste disposal," yan "white goods," yan funas i difinision para "refuse";
- "Update" i regulasion fedirát ni manahãlum ginen i "reference" gi prisenti na "versions;"
- Dimãnda aplikasion para u danãa i "permit" yan i ápas aplikasion, yan estapblesi ápas "schedule setting" i tutát na ápas;
- Estapblesi i "permit" ginen areklamentu inaturirisa fitmi na fasilidát "recycling drop-off," fasilidát "composting," fasilidát "automobile salvage," yan fasilidát "white goods salvage" prinibeni na fitmi na kundision matakka';
- Adãpta regulasion ni ha gubiebietna i konstruksion yan kinalamtin nu "recycling processing" pat fasilidát "materials recovery," kuntodu i madimãnda na "permit," aidedentifika imfotmasion ni prisisu para u mago'ti gi halum aplikasion, yan inestapbleblesi kundision "operating" yan dinimãnda siha na ripotti;
- Aomenta i ápas rehistrasion i kada sãkkan para kumisiãt "waste haulers;" yan
- Adãpta regulasion siha ni gumubebietna i konstruksion yan kinalamtin nu "miscellaneous solid waste management" na aktibidát siha (fasilidát "composting," konstruksion yan

“demolition solid waste landfills,” yan fasilidât salvage siha), ingklusu manaprisisu i “permit,” aidedentifika prisisu na imfotmasion para u mago’ti gi halum aplikasion, yan inestapleblesi kundision “operating” yan mamprisisu na ripotti siha.

SITASION NU MANAFEKTA NA REGULASION SIHA: I manmaproponi na amenda siha ha afekta i NMIAC Pâtti 65-80 ginen i inamemendan i NMIAC §65-80-010 Definision; adâdâpta nuebu na regulasion siha gi NMIAC § 65-80-106 Âpas siha, NMIAC § 65-80-108 “Permit” ginen i Areklamentu, NMIAC Pâtti 65-80 Part 600 Fasilidât “Recycling” yan “Materials Recovery” siha, yan NMIAC Pâtti 65-80 Part 800 Fasilidât “Miscellaneous/” Aktibidât siha, marisetba gi prisenti; yan inamemenda i NMIAC §65-80-701 Prisisun Rehistrasion.


DIREKSION PARA U MAPO’LU YAN MAPUPBLIKA: I manmaproponi na amenda debi na u mapupblika gi halum Rehistran Commonwealth gi halum seksiona ni manmaproponi yan nuebu na manma’adâpta na regulasion siha (1 CMC § 9201(a)(1)) ya u mapega gi halum kumbinienti na lugât gi ufisinan gubietnamentu siha yan gi kada distritun senadot parehu Inglis yan i prinsipât na lingguâhin natibu (1 CMC § 9104(a)(1)).

UPIÑON SIHA: I manintiresâo na pattidâ siña ma’intrega hâlum tinigi’ upiñon gi manmaproponi na amenda para guatu as Greg Reyes, DEQ Solid Waste Management Branch Manager, para i mantinattiyi na address, fax, o sino email address, ya i suhetu na râya “I Manmaproponi na Adâptasion nu “Recycling, Composting, Salvage,” yan “C&D Waste Provision.”

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY  
PO Box 501304, Saipan, MP 96950  
Fax: (670) 664-8540  
Email: [greg.reyes@becq.gov.mp](mailto:greg.reyes@becq.gov.mp)


I upiñon siha debi na u fanhâlum gi halum trenta (30) dihas ginen i kalendâriu ni mafetcha i pupublikasion esti na nutisia. 1 CMC § 9104(a)(2).

Nina’hâlum as:

  
Eli Cabrera  
Atministradot, BECQ

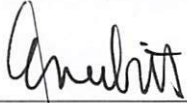
  
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Rinisibi as:

  
Ms. Mathilda A. Rosario  
Ispisiât na Ayudânti para i Atministrasion

  
Fetcha

Pine'lu yan ninota as:




Ms. Esther SN. Nesbitt  
Commonwealth Registrar

08-27-2021

Fetcha

Hu settifika, sigun para 1 CMC § 2153(e) yan 1 CMC § 9104(a)(3), na hu ribisa yan aprueba esti siha na regulasi3n komu para fotma yan ligat sufisienti.



Mr. Edward Manibusan  
Abugadu Henerat

7/30/2021

Fetcha





Commonwealth Téel Falúw kka Efang Ilól Marianas  
**BWULASIYOL SOULEMELEM**

**Bureau of Environmental and Coastal Quality**  
 DEQ: P.O. Box 501304, DCRM: P.O. Box 10007, Saipan, MP 96950-1304  
 DEQ Tel.: (670) 664-8500/401; Fax: (670) 664-8540  
 DCRM Tel.: (670) 664-8300; Fax: (670) 664-8315  
[www.deq.gov.mp](http://www.deq.gov.mp) and [www.cnm.gov.mp](http://www.cnm.gov.mp)



Ralph DLG. Torres  
 Governor

Arnold I. Palacios  
 Lt. Governor

Eli D. Cabrera  
 Administrator

Robert B. Deleon Guerrero  
 Acting Director, DEQ

Janice E. Castro  
 Director, DCRM

**ARONGORONGOL TOULAP**  
**REEL POMMWOL LIIWEL NGÁLI MWÓGHUTUGHUTÚL SOLID WASTE**  
**MANAGEMENT RECYCLING, COMPOSTING, SALVAGE, ME C & D WASTE**

**MÁNGEMÁNGIL MWÓGHUT:** Commonwealth Téel Falúw kka Efang Ilól Marianas, Bwulasiyol Soulemelem, Bureau of Environmental and Coastal Quality (BECQ) re mángemángil rebwe liiweli Mwóghutughutúl Division of Environmental Quality (DEQ) Solid Waste Management, NMIAC Chapter 65-80, sángi Administrative Procedure Act (APA), 1 CMC § 9104(a).

**BWÁNGIL:** Ebwe arongowow liiwel kkal faal bwángil BECQ sángi 2 CMC §3121 iye e isiisiwow “policies” me bwulul, ebwal schuulong ikka re ayoora me isiisiwow reel progróoma reel ebwe pileey me ayoora mwóghutughut ikka ebwe tepángi meefiyeer toulap ngáred “welfare” sángi ikka e lo bwe “significant adverse effect” reel “transportation”, “storage”, yááyál, me “disposal of solid waste”. 2 CMC §3122.

**KKAPASAL ME WEEWEL:** Pommwol liiwel kkal ebwe, llól akkááw mwóghut:

- Ebwe lo weewel “construction and demolition waste,” “recoverable materials,” “recycling,” “recycling drop-off facility,” “recycling processing or materials recovery facility,” “solid waste,” “solid waste disposal facility,” and “white goods,” me siiweli weewel “refuse”;
- Fféerú sefááliy “federal regulations incorporated by reference to current versions”;
- Ebwe yoor “application” ngáli angúungúl nge ebwe appasch fengál me “application fee”, me ebwe ghikkil “fee schedule setting the fee amount”;
- Ebwe itittiw angúungúl allégh iye e ayoorai bwángil reel akkááw “drop-off facilities”, “composting facilities”, “automobile salvage facilities”, me “white goods salvage facilities” nge e ffat bwe eyoor “conditions” ikka u bwe attabweey;
- Adóptáali mwóghutughut ikka e lemeli kkayúl me mwóghutughutúl “recycling processing or materials recovery facilities”, e schuulong bwe ebwe yoor angúungúl, ebwe ffat arongorongol application, me itittiwel “operating conditions and reporting requirements”;
- Ebwe lapaló”annual registration fee” ngáli “commercial waste haulers”; me
- Adóptáali mwóghutughut ikka e lemeli kkayúl me “miscellaneous solid waste management activities (composting facilities, construction and demolition solid waste landfills, and salvage facilities), e schuulong angúungúl, arongorong ikka e ffil llól application, me itittiwel “conditions and reporting requirements”.

KKAPASAL MWÓGHUTUGHUTÚL CITATION: Pommwol liiwel kkal e siiweli NMIAC Chapter 65-80 reel igha re liiweli NMIAC §65-80-010 Weewel; adóptaal ffél mwóghutughut me NMIAC §65-80-106 Fees, NMIAC § 65-80-108 Angúungúl sáangi Allégh, NMIAC Chapter 65-80 Part 600 “Recycling and Materials Recovery Facilities”, me NMIAC Chapter 65-80 Part 800 “Miscellaneous Facilities/Activities”, “currently reserved”; me liiweli NMIAC §65-80-701 “Registration Required”.


AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow pommwol liiwel kkal me llól Commonwealth Register llól tánil pommwol me ffél mwóghutughut ikka ra adóptáali (1 CMC § 9201(a)(1)) me ebwe appaschetá me llól civic center me bwal llól bwulasiyol gobetnameento llól senatorial district, fengál reel English me mwaliyaasch (1 CMC § 9104(a)(1)).

KKAPAS: Schóó kka re mwuschel isiisilong ischil kkapas wóól pommwol liiwel kkal rebwe isch ngáli Greg Reyes, DEQ Solid Waste Management Branch Manager, ngáli address, fax, ngáre email address, ebwe lo wóól subject line bwe “Proposed Adoption of Recycling, Composting, Salvage, and C & D Waste Provisions”.

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY  
PO Box 501304, Saipan, MP 96950  
Fax: (670) 664-8540  
Email: [greg.reyes@becq.gov.mp](mailto:greg.reyes@becq.gov.mp)


Ebwe toolong kkapas llól eliigh (30) ráál mwiril aal akkatééwow arongorong yeel. 1 CMC § 9104(a)(2).

Isáliyalong:

  
\_\_\_\_\_  
Eli Cabrera  
Administrator, BECQ

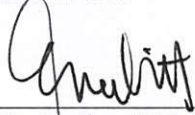
7/26/2021  
Ráál

Bwughiyal:

  
\_\_\_\_\_  
Ms. Mathilda A. Rosario  
Special Assistant ngáli Administration

07/28/21  
Ráál

Ammwelil:



Ms. Esther SN. Nesbitt  
Commonwealth Registrar

08-27-2021

Ráál

I alúghúlúgh sáangi 1 CMC § 2153(e) me 1 CMC § 9104(a)(3), bwe I ya takkal amwuri fischiy me átirowa mwóghutughut kkal bwe aa lléghló reel fféerúl me legal sufficiency.



Mr. Edward Manibusan  
Soulemelemil Allégh Lapalap

7/30/2021

Ráál



§ 65-80-010 Definitions

(a) Definitions from federal regulations incorporated by reference are included in the appendices to this chapter.

(b) The following are additional definitions included for clarity as they pertain to the CNMI Solid Waste Management Regulations, codified in this chapter:

(1) "Acts" mean the CEPA, SWMA, and the CEAA unless otherwise stated.

(2) "Bioconversion" means the processing of the organic fraction of the waste stream through biological or chemical means to perform composting or to generate products, including, but not limited to, fertilizers, feeds, methane, alcohols, tars, and other products. This term includes, but is not limited to, biogasification, acid hydrolysis, pyrolysis, and fermentation. This term does not include any form of incineration or methane gas extraction from a MSWLF.

(3) "CEAA" means Commonwealth Environmental Amendments Act, 1999, PL 11-103.

(4) "CEPA" means Commonwealth Environmental Protection Act, 1982, 2 CMC §§ 3101 to 3134.

(5) "CESQG wastes" means hazardous wastes from a conditionally exempt small quantity generator as defined in 40 CFR 261.5 (~~1999~~2021).

(6) "CFR" means the United States Code of Federal Regulations, ~~1999~~2021.

(7) "Closure" means those actions taken by the owner or operator of a solid waste management facility to cease disposal operations and to ensure that closure is in conformance with applicable requirements as described in part 200.

(8) "CNMI" or "Commonwealth" means the Commonwealth of the Northern Mariana Islands.

(9) "Collection" means the removal of solid waste from a generation or transfer point and the subsequent transport of the solid waste to a site/facility for further processing, additional transfer, or disposal.

(10) "Composting" means a process in which organic solid wastes, such as biosolids (sewage sludge), vegetative waste materials, manures, and non-treated wood chips and shavings, are biologically decomposed and stabilized under controlled conditions to produce a stable humus-like mulch or soil amendment. This term includes the processing of organic and non-treated wood waste materials for the generation of wood chips or other materials that can be used as soil amendment, planting mixes, mulches for horticultural and agricultural applications, landfill cover, and land reclamation.

(11) "Construction and demolition waste" means concrete, rock, brick, bituminous concrete, and masonry resulting from the demolition or razing of buildings or other structures. Construction and demolition waste does not include wood, composition roofing and roofing paper, steel, plaster, copper and other metals, friable asbestos, hazardous substances, or materials contaminated with waste paints, solvents, sealers, adhesives, or similar materials.

~~(11)~~—(12) "Convenience center" means waste handling facilities performing limited transfer station operations and receiving less than five tons per day of exclusively household/residential waste.

~~(12)~~—(13) "Cover material" means soil or other suitable material that has been approved by the Director of DEQ for use as cover material for solid waste at a MSWLF.

~~(13)~~—(14) "DEQ" means the CNMI Division of Environmental Quality.

~~(14)~~—(15) “Director” means the Director of the CNMI Division of Environmental Quality or person designated to act by the Director unless otherwise specified.

~~(15)~~—(16) “DPW” means the CNMI Department of Public Works unless otherwise specified.

~~(16)~~—(17) “Hazardous waste” means any waste defined as “hazardous waste” under 40 CFR ~~part 261.3~~ (19992021).

~~(17)~~—(18) “Incineration” means the destruction of solid waste by combustion in a furnace designed for such purposes where solid waste essentially is reduced to ash, carbon dioxide and water vapor.

~~(18)~~—(19) “Nuisance” means an act or an omission of an act which annoys, injures, or endangers the comfort, health, or safety of others, offends decency, or unlawfully interferes with, or obstructs or tends to obstruct, any public park, square, street, or highway, or in any way renders other persons insecure in life, or in the use of property.

~~(19)~~—(20) “Permit” means any authorization, license, or equivalent control document issued under the authority of DEQ that regulates the management of solid waste including location, design, construction, operation, groundwater monitoring, corrective action, closure, post-closure care, and financial assurance elements applicable to solid waste management activities and SWMFs.

~~(20)~~—(21) “Permit by rule” means an abbreviated procedure by which those solid waste management facilities considered by the Director of DEQ to have limited impact to the community and the environment may begin operations in accordance with § 65-80-108 of this chapter.

~~(21)~~—(22) “Person” means an individual, firm association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

~~(22)~~—(23) “Post-closure” means the requirements placed upon landfill disposal sites after closure to enable their environmental safety for a thirty-year period.

~~(23)~~—(24) “Premises” means tract or parcel of land with or without buildings.

~~(24)~~—(25) “Processing” means an operation to convert solid waste or recyclable materials into a useful product or prepare such materials for disposal.

~~(25)~~—(26) “Pyrolysis” means the process in which solid waste is heated in an enclosed device in the absence of oxygen to vaporize the waste, producing a hydrocarbon-rich gas capable of being burned for recovery or energy.

~~(26)~~—(27) “RCRA” means the federal Resource Conservation and Recovery Act, 1976, as amended to 19992021, 42 USC §§ 6901 to 6992.

(28) “Recoverable materials” means materials that can be diverted from disposal for recycling or bioconversion. This term does not include batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans subject to regulation as “universal waste” under 40 CFR Part 273 (2021).

(29) “Recycling” means the collection, separation, processing, recovery, and sale or reuse of recoverable materials that would otherwise be disposed of as solid waste, including but not limited to cardboard, newspaper, office paper, glass, aluminum containers, plastics, tires, and metal scraps, and is an integral part of a manufacturing process aimed at producing a marketable product made of postconsumer material.



(30) “Recycling drop-off facility” means a manned or unmanned structure or site for collection, manual segregation, and temporary storage of recoverable materials.

(31) “Recycling processing or materials recovery facility” means a structure or site that performs any or all of the activities required to process or recover recoverable materials for recycling, including collection, manual segregation, separation, sorting, baling, shredding, crushing, melting, temporary storage, and/or transportation of recoverable materials.

~~(27) “Refuse” means anything putrescible or non-putrescible that is discarded or rejected as waste.~~

~~(28) — (32)~~ “Reserved” means a section having no requirements and which is set aside for future possible rulemaking as a note to the regulated community.

~~(29) — (33)~~ “Salvage” means the incidental removal of solid waste for reuse under the control of the facility owner or operator.

(34) “Solid waste” means any waste defined as “solid waste” under 40 CFR 261.2 (2021).

(35) “Solid waste disposal facility” means any facility which receives solid waste for ultimate disposal through landfilling or incineration. This term does not include recycling drop-off facilities, recycling processing or materials recovery facilities, or bioconversion facilities.

~~(30) — (36)~~ “Solid waste management activity” means any activity that provides for the systematic administration of the collection, source separation, storage, transportation, transfer, transformation, processing, treatment, and disposal of solid waste.

~~(31) — (37)~~ “Solid waste management facility” (SWMF) means any site at which solid wastes are aggregated for storage, transfer, transformation, processing, or disposal, including but not limited to municipal solid waste landfills (MSWLFs), (as defined under 40 CFR part 258 ~~(1999)2021~~) adopted by reference under part 200 of this chapter), non-municipal, nonhazardous waste disposal units that receive conditionally exempt small quantity generator (CESQG) waste (as defined under 40 CFR part 257 ~~(1999)2021~~) adopted by reference under part 300 of this chapter), transfer stations, recycling operations, or incinerators, but not including sites where a single person has collected his/her own solid wastes for a brief period prior to removal to a solid waste management facility, unless such person has created thereby a public nuisance or health hazard.

~~(32) — (38)~~ “Solid waste management permit” means a permit issued by DEQ to a public or private entity that is involved in the collection and disposal of solid waste.

~~(33) — (39)~~ “Source separation” means separation of solid waste into some or all of its component parts at the point of generation of the solid waste.

~~(34) — (40)~~ “Storage” means the holding of solid waste materials for any temporary period.

~~(35) — (41)~~ “Stream” means the point at which any confined freshwater body of surface water reaches a mean annual flow rate of twenty feet per cubic second.

~~(36) — (42)~~ “Surface water” means all lakes, rivers, ponds, streams, inland waters, salt waters and water courses within the jurisdiction of the CNML.

~~(37) — (43)~~ “SWMA” means Solid Waste Management Act, 1986, 2 CMC §§ 3511 to 3521.

~~(38) — (44)~~ “Transfer station” means a site to which solid wastes are brought from their point of generation or previous transfer and where such wastes are temporarily stored prior to transfer to a site of additional transfer or separation, recycling, storage, processing, or disposal.

~~(39)~~—(45) “Treatment” means the physical, chemical or biological processing of solid waste to make such solid waste safer for storage or disposal, amenable for energy or material source recovery, or reduced in volume.

~~(40)~~—(46) “Used oil transporter” means a person licensed or certified under local, state, or federal requirements to transport used oil.

(47) “White goods” means electrical and mechanical appliances made primarily of metal parts such as refrigerators, clothes washers and dryers, microwaves, and televisions.

#### § 65-80-106 Fees

~~Reserved.~~ (a) Every applicant for a permit shall pay a permit application fee in accordance with the following fee schedule:

Recycling Drop-Off Facility — \$250

Automotive, Scrap Metal, and White Goods Salvage Facilities — \$250

Recycling Processing or Recovery Facility — \$500

Transfer Station — \$500

Bioconversion Facility — \$500

Construction and Demolition Waste Landfill — \$1000

Solid Waste Disposal Facility — \$1000

(b) Permit application fees shall be paid by check made payable to the CNMI Treasury.

(c) Government agencies applying for a permit are exempt from the requirement to pay an application fee.

(d) Payment of the permit application fee is due upon submission of an initial application and for each renewal application.

#### § 65-80-108 Permit by Rule

~~Reserved.~~ (a) Notwithstanding any other provision of these rules, the following types of facilities shall be deemed to have a permit if all applicable conditions are met:

(1) Recycling drop-off facilities that store less than one ton of recoverable materials at any one time.

(2) Composting facilities that store less than one ton of organic solid wastes at any one time.

(3) Automobile salvage facilities that store fewer than 10 automobiles at any one time.

(4) White goods salvage facilities that store fewer than 10 white goods at any one time.

(b) General Conditions.

(1) At least thirty (30) days prior to commencing the activities covered under a permit by rule, written notification of such activity must be made to DEQ. The notification shall be accompanied by a \$50 administrative fee. Persons failing to notify DEQ of such activities shall be deemed to be operating without a permit.

(2) No regulated hazardous waste in accordance with 40 C.F.R. Part 261 may be collected, transported, or disposed at any of the facilities.

(3) Suitable means shall be employed to prevent solid wastes from scattering and to control litter, odors, and vectors such as rodents and insects.



(4) Suitable means shall be employed to prevent and control fires, including an emergency response plan when appropriate.

(5) It is the responsibility of the facility owner and/or operator to comply with all the local rules, regulations, and ordinances, and DEQ may add additional conditions deemed appropriate.

(6) Each facility shall be supervised, secured, and have a permanent sign identifying the facility, hours and days of operation, materials accepted or not accepted, the name and contact information for the facility owner and/or operator, and other pertinent information.

(c) Conditions for Recycling Drop-Off Facilities.

(1) Scavenging at the facility by the general public is prohibited.

(2) An annual report shall be prepared and submitted to DEQ reporting the weights and types of recoverable materials received and distributed (including all materials sold, disposed, or otherwise shipped offsite) between July 1-June 30. The report is due on July 31 of each year.

(d) Conditions for Composting Facilities.

(1) The finished compost must be sufficiently stable that it can be stored or applied on land without producing a nuisance.

(2) An annual report shall be prepared and submitted to DEQ reporting the tonnage between July 1-June 30 of solid waste accepted, composted tonnage produced, and disposed (including all waste removed from the facility for disposal). The report is due on July 31 of each year.

(3) No used cooking oil, treated lumber, stained or painted wood, or biosolids (sewage sludge) may be accepted or processed for composting.

## **Part 600 - Recycling and Materials Recovery Facilities**

### **~~Reserved~~ § 65-80-601 Applicability**

(a) This Part regulates the construction and operation of recycling processing or materials recovery facilities.

(b) The following facilities are exempt from regulation under this Part:

(1) Recycling drop-off facilities permitted by rule; and

(2) Transfer stations and solid waste disposal facilities already permitted by DEQ, provided that the recycling processing or materials recovery operations are addressed by the facility's permit.

### **§ 65-80-605 Permit Required**

(a) A permit is required to construct and operate a recycling processing or materials recovery facility.

(b) Recycling processing or materials recovery facilities that are in operation as of the effective date of this regulation shall submit a complete application for a permit within one year after the effective date of this regulation.

### § 65-80-610 Application for Permit

The permit application shall be completed on forms furnished by DEQ and shall include, but not be limited to, the following:

(a) Land rights. Proof of valid legal interest in the real property such as a land title or lease agreement shall be submitted.

(b) Site analysis. A site analysis shall be submitted and shall include at least a site plan, a process flow diagram, and a description of siting of equipment, machinery, public access, and turnaround areas. The site analysis shall identify any flood hazards, wetland areas, potable water supply wells, and fault areas. The site analysis shall include surrounding land uses and, where determined necessary by DEQ, describe mitigating measures taken to reduce the impact of the facility upon neighboring properties.

(c) Design requirements.

(1) Drainage. Each recycling processing or materials recovery facility shall be designed provide adequate drainage to prevent standing water and to control "run-on" and "run-off" of rainwater.

(2) Nuisance, health, and safety control. Each recycling processing or materials recovery facility shall be designed to include methods to control litter, insects, odors, and vectors.

(3) Leachate. Waste or material storage areas and the active processing areas must be located on surfaces capable of minimizing leachate release into the groundwater under the site and the surrounding land surface.

(d) Operations plan. An operations plan shall be submitted to DEQ detailing the following:

(1) A description of the recoverable material proposed to be processed or recovered at the facility including the current management of the recoverable materials;

(2) A means of weighing or measuring all materials accepted at the facility as well as all residue, waste, and recovered materials;

(3) A plan for disposal of all residues and wastes, including intended disposal measures and capacities for temporary storage of residue and waste generated during processing or recovery; and

(4) A plan to prevent and minimize fire hazards.

(e) Closure plan. A closure plan shall be submitted to DEQ detailing what steps the facility will take upon facility closure to ensure no adverse environmental impacts.

### § 65-80-615 Operating Conditions

The recycling processing or materials recovery facility must be operated in accordance with the approved operating plan.

### § 65-80-620 Recordkeeping and Reporting Requirement

(a) The facility shall maintain daily operating records including:

(1) The type and quantity, by weight or volume of recoverable material received by the facility;



- (2) The quantity, by weight or volume, of recyclable materials recovered, and of residue or waste disposed (including all waste removed from the facility for disposal); and
- (3) A summary of all monitoring performed at the facility.
- (4) Any major deviations from the operating plan.
- (b) An annual report shall be prepared and submitted to DEQ summarizing for the period from July 1-June 30 the information reflected in the daily operating records. The report is due on July 31 of each year.

#### **§ 65-80-701 Registration Required**

It shall be unlawful for any person to initiate or continue the commercial collection of municipal solid waste without first registering the waste hauling vehicle with the DEQ. The annual registration fee for each vehicle shall be ~~\$25 initially~~\$50, and may be revised, in writing, by the Director of DEQ.

#### **Part 800 - Miscellaneous Facilities/Activities**

##### ~~[Reserved.]~~**§65-80-801 Applicability**

- (a) This Part regulates the construction and operation of the following types of facilities:
  - (1) Facilities that perform any or all of the activities required for composting, including chipping, chopping, mixing, blending, spraying, spreading, curing and/or other processing;
  - (2) Construction and demolition waste landfills; and
  - (3) Salvage facilities, including but not limited to automotive salvage facilities (including automobile dismantlers and junkyards), scrap metal salvage facilities, and white goods salvage facilities.
- (b) The following facilities are exempt from regulation under this Part:
  - (1) Facilities permitted by rule; and
  - (2) Transfer stations and solid waste disposal facilities already permitted by DEQ, provided that the composting, construction and demolition waste landfill, and salvage operations are addressed by the facility's permit.

##### **§65-80-805 Permit Required**

- (a) A permit is required to construct and operate a facility subject to §65-80-801.
- (b) Such facilities that are in operation as of the effective date of this regulation shall submit a complete application for a permit within one year after the effective date of this regulation.

##### **§ 65 80-810 Application for Permit – General Requirements**

The permit application shall be completed on forms furnished by DEQ and shall include, but not be limited to, the following:

- (a) Land rights. Proof of valid legal interest in the real property such as land title or lease agreement shall be submitted.



(b) Site analysis. A site analysis shall be submitted and shall include at least a site plan and description of siting of equipment, machinery, public access, and turnaround areas. The site analysis shall identify any flood hazards, wetland areas, potable water supply wells, and fault areas. The site analysis shall include surrounding land uses and, where determined necessary by DEQ, describe mitigating measures taken to reduce the impact of the facility upon neighboring properties.

(c) Design requirements.

(1) Drainage. Each facility shall be designed provide adequate drainage to prevent standing water and to control “run-on” and “run-off” of rainwater.

(2) Nuisance, health, and safety control. Each facility shall be designed to include methods to control litter, insects, odors, and vectors.

(3) Leachate. Waste or material storage areas and the active processing areas must be located on surfaces capable of minimizing leachate release into the groundwater under the site and the surrounding land surface. Solid waste disposal areas must be located on compacted soil liners consisting of a minimum of a two foot thick layer of soil with a maximum permeability of  $1 \times 10^{-5}$  cm/sec, or an alternative design approved by DEQ.

(d) Operations plan. An operations plan shall be submitted to DEQ detailing the following:

(1) A detailed description of the source, quality and quantity of the solid waste to be collected;

(2) A means of weighing or measuring all materials accepted at the facility as well as all residue, waste, and salvaged or composted material produced;

(3) A plan for disposal of all residues and wastes, including intended disposal measures and capacities for temporary storage of residue and waste generated during processing or recovery; and

(4) A plan to prevent and minimize fire hazards.

(e) Closure plan. A closure plan shall be submitted to DEQ detailing what steps the facility will take upon facility closure to ensure no adverse environmental impacts.

#### **§ 65-80-815 Application for Permit – Specific Requirements by Facility Type**

In addition to the application material required by § 65-80-810, the operations plan submitted with the facility application shall include the following additional information as applicable:

(a) Composting facilities

(1) A detailed description of the type and expected quantity of any bulking agent to be used;

(2) The method by which organic solid waste that possess a pathogen concern will be composted to meet the criteria for reducing pathogens. Acceptable methods are:

(i) The windrow composting method, in which the solid waste is maintained under aerobic conditions during the composting process, and is turned a minimum of five times during a period of fifteen consecutive days with the temperature of the mixture being fifty-five degrees Celsius or greater within six to eight inches below the surface of the pile;

(ii) The aerated static pile composting method, in which the compost pile must be insulated and a temperature of not less than fifty-five degrees Celsius or greater must be maintained throughout the compost pile for at least three consecutive days;



(iii) The enclosed vessel composting method, in which the mixture must be placed in an enclosed vessel and maintained at a temperature of not less than fifty-five degrees Celsius or greater throughout the mixture for at least three consecutive days; and

(iv) Other methods approved by DEQ on a case-by-case basis;

(3) A monitoring plan, including the location of monitoring points and frequency of monitoring, to ensure that the composting facility has sufficient temperature monitoring to ensure that the pathogen reduction criteria are met. For a windrow and aerated static pile process, this may include monitoring six to eight inches below the pile surface; for an aerated static pile process, this may include monitoring six to eight inches from the outlet of the aeration pipe; and for an enclosed vessel system, this may include monitoring six to eight inches inside the vessel wall and six to eight inches from the aeration piping (when operating in the positive aeration mode). Temperature monitoring must occur, at a minimum, on a daily basis; and

(4) A plan to ensure that the finished compost from composting operations shall be nonpathogenic, free of offensive odors, biologically and chemically stable, free of injurious components or particles, and able to sustain plant growth, together with a description of the ultimate use for the finished compost and the method of removal from the site.

(b) Construction and demolition solid waste landfills

(1) A waste exclusion plan to ensure that the landfill will not accept hazardous waste; electrical transformers with oil or polychlorinated biphenyls (PCB) or when generated from other than demolition projects; pesticide containers, unless they meet applicable requirements for household waste; liquids; or friable asbestos containing material, unless it complies with 40 C.F.R. Part 61, National Emission Standards for Hazardous Air Pollutants;

(2) A groundwater monitoring plan including

(i) The location of monitoring wells (with a minimum of one upgradient and one downgradient monitoring wells, plus any additional wells required by DEQ) and a detailed description of the monitoring well construction;

(ii) A sampling plan including tests to be performed, methods to be used, and frequency of sampling (including sampling and testing of the monitoring wells prior to starting operations to establish baseline data), for the following chemicals: arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, chemical oxygen demand, total organic carbon, total petroleum hydrocarbon, and cyanide; and

(iii) Corrective action requirements should the results of testing show exceedances of water quality standards and/or elevated concentrations above baseline.

(c) No additional application requirements apply for salvage facilities.

### **§ 65-80-820 Operating Conditions**

(a) Each facility subject to this Part 800 must be operated in accordance with the approved operating plan.

(b) The owner and/or operator of each facility subject to this Part 800 must notify any potential purchaser of the property that the property has been used for regulated solid waste management activity.

**§ 65-80-830 Recordkeeping and Reporting Requirement**

(a) The facility shall maintain daily operating records including:

(1) The type and quantity, by weight or volume of waste received by the facility;

(2) The quantity, by weight or volume, of compost produced and/or material salvaged, as applicable, and of residue or waste disposed (including all waste removed from the facility for disposal);

(3) A summary of all monitoring performed at the facility; and

(4) Any major deviations from the operating plan.

(b) An annual report shall be prepared and submitted to DEQ summarizing for the period from July 1-June 30 the information reflected in the daily operating records. The report is due on July 31 of each year.



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OAG 21-01

August 9, 2021

Subject: Operation of Managaha Island

Agency: Department of Public Lands

Opinion of the Attorney General1

I. QUESTIONS PRESENTED

- 1. What is the scope of the Department of Public Lands' ability to administer Managaha Island in the absence of a Concessionaire, as regards...
a. ... temporary permitting of vendors?
b. ... life guards and security?
c. ... cleaning and maintenance?
2. Can the Department of Public Lands waive the landing fee for non-resident visitors to Managaha Island?
3. How should the Department treat revenues earned from Managaha Island while administering it in the absence of a special concessionaire?

II. SHORT ANSWER

- 1. DPL's regulations do not contemplate Managaha being without a concessionaire, and are silent on what DPL must do under those circumstances. However, DPL has a superseding authority to administer and manage public lands under I CMC § 2803 upon which it can rely to step into the shoes of the absent concessionaire in a limited fashion. This limited authority would allow DPL to approve the temporary permitting of subconcessionaires and provide for life guards, security, cleaning, and maintenance of Managaha.
2. No. The landing fee must be charged to all "tourists," which are defined as non-residents of the CNMI, pursuant to NMIAC § 145-30-210.
3. Revenues resulting from subconcession fees are analogous to rents, and therefore should be treated as arising out of the administration and management of public lands. Likewise,

1 This opinion was first issued on January 8, 2020 at the request of the Secretary of Finance.



landing fee revenues may be used for the “construction, maintenance, repair, and/or upkeep” of Managaha, with the remainder being remitted to the MPLT at the end of the fiscal year.

### III. Background

#### A. The Mariana Public Lands Corporation

When the Constitution of the Commonwealth of the Northern Mariana Islands (“CNMI Constitution”) was ratified in 1977, it created the Marianas Public Lands Corporation (“MPLC”).<sup>2</sup> The MPLC was established to act as a steward of the Commonwealth’s public lands for the benefit of people of Northern Marianas descent within the context of several constitutional restrictions.<sup>3</sup>

The MPLC had a limited constitutional lifespan, and was dissolved in 1994.<sup>4</sup> Its responsibilities and powers were succeeded by the Board of Public Lands, the Marianas Public Lands Authority, and then the Department of Public Lands (“DPL”).<sup>5</sup> These entities inherited the MPLC’s fiduciary duties to people of Northern Marianas Descent (“NMDs”).<sup>6</sup>

#### B. Managaha Island and the Special Recreational Concession

The public lands of the Commonwealth to be managed by the MPLC include Managaha Island (“Managaha”). The Constitution instructs that Managaha must be “maintained as an uninhabited place and used only for cultural and recreational purposes.”<sup>7</sup> By the early 1980s, it had become clear that proper care and maintenance of Managaha would require a partnership between the Commonwealth and private companies.<sup>8</sup>

Thus, in 1989 the MPLC contracted with Tasi Tours & Transportation, Inc., a local company, to grant it a Special Recreational Concession to exclusively operate all commercial concessions on Managaha, maintain the island, and provide other necessary public services.<sup>9</sup> MPLC further defined the scope of this relationship and Tasi’s responsibilities via regulations enacted in 1993.<sup>10</sup> Tasi Tours operated the Special Recreational Concession until August 2020. However, the successor Concessionaire, U-Top Investment (Saipan) Inc., did not take possession of the Special Recreational Concession and abandoned its associated rights, leading to the termination of its concession in February 2021.

DPL has not yet contracted with a new Concessionaire to operate the Special Recreational Concession for Managaha, but has been providing daytime security and maintenance for the

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<sup>2</sup> NMI Const. art. XI, § 4.

<sup>3</sup> NMI Const. art. XI, §§ 3-4.

<sup>4</sup> See NMI Const. art. XI, § 4(f); Exec. Order 94-3.

<sup>5</sup> See P.L. 15-2 (2006); P.L. 12-71 (2001); P.L. 12-33 (2000); P.L. 10-57 (1997).

<sup>6</sup> See *DPL v. Commonwealth*, 2010 MP 14 ¶ 12.

<sup>7</sup> NMI Const. art. XIV, § 2.

<sup>8</sup> CNMI Atty. Gen. Opinion No. 82-18, at 4-5 (Aug. 30, 1982).

<sup>9</sup> See *Island Marine Sports, Inc. v. Dep’t of Pub. Lands*, Civil Case No. 12-0151, Opinion & Order Granting Preliminary Injunction at 3 (July 19, 2012).

<sup>10</sup> *Id.* at 2-3. See also NMIAC § 145-30-001 through -410.

island in the interim. As tourism resumes, it has inquired as to the scope of its ability to administer Managaha in the absence of a concessionaire.

#### IV. ANALYSIS

##### A. **DPL’s statutory authority to administer and manage public lands allows it to step into the shoes of the absent concessionaire.**

DPL is responsible for the administration and management of public lands.<sup>11</sup> Managaha is public land that must be “maintained as an uninhabited place and used only for cultural and recreational purposes.”<sup>12</sup> Thus, the administration and management of Managaha falls within the general scope of DPL’s powers, with the caveat that DPL has a constitutional obligation to limit the use of Managaha to cultural and recreational purposes.

Within the scope of this authority, DPL has established by regulation a public-private partnership for the administration of Managaha.<sup>13</sup> Under this system, a private concessionaire<sup>14</sup> maintains Managaha and provides security in exchange for exclusive commercial rights.<sup>15</sup> The concessionaire may also be assisted by subconcessionaires mutually agreed upon by DPL and the concessionaire.<sup>16</sup>

The regulations do not address how Managaha should be administered in the absence of a concessionaire.<sup>17</sup> Considering DPL’s broader authority to administer public lands as well as its constitutional obligations in administering Managaha, this silence cannot prevent DPL from administering Managaha in the absence of a concessionaire. If DPL does so, it should step into the shoes of the concessionaire in a limited capacity in order to minimize current and later disruption of operations and deviation from the regulations. This involvement should be limited to security/lifeguards, cleaning/maintenance, and permitting subconcessionaires rather than directly engaging in commercial activities.

##### 1. **DPL may contract with subconcessionaires when acting as a concessionaire.**

A “subconcessionaire” is “[a] subcontracted company with a permit from DPL, approved by both DPL and the Concessionaire, to provide commercial activities such as food service, human powered watercraft or wind powered watercraft on Managaha Island, etc., under the Special Recreational Concession Agreement.”<sup>18</sup> DPL and the concessionaire must mutually agree to the selection, number, and activities of the subconcessionaires.<sup>19</sup>

<sup>11</sup> NMI Const. art. XI, § 3; See P.L. 15-2 (2006); P.L. 12-71 (2001); P.L. 12-33 (2000); P.L. 10-57 (1997).

<sup>12</sup> NMI Const. art. XIV, § 2.

<sup>13</sup> NMIAC § 145-30-001 through -410.

<sup>14</sup> The “Concessionaire” is “[w]hoever DPL awards the Special Recreational Concession to with a formal Agreement who has the exclusive right to operate all commercial concessions on the Island, provide island maintenance, and provide other provision of public services under the Agreement terms.” NMIAC § 145-30-015(e).

<sup>15</sup> NMIAC § 145-30-101.

<sup>16</sup> *Id.* The number of subconcessionaires is not set by regulation, but is instead subject to mutual agreement between the concessionaire and DPL. *Id.*

<sup>17</sup> See generally NMIAC § 145-30-001 through -410.

<sup>18</sup> NMIAC § 145-30-015(k).

<sup>19</sup> See NMIAC §§ 145-30-015(k), -101(a).

In the absence of a concessionaire and Special Recreational Concession Agreement, DPL may contract directly with permitted companies as subconcessionaires (with DPL acting as concessionaire) as needed.<sup>20</sup> Any resultant contracts should be explicitly limited in duration to terminate once a concessionaire is selected.<sup>21</sup>

**2. DPL may either directly provide lifeguards and security, or contract with a subconcessionaire to provide them.**

The concessionaire is responsible for providing lifeguards to monitor, patrol, and supervise water-related activities at Managaha's beaches between the hours of 08:00 a.m and 5:00 p.m.<sup>22</sup> Likewise, the concessionaire is responsible for the security of Managaha.<sup>23</sup> DPL rangers and enforcement officers are required to enforce these regulations.<sup>24</sup>

In the absence of a concessionaire, DPL can either provide lifeguards directly or contract a subconcessionaire to provide life guards. Contracting a subconcessionaire is probably preferable in order to limit the Commonwealth's liability for any injuries or accidents that may occur.

**3. DPL is responsible for the cleaning and maintenance of Managaha in the absence of a concessionaire.**

The concessionaire is responsible for cleaning and maintaining Managaha and its improvements.<sup>25</sup> These duties are at the core of the rationale for originally creating the concession.<sup>26</sup> If DPL steps into the shoes of the concessionaire to administer Managaha due to the absence of a concessionaire, it is responsible for carrying out these duties.<sup>27</sup>

**B. Non-residents visiting Managaha must be charged landing fees.**

"The Department or its designee *shall* charge a landing and user fee from all tourists arriving on the island."<sup>28</sup> This fee shall be at least \$10.00, and shall only be charged once daily per tourist.<sup>29</sup> A "tourist" is defined as "a person who is not a resident of the CNMI."<sup>30</sup> Thus, the plain

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<sup>20</sup> As noted, DPL's regulations do not account for the possibility of Managaha not having a concessionaire; consequently, they do not provide a process for directly selecting a subconcessionaire. *See generally* NMIAC § 145-30-001 through -410. However, DPL's temporary occupancy regulations contain processes for selecting and contracting with concessionaires under other circumstances. NMIAC § 145-70-215. DPL should use those processes for selecting subconcessionaires.

<sup>21</sup> The duration should be limited because subconcessionaires require the mutual agreement of both DPL and the concessionaire. *See* NMIAC §§ 145-30-015(k), -101(a).

<sup>22</sup> NMIAC §§ 145-30-110(a)(7), -120, 135(b).

<sup>23</sup> *See* NMIAC § 145-30-135(a).

<sup>24</sup> *See* NMIAC § 145-30-135(d) (requiring the Department's rangers to enforce the Managaha regulations).

<sup>25</sup> NMIAC § 145-30-110(a)(1), (2), (3), (6).

<sup>26</sup> CNMI Atty. Gen. Opinion No. 82-18, at 4-5 (Aug. 30, 1982).

<sup>27</sup> *See also* NMIAC § 145-30-135(d) (requiring the Department's rangers to enforce the Managaha regulations).

<sup>28</sup> NMIAC § 145-30-210(a) (emphasis added). Separately, 2 CMC § 1621 imposes a \$5 landing fee on each non-resident passenger who disembarks on Managaha, but was advised to be unconstitutional by Attorney General Opinion No. 06-11. *See* CNMI Atty. Gen. Opinion No. 06-11, 34 CNMI Reg. 32394 (Mar. 29, 2012).

<sup>29</sup> NMIAC § 145-30-210(b), (d)

<sup>30</sup> NMIAC § 145-30-101(l). A person is a "resident" of the CNMI if they are domiciled in the CNMI. *Id.* at (j).

language of DPL's regulations does not permit any waiver of the fee for non-resident visitors to Managaha.

Moreover, the money from the collection of these fees shall be "used only for reimbursements for cost of the construction, maintenance, repair, and/or upkeep of the improvements, infrastructure, pier, appearance, safety, and cleanliness of Managaha Island."<sup>31</sup> All unused revenue from these fees must be remitted to the Marianas Public Land Trust at the end of the fiscal year.<sup>32</sup> Considering the constitutional dimensions of MPLT's right to receive funds,<sup>33</sup> refusing to collect the landing fee from a person who is subject to it could constitute a violation of DPL's fiduciary duty in administering and managing public lands.<sup>34</sup>

**C. Revenues from operating Managaha are derived from the administration and management of public lands.**

DPL is required to place funds from the administration and management of public lands in a "DPL Operations Fund" where they remain untouched until appropriated.<sup>35</sup> Like rents, concession fees and payments from subconcessionaires to DPL would clearly be derived from the administration and management of public lands and should be treated accordingly. Likewise, as discussed above, landing fees received are likewise available for the "construction, maintenance, repair, and/or upkeep" of Managaha, with the remainder being remitted to the MPLT.<sup>36</sup>

One reason for the recommendation that DPL not directly engage in commercial activities is that it is not clear from the constitution, statutes, and regulations how any resulting revenue should be treated. An argument could be made that it arose out of the administration and management of public land since DPL would only be engaged in those activities as part of administering and managing Managaha. Conversely, an argument could be made that it did not since the funds were directly earned in commerce. Considering the time and expense resolving that question satisfactorily would likely require, it would be better for DPL not to directly engage in commercial activities and thereby avoid the issue.

**V. Conclusion**

Although DPL's regulations do not contemplate Managaha being without a concessionaire, DPL can rely on its authority to administer and manage public lands to step into the concessionaire's position. If DPL does so, it should limit its activities to providing lifeguards, security, cleaning, and maintenance, as well as contracting with subconcessionaires, rather than directly engaging in commercial activities.

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<sup>31</sup> NMIAC § 145-30-210(f).

<sup>32</sup> *Id.*

<sup>33</sup> *DPL v. Commonwealth*, 2010 MP 14 ¶¶ 33-34 (2010).

<sup>34</sup> *See DPL v. Commonwealth*, 2010 MP 14 ¶ 12.

<sup>35</sup> 1 CMC § 2803(c).

<sup>36</sup> NMIAC § 145-30-210(f).



DPL cannot waive the landing fee due from non-residents visiting Managaha.

DPL should treat fees paid by subconcessionaires like rents derived from the administration and management of public lands. Landing fees should be used in accordance with **[regulation]** for the “construction, maintenance, repair, and/or upkeep” of Managaha, with the remainder being remitted to the MPLT.

DPL should update its regulations to address the possibility of Managaha not having a concessionaire, in order to clarify both its powers and duties under these circumstances.



EDWARD MANIBUSAN  
Attorney General



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In Re the Matter of: ) Labor Case No. 21-037

MD Parvej Barpery, )

Complainant, )

v. )

Triple Star International Corp., )

Respondent. )

ORDER OF DISMISSAL

This matter came for an Order to Show Cause Hearing on August 10, 2021 at 9:00 a.m. at the Administrative Hearing Office. Due to the ongoing COVID-19 public health emergency, the hearing was held telephonically. Complainant MD Parvej Barpery (“Complainant”) was present and self-represented. Respondent Triple Star International Corporation (“Respondent”) was present and represented by President Wei Gang Xiong. Interpreter Ripon Ahmed was also present and facilitated communications during the hearing.

On April 26, 2021, Complainant initiated a labor case against Respondent for a violation of the employment preference law and unpaid wages stemming from April 2020 to October 2020. Upon review of the complaint, there appeared to be several issues or deficiencies and an Order to Show Cause hearing was scheduled.<sup>1</sup> Based on the applicable law and available evidence or testimony provided during the Order to Show Cause Hearing, the undersigned finds dismissal is warranted.

First, the employment preference law requires CNMI employers to give preferential employment opportunities to U.S. citizens, U.S. permanent residents, and CNMI permanent residents. 3 CMC §§ 4521 et. seq.;<sup>2</sup> see also NMIAC § 80-20.1-220.<sup>3</sup> The employment preference

<sup>1</sup> Pursuant to 3 CMC § 4947(a), “the hearing office may, after notice and an opportunity to be heard is provided to the parties, dismiss *sua sponte* a complaint that the hearing officer finds to be without merit.”

<sup>2</sup> “A citizen or CNMI permanent resident or U.S. permanent resident who is qualified for a job may make a claim for damages if an employer has not met the requirements of 3 CMC § 4525, the employer rejects an application for the job without just cause, and the employer employs a person who is not a citizen or CNMI permanent resident or U.S. permanent resident for the job.” 3 CMC § 4528(a) (emphasis added).

<sup>3</sup> “Employers shall give qualified citizens, CNMI permanent residents, and U.S. permanent residents preference over

1 law does not provide any protections or preference to Commonwealth Transitional Only Workers  
2 (“CW-1”). See 3 CMC §§ 4521 et. seq; see also NMIAC § 80-20.1-240(f).<sup>4</sup> During the Order to  
3 Show Cause Hearing, Complainant confirmed that he was not a U.S. Citizen, CNMI permanent  
4 resident, or US permanent resident. Instead, Complainant stated he was a CW-1 worker at all  
5 times relevant to this claim. Considering that Complainant was a CW-1, he does not have standing  
6 to initiate a claim for employment preference. Additional allegations cannot cure this deficiency.

7 Second, the claims for unpaid wages are time-barred by the six-month statute of  
8 limitations. Pursuant to 3 CMC § 4962, “[n]o labor complaint may be filed more than six months  
9 after the date of the last-occurring event that is the subject of the complaint, except in cases where  
10 the actionable conduct was not discoverable upon the last-occurring event.” “If a complaint is not  
11 timely filed, the hearing office *shall* dismiss the complaint with prejudice.” NMIAC § 80-20.1-  
12 465(e). Emphasis added. Here, Complainant testified that he was not fully paid from April 2020  
13 to October 2020. Further, Complainant testified that his last day of work was October 23, 2020.  
14 Ultimately, Complainant confirmed that his unpaid wages accrued more than six months before  
15 he filed the complaint on April 26, 2021. For that reason, Complainant’s claim for unpaid wages  
16 must be dismissed for failure to state a claim within the six months statute of limitations.

17 Accordingly, based upon the applicable law and evidence presented, the complaint for a  
18 violation of employment preference and unpaid wages is devoid of merit and cannot succeed.  
19 Thus, pursuant to 3 CMC § 4947(a), the complaint is hereby **DISMISSED**.

20 So ordered this **10th** day of August, 2021.

21 /s/

22 **JACQUELINE A. NICOLAS**  
23 Administrative Hearing Officer

24  
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27 \_\_\_\_\_  
28 foreign national worker, transitional worker, or other nonimmigration aliens.”

<sup>4</sup> “The employer shall layoff foreign national workers, transitional worker, and other nonimmigrant aliens before laying off citizens, CNMI permanent residents, and U.S. permanent residents . . . .”

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**



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In Re Matter of:	)	PUA Case No. 21-0122
	)	
Murugesan Subbaiah,	)	
	)	
Appellant,	)	<b>ADMINISTRATIVE ORDER</b>
	)	
v.	)	
	)	
CNMI Department of Labor,	)	
Division of Employment Services-PUA,	)	
	)	
Appellee.	)	

**I. INTRODUCTION**

This matter came before the undersigned for an Administrative Hearing on July 22, 2021 at 9:00 a.m. at the Administrative Hearing Office. Appellant Murugesan Subbaiah (“Appellant”) was present and self-represented. Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance program (“Appellee” or “Department”) was present and represented by Labor Certification Worker Dennis Cabrera and PUA Coordinator Ryan Litulumar. There were no other witnesses that provided testimony at the hearing.

Exhibits:

1. Exhibit 1: Copy of the Appellant’s Application Snapshot, filed November 6, 2020;
2. Exhibit 2: Copy of Department’s Disqualifying Determination, dated April 1, 2021;
3. Exhibit 3: Copy of Appellant’s Request to file an Appeal, filed June 1, 2021;
4. Exhibit 4: Copy of the Notice of Hearing issued June 1, 2021;
5. Exhibit 5: Copy of Department’s Notice of Overpayment, dated July 15, 2021;
6. Exhibit 6: Copy of the PUA Benefit Rights Information Handbook;
7. Exhibit 7: Copy of Marianas Variety Article re: PUA Appeals Process, dated October 15, 2020;
8. Exhibit 8: Copy of Saipan Tribune Article re: PUA Appeals Process, dated October 16, 2020;

- 1 9. Exhibit 9: Letter of Verification of Employment from G4S Secure Solutions, dated  
2 June 24, 2021;
- 3 10. Exhibit 10: Letter from Empty Vessel Ministry Foundation, dated July 21, 2020;
- 4 11. Exhibit 11: Letter from Miracle Hands Charity, dated April 8, 2021
- 5 12. Exhibit 12: Copy of Department's Benefit Payment Control Unit Audit Sheet
- 6 13. Exhibit 13: Copy of Department's Emails re Payments, dated June 24, 2021 – June 30,  
7 2021;
- 8 14. Exhibit 14: Copy of Department's SAVE verification results, initiated on July 7, 2021;
- 9 15. Exhibit 15: Copy of Appellant's (5) CBP Form I-94; and
- 10 16. Exhibit 16: Copy of Appellant's 1-797C Receipt Notice for EAD Application, dated  
11 June 11, 2020.

12 For the reasons stated below, the Department's Determination dated April 1, 2021 is  
13 **AFFIRMED**. Claimant is not eligible for benefits for the period of February 2, 2020 to December  
14 26, 2020. Further, the Department's Notice of Overpayment, dated July 15, 2021 is **AFFIRMED**.  
15 Appellant is overpaid in the amount of \$1,380 for weeks ending November 7, 2020 to December  
16 5, 2020. However, as discussed below, the \$1,380 overpayment shall be deemed **WAIVED** from  
17 recovery.

## 18 II. JURISDICTION

19 On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of  
20 2020 was signed into law creating new temporary federal programs for unemployment benefits  
21 called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment  
22 Compensation ("FPUC").<sup>2</sup> On December 27, 2020, the Continued Assistance for Unemployed  
23 Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said  
24 federal unemployment insurance programs, which, among other things, extended the PUA and  
25 FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021  
26 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is  
27 charged with the responsibility in administering the above-mentioned programs in the CNMI in

28 <sup>1</sup> See Section 2102 of the CARES Act of 2020, Public Law 116-136.

<sup>2</sup> See Section 2104 of the CARES Act of 2020, Public Law 116-136.

<sup>3</sup> See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A ("Continued Assistance for Unemployed Workers Act of 2020" or "Continued Assistance Act").

1 accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office  
2 has been designated to preside over appeals of agency decisions.

3 Upon review of the records, the appeal of the Determination is not timely. However, the  
4 appeal for the Notice of Overpayment is timely, therefore jurisdiction is established.

### 5 III. PROCEDURAL BACKGROUND & ISSUES

6 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon  
7 review of Appellant's application and supporting documents, the Department issued a  
8 Disqualifying Determination and Notice of Overpayment. Appellant filed the present appeal and  
9 the matter was scheduled for a hearing. As stated in the Notice of Hearing, the issues on appeal  
10 are: (1) whether the appeal is timely filed; (2) whether Appellant is eligible for PUA; and (3)  
11 whether an overpayment occurred and funds should be returned.

### 12 IV. FINDINGS OF FACT

13 In consideration of the evidence provided and credibility of witness testimony, the  
14 undersigned issues the following findings of fact:

- 15 1. Prior to the COVID-19 pandemic, Appellant worked as a full-time Security Officer for  
16 G4S Security Systems, Guam and CNMI ("G4S") from August 18, 2016 to October 23,  
17 2019.<sup>5</sup> Appellant resigned from G4S in October of 2019 due to a myriad of medical  
18 issues—unrelated to COVID-19—which limited his ability to work as a security guard.  
19 Specifically, Appellant was experiencing heart issues, stomach problems, back pain, and  
20 diabetes.<sup>6</sup> If offered work as a security guard today, Appellant testified that he would not  
21 be able to accept because of his illness and medical conditions.
- 22 2. In October of 2019, Appellant began volunteering at Empty Vessel Ministry Foundation  
23 ("Empty Vessel"). Appellant volunteered, with no pay, from October 2019 to February  
24 2020 and April 2020 to July 2020 by helping with food distribution, preparation of food  
25 packages, transportation of food, and crowd control.<sup>7</sup>

26 <sup>4</sup> Pursuant to Section 2102(h) of the CARES Act of 2020 (Pub. L. 116-136) and 20 CFR § 625.2(r)(1)(ii), the CNMI  
27 Governor issued Executive Order No. 2020-09 declaring Hawaii Employment Security Law as the applicable state  
28 law in the CNMI. Hawaii state law applies, to the extent it does not conflict with applicable federal law and guidance.

<sup>5</sup> Exhibit 9.

<sup>6</sup> See Exhibit 1.

<sup>7</sup> Exhibit 10.

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3. In September of 2020, Appellant began volunteering at Miracle Hands Charity. Appellant volunteered, with no pay, from September 2020 to present by helping with food distribution, preparation of food packages, transportation of food, and crowd control.<sup>8</sup>
4. Appellant has not returned to the workforce since his employment with G4S.<sup>9</sup>
5. On or around November 6, 2020, Appellant submitted an online application for unemployment assistance under the PUA and FPUC programs administered by the Department. In the Application Snapshot,<sup>10</sup> Appellant self-certified under penalty of perjury that:
  - a. Appellant is an Alien/Refugee Lawfully Admitted to U.S.;
  - b. Appellant's employment was directly affected by COVID-19 for an "Other reasons not listed" on the application; and
  - c. Appellant's employment was affected since November 6, 2020.
6. By submitting the application, Appellant certifies and acknowledges<sup>11</sup> to certain responsibilities.
  - a. First, the answers provided in Appellant's initial application and weekly certifications were submitted under penalty of perjury. This means it is Appellant's responsibility to provide true, accurate, and complete answers.
  - b. Second, it is Appellant's responsibility to be informed about the program by reading the PUA Benefit Rights Information Handbook and other official written material regarding PUA.<sup>12</sup>
  - c. Third, it is Appellant's responsibility to comply with a PUA Coordinator's request for information and/or documents within the applicable timelines.
7. Based on the answers on Appellant's initial application and weekly certifications, Appellant's claim was self-adjudicated by the portal and processed for payment. As demonstrated by an internal audit<sup>13</sup> and confirmation with the Department of Finance,<sup>14</sup> the following payments were made to Appellant:

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<sup>8</sup> Exhibit 11.  
<sup>9</sup> See Exhibit 1.  
<sup>10</sup> *Id.*  
<sup>11</sup> See *Id.*  
<sup>12</sup> Exhibits 6-8.  
<sup>13</sup> Exhibit 12.  
<sup>14</sup> Exhibit 13.



- 1 a. On November 17, 2020, Appellant received \$690 in PUA benefits by paper check  
2 for weeks ending November 7, 2020 and November 14, 2020;
- 3 b. On December 1, 2020, Appellant received \$345 in PUA benefits by paper check  
4 for week ending November 28, 2020; and
- 5 c. On December 8, 2020, Appellant received \$345 in PUA benefits by paper check  
6 for week ending December 5, 2020.
- 7 8. Appellant received a total amount of \$1,380 in PUA benefits by check.<sup>15</sup> Appellant does  
8 not contest receiving this amount. To date, Appellant did not receive any other  
9 unemployment benefits.
- 10 9. With respect to Appellant's immigration status and employment authorization, Appellant  
11 testified:
- 12 a. Appellant applied for permanent residency but his application was pending at the  
13 time he filed his claims;
- 14 b. Appellant has employment authorization to work in the CNMI but it is unclear  
15 whether his employment authorization was approved under Category C11 or C37  
16 at the time of his claim.<sup>16</sup>
- 17 10. Appellant provided copies of his CBP Form I-94 cards<sup>17</sup> showing that he was paroled  
18 during the following time periods:
- 19 a. July 30, 2012 to December 31, 2012;
- 20 b. March 7, 2013 to December 31, 2013;
- 21 c. August 25, 2014 to August 24, 2015;
- 22 d. February 25, 2016 to February 24, 2017; and
- 23 e. February 21, 2017 to February 20, 2018.
- 24 11. Appellant did not provide any other documentary evidence to substantiate his immigration  
25 status or employment authorization during the time period he is claiming benefits.
- 26 12. On March 29, 2021, a PUA Coordinator/Adjudicator reviewed Appellant's claim and  
27 supporting documents. Due to the lack of documents, the PUA Coordinator/Adjudicator  
28 sent an internal message on the online PUA Portal requesting: (1) identification; (2)

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<sup>15</sup> Exhibits 12-13.

<sup>16</sup> See Exhibits 14 and 16.

<sup>17</sup> Exhibit 15.

1 employment certification; (3) check stubs; and (4) employment authorization documents.  
2 Appellant was provided 48 hours to comply with the request. Appellant did not comply  
3 with the request for documents.

4 13. On April 1, 2021 the Department issued a determination<sup>18</sup> disqualifying Appellant from  
5 PUA and FPUC benefits from February 2, 2020 to December 26, 2020 for failure to  
6 provide requested documents to demonstrate that he is a CNMI resident and that his  
7 employment was affected by the pandemic.

8 14. The Determination provided Appellant 10 days to file an appeal and instructions to file an  
9 appeal. Specifically, the Determination stated that the appeal “must be received or  
10 postmarked by 4/11/2021.”<sup>19</sup> Appellant does not remember or could not provide a reason  
11 why he filed his appeal after the 10 days deadline.

12 15. On June 1, 2021, Appellant filed the present appeal and the matter was scheduled for an  
13 Administrative Hearing.<sup>20</sup>

14 16. On July 7, 2021 the Department entered Appellant’s information into the Systematic Alien  
15 Verification for Entitlements (SAVE) database maintained by USCIS, Verification  
16 Division. This database is used to determine the immigration status of PUA applicants so  
17 only those entitled to benefits receive them. The SAVE results<sup>21</sup> indicate that Appellant’s  
18 parolee status is expiring and he has temporary employment authorization until December  
19 30, 2021.

20 17. On July 15, 2021, the Department’s Benefit Payment Control Unit (“BPC”) issued an  
21 Initial Notice of Overpayment<sup>22</sup> for the total amount of \$1,380.00 in PUA benefits for  
22 weeks ending November 7, 2020 to December 5, 2020. BPC determined that this  
23 overpayment occurred when Appellant’s claim was self-adjudicated by the portal.

24 18. As discussed during the Administrative Hearing, Appellant is appealing the Department’s  
25 Determination and Notice of Overpayment.

26 19. Appellant is requesting a waiver from repaying the overpayment amount claiming that the  
27 overpayment occurred without his fault. Aside from received disability benefits,  
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<sup>18</sup> Exhibit 2.

<sup>19</sup> *Id.*

<sup>20</sup> Exhibit 3.

<sup>21</sup> Exhibit 14.

<sup>22</sup> Exhibit 5.

1 Appellant has no other source of income or support. Additionally, Appellant is unable to  
2 return the PUA benefits he received because he has already used the money and his  
3 necessary expenses exceed household income. In order to repay this amount, Appellant  
4 would have to lose money for food and medicine. Notably, the Department does not  
5 contest a waiver.

## 6 V. CONCLUSIONS OF LAW

7 In consideration of the above-stated findings and applicable law, the undersigned issues the  
8 following conclusions of law:

### 9 1. Appellant's appeal of the April 1, 2021 Determination was not timely filed.

10 Generally, an appeal should be filed within ten days after the Notice of Determination was  
11 issued or served to the claimant. However, the Department may extend the period to thirty days  
12 by a showing of good cause.<sup>23</sup> Good cause means: (1) illness or disability; (2) keeping an  
13 appointment for a job interview; (3) attending a funeral of a family member; and (4) any other  
14 reason which would prevent a reasonable person from complying as directed.<sup>24</sup>

15 On November 6, 2020, Appellant filed an application for federal unemployment benefits.  
16 Therein, Appellant acknowledged that it is his responsibility to read the PUA Benefit Rights  
17 Information Handbook and any other official written material provided. Notably, the PUA  
18 Handbook was publicly available throughout the program and included important information  
19 regarding program requirements and processes—including appeals. Moreover, because of the  
20 online portal's erroneous instructions issued along with determinations, the Department issued a  
21 number of press releases to clarify the appeals processes and directed claimants to the PUA  
22 handbook and applicable forms. The Department issued the Disqualifying Determination on April  
23 1, 2021. Therein, the Determination stated that Appellant had 10 days to file an appeal and  
24 reiterated that the appeal "must be received or postmarked by 4/11/2021." Here, Appellant did  
25 not file his appeal with the Administrative Hearing Office until June 1, 2021. When asked why  
26 he filed late, Appellant could not provide a response. In light of the information above, Appellant  
27 is not entitled to a good cause extension. Moreover, even if an extension were granted, the appeal  
28 would still be untimely. Considering that the appeal for the determination was untimely, the

<sup>23</sup> HI. Rev. Statute § 383-38(a).

<sup>24</sup> HAR § 12-5-81(j).

1 Administrative Hearing Office does not have jurisdiction to review the determination and the  
2 Department's Determination is final.

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5 **2. Appellant's appeal of the July 15, 2021 Notice of Overpayment is timely.**

6 Similarly, appeals of a Notice of Overpayment should be filed within 10 days after receiving  
7 the notice.<sup>25</sup> Here, the Notice of Overpayment was issued and personally served to Appellant on  
8 July 15, 2021, the issue was included in the Notice of Hearing, and Appellant would like to contest  
9 the Overpayment and/or seek a waiver. With respect to the notice of overpayment, the  
10 undersigned finds there is no issue of timeliness and the Administrative Hearing Office has  
11 jurisdiction to review the basis of the overpayment.

12 **3. Appellant's employment was not affected as a direct result of COVID-19.**

13 In accordance with the CARES Act and Continued Assistance Act, payment of PUA and  
14 FPUC benefits are available to "covered individuals." A "covered individual" is someone who:  
15 (1) is not eligible for regular compensation or extended benefits under State or Federal law or  
16 pandemic emergency unemployment compensation under Section 2107 of the CARES Act,  
17 including an individual who has exhausted all rights to regular unemployment or extended  
18 benefits under State or Federal law or Pandemic Emergency Unemployment Compensation under  
19 Section 2107;<sup>26</sup> (2) self-certifies<sup>27</sup> that the individual is unemployed, partially unemployed, or  
20 unable or unavailable to work<sup>28</sup> as a direct result<sup>29</sup> of a listed COVID-19 reason in Section  
21 2102(a)(3)(A)(ii) of the CARES Act, and (3) provides required documentation of  
22 employment/self-employment within the applicable period of time.<sup>30</sup>

23 <sup>25</sup> HI. Rev. Statute § 383-38(a).

24 <sup>26</sup> This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal  
25 unemployment insurance programs in the CNMI.

26 <sup>27</sup> The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of  
27 perjury.

28 <sup>28</sup> A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible  
29 for benefits. *See* HAR § 12-5-35.

30 <sup>29</sup> Pursuant to 20 CFR § 625.5, unemployment is considered a "direct result" of the pandemic where the employment  
is an immediate result of the COVID-19 public health emergency itself, and not the result of a longer chain of events  
precipitated or exacerbated by the pandemic.

<sup>30</sup> Section 241 of the Continued Assistance Act requires that an individual must provide documentation substantiating  
employment or self-employment, or the planned commencement of employment or self-employment, if he or she  
files a new application for PUA on or after January 31, 2021, or, if the individual applied for PUA before January 31,  
2021 and receives PUA benefits on or after December 27, 2020. Failure to supply said documents, and any other

1 With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act  
2 specifically identifies the COVID-19 qualifying reasons<sup>31</sup> as:

- 3 (aa) The individual has been diagnosed with COVID-19 or is  
4 experiencing symptoms of COVID-19 and is seeking a medical  
5 diagnosis;
- 6 (bb) A member of the individual's household has been diagnosed with  
7 COVID-19;
- 8 (cc) The individual is providing care for a family member or a member  
9 of the individual's household who has been diagnosed with  
10 COVID-19;
- 11 (dd) A child or other person in the household for which the individual  
12 has primary caregiving responsibility is unable to attend school or  
13 another facility that is closed as a direct result of the COVID-19  
14 public health emergency and such school or facility care is  
15 required for the individual to work;
- 16 (ee) The individual is unable to reach the place of employment because  
17 of a quarantine imposed as a direct result of the COVID-19 public  
18 health emergency;
- 19 (ff) The individual is unable to reach the place of employment because  
20 the individual has been advised by a health care provider to  
21 quarantine due to concerns related to COVID-19;
- 22 (gg) The individual was scheduled to commence employment and does  
23 not have a job or is unable to reach the job as a direct result of the  
24 COVID-19 public health emergency;
- 25 (hh) The individual has become the breadwinner or major support for  
26 a household because the head of the household has died as a direct  
27 result of COVID-19;
- 28 (ii) The individual has to quit his or her job as a direct result of  
COVID-19;
- (jj) The individual's place of employment is closed as a direct result  
of the COVID-19 public health emergency; or
- (kk) The individual meets any additional criteria established by the US  
Secretary of Labor for unemployment assistance under PUA.

Additional criteria established by the US Secretary of Labor under item (kk)<sup>32</sup>, above, includes:

- (1) The individual is an independent contractor who is unemployed  
(total or partial) or is unable or unavailable to work because of the  
COVID-19 public health emergency has severely limited his or  
her ability to continue performing the customary job;
- (2) The individual has been denied continued unemployment benefits  
because the individual refused to return to work or accept an offer

relevant, requested documents is a justifiable basis to deny benefits under HAR § 12-5-81(j).

<sup>31</sup> These reasons are further defined or illustrated in UIPL 16-20, Change 4.

<sup>32</sup> See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

1 of work at a worksite that, in either instance, is not in compliance  
2 with local, state, or national health and safety standards directly  
3 related to COVID-19. This includes, but is not limited to, those  
4 related to facial mask wearing, physical distancing measures, or  
5 the provision of personal protective equipment consistent with  
6 public health guidelines;

- 7 (3) An individual provides services to an educational institution or  
8 educational service agency and the individual is unemployed or  
9 partially unemployed because of volatility in the work schedule  
10 that is directly caused by the COVID-19 public health emergency.  
11 This includes, but is not limited to, changes in schedules and  
12 partial closures; and  
13 (4) An individual is an employee and their hours have been reduced  
14 or the individual was laid off as a direct result of the COVID-19  
15 public health emergency.

16 Appellant believes he is eligible for PUA because he was unemployed and volunteered at a  
17 charity organization during the pandemic. However, Appellant misunderstands the applicable law  
18 as there is no such eligibility criteria for charity organizations.

19 In reviewing the filings and testimony of the parties, Appellant does not meet the definition  
20 of a “covered individual” eligible for PUA benefits. First, Appellant was unemployed prior to the  
21 pandemic. Specifically, Appellant’s former employer, G4S, submitted a verification of  
22 employment showing that Appellant worked as a security guard from August 18, 2016 to October  
23 23, 2019. Based on Appellant’s testimony and application, Appellant resigned from G4S for  
24 personal and medical reasons in 2019 – before the COVID-19 pandemic occurred and for reasons  
25 unrelated to the COVID-19 pandemic. Considering that his unemployment predated the  
26 pandemic, it is illogical to find that COVID-19 directly affected his employment. Second,  
27 Appellant’s unpaid volunteer work is irrelevant for the purposes of determining PUA eligibility  
28 because it is not considered a form of employment. Moreover, the volunteer work was unpaid  
prior to the pandemic and there were no changes or affect to pay by the pandemic. Third,  
Appellant does not satisfy any of the (aa) through (kk) qualifying reasons listed above. While the  
undersigned recognizes that Appellant self-quarantined and was afraid to work because his  
medical condition made him particularly susceptible or at high risk for COVID-19, said  
circumstances are not qualifying reasons.

In conclusion, the undersigned finds that Appellant’s unemployment was not a direct result  
of a COVID-19 qualifying reason and Appellant failed to submit any substantiating evidence to

1 demonstrate how COVID-19 affected his employment. Accordingly, Appellant is not a “covered  
2 individual” eligible for PUA benefits.

3 **4. Appellant is not able and available to work in the CNMI.**

4 In accordance with the CARES Act, an individual must be able and available to work in the  
5 CNMI during the week that benefits are claimed. “An individual shall be  
6 deemed able and available for work . . . if the individual is able and available for suitable work  
7 during the customary work week of the individual's customary occupation which falls within the  
8 week for which a claim is filed.”<sup>33</sup> “An individual shall be deemed *able* to work if the individual  
9 has the physical and mental ability to perform the usual duties of the individual’s customary  
10 occupation or other work for which is the individual is reasonably fitted by training and  
11 experience.”<sup>34</sup> “An individual shall be deemed *available* for work only if the individual is ready  
12 and willing to accept employment for which the individual is reasonably fitted by training and  
13 experience. The individual must intend and wish to work, and there must be no undue restrictions  
14 either self-imposed or created by force of circumstances which prevent the individual from  
15 accepting employment.”<sup>35</sup>

16 Here, Appellant used to work as a security guard. However, due to medical reasons Appellant  
17 had to quit and can no longer work as a security guard. When asked if he could accept work,  
18 Appellant indicated he is very sick and limited in his ability to work. Specifically, Appellant has  
19 heart issues, back pain, diabetes, stomach issues, and his leg was affected in a car accident.  
20 Moreover, Appellant has limited transportation and afraid to work during the pandemic due to  
21 being high risk for COVID-19. In consideration of all these restrictions, the undersigned finds  
22 that Appellant is not able and available to work. Because Appellant is not able and available to  
23 work, Appellant is not eligible for PUA benefits.

24 **5. Appellant is not a qualified alien.**

25 PUA and FPUC are federal public benefits as defined by 8 USC §1611(c). As a condition of  
26 eligibility for any federal public benefit, the claimant must be a “qualified alien” at the time  
27 relevant to the claim. 8 USC §1611(a). Pursuant to 8 USC §1641, the term “qualified alien” is:

28 <sup>33</sup> HAR § 12-5-35(a)

<sup>34</sup> HAR § 12-5-35(a)(1) (emphasis added).

<sup>35</sup> HAR § 12-5-35(a)(2) and (b) (emphasis added).



- 1 1. An alien admitted for permanent residence under the Immigration and Nationality Act (INA);
- 2 2. An alien granted asylum under § 208 of the INA;
- 3 3. A refugee admitted to the US under § 207 of the INA;
- 4 4. An alien paroled into the US under § 212(d)(5) of the INA for at least one year;
- 5 5. An alien whose deportation is being withheld under § 243(h) of the INA ... or whose removal is being withheld under § 241 (b)(3) of the INA;
- 6 6. An alien granted conditional entry pursuant to § 203 (a)(7) of the INA;
- 7 7. An alien who is a Cuban or Haitian entrant as defined in § 501(e) of the Refugee Education Assistance Act of 1980; or
- 8 8. An alien who (or whose child or parent) has been battered or subject to extreme cruelty in the U.S. and otherwise satisfies the requirements of § 431(c) of the Act.

9 Further, Section 265 of the Continued Assistance Act provides that a Commonwealth Only  
10 Transitional Worker (CW-1) shall be considered a qualified alien for purposes of eligibility under  
11 the PUA and FPUC programs. As provided in UIPL 16-20, change 4, page I-16, "CW-1 workers  
12 may receive PUA and FPUC if they meet all PUA eligibility requirements beginning with claims  
13 filed after December 27, 2020 (*i.e.*, claim effective dates beginning on or after January 3, 2021)."

14 Based on the evidence provided, the undersigned finds that Appellant does not meet the  
15 qualified alien definition above. First, Appellant was unable to provide any documentary evidence  
16 to substantiate his status under any of the qualified alien provisions, listed above. Specifically,  
17 the parolee cards that Appellant provided were not for the relevant time period (*i.e.*, the time he  
18 filed his claims) and did not satisfy the one-year requirement. Second, when asked about the other  
19 provisions of the Qualified Alien definition, Appellant responded in the negative. Notably,  
20 Appellant's pending application for permanent residency is not the equivalent of being admitted  
21 or granted permanent residency. While the undersigned recognizes the delays with his  
22 applications, the pending application does not satisfy or prove an individual's qualified alien  
23 status. Third, Appellant's argument that he has employment authorization is not persuasive. As a  
24 preliminary matter, Appellant testified that he was granted employment authorization but could  
25 not provide documentary evidence to determine which EAD Category he was authorized to work  
26 under at the time of his claim. Instead, Appellant simply provided a Receipt Notice of his  
27 application for employment authorization under Category C37. However, EAD Category C37 is  
28 not linked to any qualified alien provision. Accordingly, based on the applicable law and evidence  
provided, Appellant was not a qualified alien at the time he claimed unemployment benefits.

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1       **6. Appellant is overpaid and is entitled to a waiver.**

2       “Benefits shall be paid promptly in accordance with a determination, redetermination, or  
3       decision or appeal.”<sup>36</sup> However, “[a]ny individual who has received any amount as benefits . . .  
4       to which the individual was not entitled shall be liable for the amount unless the overpayment was  
5       received without fault on the part of the recipient and its recovery would be against equity and  
6       good conscience.”<sup>37</sup> Fault<sup>38</sup> is defined as:

- 7               (A) A material statement made by the individual which the  
8               individual knew or should have known to be incorrect; or  
9               (B) Failure to furnish information which the individual knew or  
10              should have known to be material; or  
11              (C) Acceptance of a payment which the individual either knew or  
12              reasonably could have been expected to know was incorrect.

13       Based on federal guidance, “contrary to equity and good conscience” is tantamount to placing an  
14       individual below the poverty line and taking away basic necessities to live. In evaluating equity  
15       and good conscience,<sup>39</sup> the factors to consider include, but are not limited to:

- 16              (A) Whether notice of a redetermination was given to the claimant,  
17              as required . . .  
18              (B) Hardship to the claimant that the repayment may impose; and  
19              (C) The effect, if any, that the repayment will have upon the  
20              fulfillment of the objectives of the program.<sup>40</sup>

21       Considering the above-stated conclusions, Appellant was not eligible for PUA benefits and  
22       should not have been paid unemployment benefits. Moreover, considering that Appellant does  
23       not contest the amount listed in the Notice of Overpayment and confirmed receiving the total sum  
24       of \$1,830 — it is clear that the overpayment occurred.

25       

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26       <sup>36</sup> HRS § 383-43.

27       <sup>37</sup> HRS § 383-44. Section 2104(f)(2) of the CARES Act requires individuals who have received FPUC overpayments  
28       to repay these amounts to the state agency. Thereunder, the state has authority to waive repayments of FPUC if the  
29       payment was without fault on the part of the individual and such repayment would be contrary to equity and good  
30       conscience. Section 201(d) of the Continued Assistance Act amends Section 2102(d) of the CARES Act and  
31       authorizes states to waive the repayment if the state determines that the payment of PUA was without fault on the  
32       part of any such individual and such repayment would be contrary to equity and good conscience. This waiver  
33       authority applies to overpayments that meet this criterion at any time since the PUA program began.

34       <sup>38</sup> HRS 12-5-83.

35       <sup>39</sup> *Id.*

36       <sup>40</sup> PUA benefits were designed to be a critical lifeline for qualifying individuals facing a financial crisis amidst a  
37       pandemic. Issues of fraud and overpayments are of great consequence that jeopardizes the integrity of the program  
38       and availability of funds for eligible or qualified individuals.

1 In determining whether the Appellant is entitled to a waiver, the undersigned must examine  
2 how the overpayment occurred. Moreover, the undersigned must determine Appellant's  
3 circumstances and ability to repay, under a totality of circumstances. For the reasons stated below,  
4 the undersigned finds that Appellant is entitled to a waiver from recovery (i.e., Appellant does  
5 not need to repay the overpayment amount).

6 First, the undersigned finds that this overpayment occurred due to the fault of the Department.  
7 While the undersigned recognizes that claimants are responsible for reading the published Benefit  
8 Rights Information handbook and must be held accountable for the representations made on an  
9 initial or weekly application, claimants should be afforded some accommodations considering the  
10 language barrier and complexity of the PUA program. In his application, Appellant provided  
11 transparent answers about his unemployment and certifying reasons. Moreover, there is no  
12 showing that Appellant withheld material information or accepted payment which he knew or  
13 should have known to be improper. Notably, it is the Department's responsibility to review and  
14 vet applications before issuing payment. Here, the Department's online portal was not configured  
15 to catch or red-flag issues on Appellant claim before processing the claim for payment. Obvious  
16 red flags missed by the online portal include Appellant's citizenship status, self-certifying reason,  
17 and even his employment history predating the pandemic. Moreover, considering that the  
18 Department is required to institute benefit payment controls and run a SAVE inquiry to confirm  
19 identification or eligibility for all aliens *before* issuing benefits, Appellant's claim should not  
20 have been "auto-adjudicated" by the online portal.

21 Second, the undersigned finds that recovering this overpayment is against equity and good  
22 conscience. As stated above, Appellant used all the money he received from PUA to repay debts  
23 and pay for his basic needs. At this time, Appellant has a limited income from disability benefits  
24 and has no other support. His expenses and medical needs currently exceed his income so a  
25 repayment plan would require him to go into debt or forego medication or other necessities.  
26 Ultimately, the financial burden from recovering the overpayment would seriously affect his  
27 health and well-being.

28 In conclusion, Appellant was overpaid in the amount of \$1,380. As discussed above, payment  
was made through no fault of the Appellant and repayment would be contrary to equity and good  
conscience. Ultimately, the Department conceded to fault and recognized Appellant's hardships.  
Accordingly, a waiver to recover the overpayment is appropriate and warranted.

**VI. DECISION**

For the reasons stated above, it is ORDERED that:

- 1. The CNMI Department of Labor’s Disqualifying Determination, dated April 1, 2021 is **AFFIRMED**;
- 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of February 2, 2020 to December 26, 2020;
- 3. The CNMI Department of Labor’s Notice of Overpayment, dated July 15, 2021 is **AFFIRMED**;
- 4. Appellant was overpaid in the total amount of **\$1,380**;
- 5. Appellant satisfied the legal standard for a waiver so the amount of \$1,380 shall be deemed **WAIVED** from recovery; and
- 6. The CNMI Department of Labor Benefit Payment Control Unit shall reconcile the accounting to reflect the waiver and institute the necessary precautions and control measures to prevent further overpayments to Appellant.

If a party is aggrieved by this Order and would like to contest the decision, he or she must submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The written request should be supported by legal, factual, or evidentiary reasons to reopen the decision. The written request must be submitted to the Administrative Hearing Office, either in person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at hearing@dol.gov.mp.

In the event a request to reopen the decision is granted, the matter shall be scheduled for a subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI Superior Court under the local Administrative Procedures Act. See 1 CMC § 9112. All forms, filings fees, and filing deadlines for judicial review will be as established by the applicable law and court rule.

So ordered this 23rd day of July, 2021.

/s/  
**JACQUELINE A. NICOLAS**  
Administrative Hearing Officer



1 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
2 DEPARTMENT OF LABOR  
3 ADMINISTRATIVE HEARING OFFICE

4 In Re Matter of: ) PUA Case No. 21-0124  
5 )  
6 Jimmy T. Gracia, )  
7 )  
8 Appellant, ) ADMINISTRATIVE ORDER  
9 )  
10 v. )  
11 )  
12 CNMI Department of Labor, )  
13 Division of Employment Services-PUA, )  
14 )  
15 Appellee. )  
16 )  
17 )  
18 )

19 I. INTRODUCTION

20 This matter came before the undersigned for an Administrative Hearing on July 27, 2021 at  
21 9:00 a.m. at the Administrative Hearing Office. Appellant Jimmy T. Gracia (“Appellant”) was  
22 present and self-represented. Appellee CNMI Department of Labor Division of Employment  
23 Services – Pandemic Unemployment Assistance program (“Appellee” or “Department”) was  
24 present and represented by Labor Certification Worker Dennis Cabrera. Interpreter Rochelle  
25 Tomokane facilitated communications during the hearing. There were no other witnesses that  
26 provided testimony at the hearing.  
27

28 Exhibits:

- 1. Exhibit 1: Copy of the Appellant’s Application Snapshot, filed June 20, 2020;
- 2. Exhibit 2: Copy of Department’s Disqualifying Determination, dated May 7, 2021;
- 3. Exhibit 3: Copy of Erroneous Notices of Overpayments dated May 22, 2021;
- 4. Exhibit 4: Copy of Appellant’s Request to file an Appeal, filed June 1, 2021;
- 5. Exhibit 5: Copy of the Notice of Hearing issued June 1, 2021;
- 6. Exhibit 6: Copy of the Department’s Notice of Overpayment, dated June 15, 2021;
- 7. Exhibit 7: Copy of the PUA Benefit Rights Information Handbook;
- 8. Exhibit 8: Copy of Marianas Variety Article re: PUA Appeals Process, dated October 15, 2020;

- 1 9. Exhibit 9: Copy of Saipan Tribune Article re: PUA Appeals Process, dated October 16,  
2 2020;
- 3 10. Exhibit 10: Copy of Appellant's Certification Letter, dated June 18, 2020;
- 4 11. Exhibit 11: Copy of Appellant's Recall to Work, dated August 13, 2020;
- 5 12. Exhibit 12: Copy of Appellant's Certification Letter, dated February 16, 2021;
- 6 13. Exhibit 13: Copy of Appellant's Notice of Furlough, dated June 11, 2021;
- 7 14. Exhibit 14: Copy of Appellant's EAD Card under Category C09;
  - 8 a. Valid from 4/22/2019 to 4/21/2020;
  - 9 b. Valid from 4/22/2020 to 4/21/2021;
- 10 15. Exhibit 15: Copy of Appellant's Permanent Resident Card, valid from 4/26/2021 to  
11 4/26/2031;
- 12 16. Exhibit 16: Copy of Department's SAVE verification results
  - 13 a. Results initiated on January 14, 2021
  - 14 b. Results initiated on June 6, 2021
- 15 17. Exhibit 17: BPC Email from July 8, 2021;
- 16 18. Exhibit 18: Copy of Appellant's Payment Plan Agreement, dated June 15, 2021; and
- 17 19. Exhibit 19: Copy of Appellant's Payment Certification, dated June 15, 2021.

18 For the reasons stated below, the Department's Determination dated May 7, 2021 is  
19 **AFFIRMED**. Claimant is not eligible for benefits for the period of February 2, 2020 to March  
20 13, 2021. Further, the Department's Notice of Overpayment, dated June 15, 2021 is **AFFIRMED**.  
21 Appellant was overpaid in the amount of \$270 but has paid that overpayment therefore no longer  
22 at issue.

## 23 II. JURISDICTION

24 On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of  
25 2020 was signed into law creating new temporary federal programs for unemployment benefits  
26 called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment  
27 Compensation ("FPUC").<sup>2</sup> On December 27, 2020, the Continued Assistance for Unemployed  
28 Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said

<sup>1</sup> See Section 2102 of the CARES Act of 2020, Public Law 116-136.

<sup>2</sup> See Section 2104 of the CARES Act of 2020, Public Law 116-136.

1 federal unemployment insurance programs, which, among other things, extended the PUA and  
2 FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021  
3 (“ARPA”) extended the programs to September 6, 2021. The CNMI Department of Labor is  
4 charged with the responsibility in administering the above-mentioned programs in the CNMI in  
5 accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office  
6 has been designated to preside over appeals of agency decisions.

7 Upon review of the records, the appeal of the Determination is not timely and jurisdiction is  
8 not established.

### 9 III. PROCEDURAL BACKGROUND & ISSUES

10 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon  
11 review of Appellant’s application and supporting documents, the Department issued a  
12 Disqualifying Determination and Notice of Overpayment. Appellant filed the present appeal and  
13 the matter was scheduled for a hearing. As stated in the Notice of Hearing, the issues on appeal  
14 are: (1) whether the appeal is timely filed; (2) whether Appellant is eligible for PUA; and (3)  
15 whether an overpayment occurred and funds should be returned.

### 16 IV. FINDINGS OF FACT

17 In consideration of the evidence provided and credibility of witness testimony, the  
18 undersigned issues the following findings of fact:

- 19 1. Prior to the COVID-19 pandemic, Appellant worked as a full-time Cook for Asia Pacific  
20 Hotels Inc. dba Fiesta Resort & Spa (“Employer”) Since May 9, 2019. Appellant was paid  
21 \$1,341.60 per month and regularly worked 40 hours weekly.<sup>5</sup>
- 22 2. Due to the COVID-19 pandemic, Appellant’s hours were reduced to 28 hours per week,  
23 effective February 2, 2020. Then, on March 29, 2020, Appellant was placed on furlough  
24 as Employer instituted a temporary closure.<sup>6</sup>

25  
26 <sup>3</sup> See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A (“Continued Assistance for  
27 Unemployed Workers Act of 2020” or “Continued Assistance Act”).

28 <sup>4</sup> Pursuant to Section 2102(h) of the CARES Act of 2020 (Pub. L. 116-136) and 20 CFR § 625.2(r)(1)(ii), the CNMI  
Governor issued Executive Order No. 2020-09 declaring Hawaii Employment Security Law as the applicable state  
law in the CNMI. Hawaii state law applies, to the extent it does not conflict with applicable federal law and guidance.

<sup>5</sup> See Exhibit 1 and Exhibit 10.

<sup>6</sup> Exhibit 10.



- 1 3. On August 13, 2020, Appellant was recalled to work at reduced hours.<sup>7</sup> Appellant's hours  
2 fluctuated but did not rise to full time work until December 2020. Appellant's hours were  
3 then reduced at a range of 26-30 hours per week, effective January 3, 2021.<sup>8</sup>
- 4 4. Effective July 9, 2021, Employer, which had been acquired and renamed as Crowne Plaza  
5 Resort Saipan, furloughed Appellant. In a letter dated June 11, 2021, Employer explained:  
6 "[d]ue to the continuing effects of the COVID-19 pandemic coupled with the ongoing  
7 renovation of the Resort . . . [Appellant's] service will not be required during this  
8 suspension of operations."<sup>9</sup>
- 9 5. Appellant has not returned to the workforce since his employment with Employer.<sup>10</sup>
- 10 6. On or around June 20, 2020, Appellant submitted an online application for unemployment  
11 assistance under the PUA and FPUC programs administered by the Department. In the  
12 Application Snapshot,<sup>11</sup> Appellant self-certified under penalty of perjury that:
- 13 a. Appellant is an Alien/Refugee Lawfully Admitted to U.S.;
  - 14 b. Appellant's employment was directly affected by COVID-19 because his place of  
15 employment was closed as a direct result of the COVID-19 public health  
16 emergency; and
  - 17 c. Appellant's employment was affected since February 2, 2020.
- 18 7. By submitting the application, Appellant certifies and acknowledges<sup>12</sup> to certain  
19 responsibilities.
- 20 a. First, the answers provided in Appellant's initial application and weekly  
21 certifications were submitted under penalty of perjury. This means it is Appellant's  
22 responsibility to provide true, accurate, and complete answers.
  - 23 b. Second, it is Appellant's responsibility to be informed about the program by  
24 reading the PUA Benefit Rights Information Handbook and other official written  
25 material regarding PUA.<sup>13</sup>

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26 <sup>7</sup> Exhibit 11.

27 <sup>8</sup> Exhibit 12.

28 <sup>9</sup> Exhibit 13.

<sup>10</sup> See Exhibit 1.

<sup>11</sup> *Id.*

<sup>12</sup> See *Id.*

<sup>13</sup> Exhibits 7-9.

1 c. Third, it is Appellant's responsibility to comply with a PUA Coordinator's request  
2 for information and/or documents within the applicable timelines.

3 8. With respect to Appellant's immigration status and employment authorization, Appellant  
4 testified:

5 a. Appellant applied for permanent residency but his application was pending at the  
6 time he filed his claims;

7 b. Appellant had employment authorization to work in the CNMI under Category  
8 C09 from April 22, 2019 to April 21, 2020 and April 22, 2020 to April 21, 2021.<sup>14</sup>

9 c. Subsequently, Appellant's application for permanent residency was approved and  
10 valid from April 26, 2021 to April 26, 2031.<sup>15</sup>

11 9. Appellant did not provide any other documentary evidence to substantiate his immigration  
12 status or employment authorization during the time period he is claiming benefits.

13 10. On January 14, 2021 the Department entered Appellant's information into the Systematic  
14 Alien Verification for Entitlements (SAVE) database maintained by USCIS, Verification  
15 Division. This database is used to determine the immigration status of PUA applicants so  
16 only those entitled to benefits receive them. The SAVE results<sup>16</sup> indicate that Appellant is  
17 a non-immigrant and he has temporary employment authorization under Category C09.

18 11. Upon review of Appellant's claim and supporting documents, the Department issued a  
19 determination<sup>17</sup> disqualifying Appellant from PUA and FPUC benefits from February 2,  
20 2020 to March 13, 2021 for failure to establish that Appellant was a U.S. Citizen, Non-  
21 citizen national, or Qualified Alien.

22 12. The Disqualifying Determination was dated May 7, 2021. The Determination provided  
23 Appellant 10 days to file an appeal and instructions to file an appeal. Specifically, the  
24 Determination stated that the appeal "must be received or postmarked by 5/17/2021."<sup>18</sup>

25  
26  
27 <sup>14</sup> Exhibit 14.

<sup>15</sup> Exhibit 15.

<sup>16</sup> Exhibit 16(a).

<sup>17</sup> Exhibit 2.

<sup>18</sup> *Id.*

1 13. On June 1, 2021, Appellant filed the present appeal and the matter was scheduled for an  
2 Administrative Hearing.<sup>19</sup> Appellant is appealing the disqualifying determination and a  
3 number of Notice of Overpayments<sup>20</sup> that were issued in error.

4 14. Appellant claims he filed his appeal after the 10-day deadline because he was busy with  
5 work and preparing his documents.

6 15. On June 6, 2021 the Department conducted a second SAVE verification.<sup>21</sup> This second  
7 SAVE verification confirmed that Appellant was granted permanent residency, effective  
8 April of 2021.

9 16. On June 15, 2021, the Department's Benefit Payment Control Unit ("BPC") issued an  
10 Initial Notice of Overpayment<sup>22</sup> for the total amount of \$270 in Lost Wages Assistance  
11 benefits for weeks ending August 1, 2020. This Notice of Overpayment did not find an  
12 overpayment in PUA or FPUC benefits.

13 17. On June 15, 2021, Appellant concurred with the Notice of Overpayment and agreed to  
14 repay the \$270 overpayment. Payment was made in full that same day.<sup>23</sup> Subsequently,  
15 the Department's BPC Unit confirmed there is no ongoing overpayment issue in this  
16 case.<sup>24</sup>

## 17 V. CONCLUSIONS OF LAW

18 In consideration of the above-stated findings and applicable law, the undersigned issues the  
19 following conclusions of law:

### 20 1. Appellant's appeal of the May 7, 2021 Determination was not timely filed.

21 Generally, an appeal should be filed within ten days after the Notice of Determination was  
22 issued or served to the claimant. However, the Department may extend the period to thirty days  
23 by a showing of good cause.<sup>25</sup> Good cause means: (1) illness or disability; (2) keeping an  
24 appointment for a job interview; (3) attending a funeral of a family member; and (4) any other  
25 reason which would prevent a reasonable person from complying as directed.<sup>26</sup>

26 <sup>19</sup> Exhibit 4.

27 <sup>20</sup> Exhibit 3.

28 <sup>21</sup> Exhibit 16(b).

<sup>22</sup> Exhibit 6.

<sup>23</sup> Exhibits 18-19.

<sup>24</sup> Exhibit 17.

<sup>25</sup> HI. Rev. Statute § 383-38(a).

<sup>26</sup> HAR § 12-5-81(j).

1 On June 20, 2020, Appellant filed an application for federal unemployment benefits. Therein,  
2 Appellant acknowledged that it is his responsibility to read the PUA Benefit Rights Information  
3 Handbook and any other official written material provided. Notably, the PUA Handbook was  
4 publicly available throughout the program and included important information regarding program  
5 requirements and processes—including appeals. Moreover, because of the online portal’s  
6 erroneous instructions issued along with determinations, the Department issued a number of press  
7 releases to clarify the appeals processes and directed claimants to the PUA handbook and  
8 applicable forms. The Department issued the Disqualifying Determination on May 7, 2021.  
9 Therein, the Determination stated that Appellant had 10 days to file an appeal and reiterated that  
10 the appeal “**must be received or postmarked by 5/17/2021.**” Here, Appellant did not file his  
11 appeal with the Administrative Hearing Office until June 1, 2021. When asked why he filed late,  
12 Appellant stated he was busy with work and preparing the documents.

13 Considering that Appellant was working reduced hours, provided the requisite information to  
14 file an appeal, and did not have to file his exhibits until after he filed his appeal, Appellant is not  
15 entitled to a good cause extension. Considering that the appeal for the determination was  
16 untimely, the Administrative Hearing Office does not have jurisdiction to review the  
17 determination and the Department’s Determination is final.

18 **2. Appellant’s appeal of the June 15, 2021 Notice of Overpayment is timely.**

19 Similarly, appeals of a Notice of Overpayment should be filed within 10 days after receiving  
20 the notice.<sup>27</sup> However, in this case, there is no issue on appeal considering that Appellant  
21 concurred with the overpayment and agreed to repay the \$270 LWA overpayment. Payment was  
22 made in full that same day. Accordingly, the June 15, 2021 Notice of Overpayment is final.

23 **VI. DECISION**

24 For the reasons stated above, it is ORDERED that:

- 25 1. The CNMI Department of Labor’s Disqualifying Determination, dated May 7, 2021 is  
26 **AFFIRMED**;
- 27 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of February  
28 2, 2020 to March 13, 2021;

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<sup>27</sup> HI. Rev. Statute § 383-38(a).

- 1 3. The CNMI Department of Labor's Notice of Overpayment, dated June 15, 2021 is  
2 AFFIRMED; and  
3 4. Appellant was overpaid Lost Wages Assistance Benefits in the total amount of \$270.

4 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
5 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
6 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
7 decision. The written request must be submitted to the Administrative Hearing Office, either in  
8 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at  
9 hearing@dol.gov.mp.

10 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
11 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
12 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
13 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
14 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
and court rule.

15 So ordered this 6th day of August, 2021.

16  
17 /s/  
JACQUELINE A. NICOLAS  
Administrative Hearing Officer