

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



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**COMMONWEALTH REGISTER**

**VOLUME 44  
NUMBER 01  
JANUARY 28, 2022**

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# COMMONWEALTH REGISTER

VOLUME 44  
NUMBER 01  
JANUARY 28, 2022

## ADOPTION

Public Notice of Certification and Adoption of Regulations  
Office of the Public Auditor ..... 048025

## PROPOSED

Public Notice of Proposed Amendments to Drinking Regulations  
To Regulate Certain Per- and Polyfluoroalkyl Substances (PFAS)  
Bureau of Environmental and Coastal Quality  
Division of Environmental Quality  
Office of the Governor ..... 048027

Public Notice of Adoption of Proposed Rules and Regulations  
CNMI Cannabis Commission ..... 048037



# Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

Website: <http://opacnmi.com>

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## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF THE OFFICE OF THE PUBLIC AUDITOR

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER AS PROPOSED  
REGULATIONS

Volume 43, Number 10, pp 047662-047672, October 28, 2021

### Regulations of the Office of the Public Auditor: Chapter 130-30, Procurement Regulations

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Office of the Public Auditor (OPA), 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 OPA announced that it intended to adopt them as permanent, and now does so. (Id.) I also certify by signature below that:

- they are 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.

**PRIOR PUBLICATION:** The prior publication was as stated above.

**MODIFICATIONS FROM PROPOSED REGULATIONS:** None.


**AUTHORITY:** 1 CMC § 2303(d) authorizes the Public Auditor to promulgate procurement regulations and administer the procurement function of OPA.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 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 § 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations. Upon this 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. Please see the following pages for this agency's concise statement, if there are any, ins response to filed comments

The adopted regulations were approved for promulgation by the 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 and that this declaration was executed on the 21<sup>st</sup> day of January 2022, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and Ordered by:   
Kina Peter, CPA  
Public Auditor

1/21/22  
Date

Filed and Recorded by:   
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

01.25.2022  
Date



Eli D. Cabrera  
Administrator

Commonwealth of the Northern Mariana  
Islands

OFFICE OF THE GOVERNOR  
Bureau of Environmental and Coastal Quality –  
Division of Environmental Quality

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Zabrina C. Shai  
Acting Director, DEQ

**PUBLIC NOTICE**  
**OF PROPOSED AMENDMENTS TO DRINKING WATER REGULATIONS**  
**TO REGULATE CERTAIN PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)**

**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) Drinking Water Regulations pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a) to regulate certain per- and polyfluoroalkyl substances (PFAS).

**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 discharge of pollutants. 2 CMC § 3122.

**TERMS AND SUBSTANCE:** Senate Bill 22-40 House Draft 1 adopted 2 CMC § 3902. 2 CMC § 3902(a) establishes a maximum contaminant level (MCL) for PFAS equal to 0.00007 mg/L (70 ng/L; 70 parts per trillion) for the sum of the concentrations of each of the following PFAS chemicals: perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA), and perfluorononanoic acid (PFNA). In addition, 2 CMC § 3902(c)(1) requires BECQ to promulgate an MCL that is either (a) equal to the MCL set in §3902(a), or more protective than §3902(a) (if BECQ determines that the MCL needs adjustment for the protection of human health). Finally, 2 CMC § 3902(f) requires the Bureau to establish and adopt regulations as necessary for the implementation and enforcement of the MCL for PFAS chemicals, including monitoring and analytical requirements, and to periodically review available information regarding PFAS and amend or promulgate regulations as needed for protection of human health. These proposed amendments will promulgate an MCL for PFAS that is more protective than the MCL set in §3902(a) for Perfluorononanoic Acid (PFNA) and otherwise equal to the MCL set in §3902(a), and will adopt regulations necessary for the implementation and enforcement of the MCL, as required by 2 CMC § 3902.

**CITATION OF AFFECTED REGULATIONS:** The proposed amendments affect NMIAC Chapter 65-130 by amending the following existing regulations:

- § 65-20-202 Definitions (§ 2141.2)
- § 65-20-212 Maximum Contaminant Levels (§ 2141.11 - § 2141.16)
- § 65-20-218 Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use (§ 2141.40 - § 2141.43)

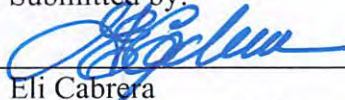
DIRECTIONS FOR FILING AND PUBLICATION: The proposed amendments shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9201(a)(1)) and posted in convenient places in the civic center and in local governmental offices in each senatorial district, both in English and in the principal vernacular (1 CMC § 9104(a)(1)).

COMMENTS: Interested parties may submit written comments on the proposed amendments to Travis Spaeth, DEQ Safe Drinking Water Branch Manager, to the following address, fax, or email address, with the subject line "Proposed Amendments to the Drinking Water Regulations to Regulate PFAS."

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY  
PO Box 501304, Saipan, MP 96950  
Fax: (670) 664-8540  
Email: [travis.spaeth@becq.gov.mp](mailto:travis.spaeth@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


12/22/2021  
Date

Received by:

  
Ms. Mathilda A. Rosario  
Special Assistant for Administration


12/27/21  
Date

Filed and Recorded by:

  
Ms. Esther R.M. San Nicolas  
Commonwealth Registrar

01.25.2022  
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

12/29/2021  
Date

**Part 200 - CNMI National Primary Drinking Water Regulations**

**Subpart A - General**

**§ 65-20-202 Definitions (§ 2141.2)**

The provisions of 40 CFR § 141.2 of the National Primary Drinking Water Regulations, are hereby adopted by reference, with the following modification and addition.

(a) The text of the first sentence for the definition of “state” found within 40 CFR § 141.2 is replaced with, “state means the agency within the Commonwealth of the Northern Mariana Islands which has jurisdiction over public water systems. That agency is the Division of Environmental Quality within the Office of the Governor.”

(b) “PFAS” means per- or polyfluoroalkyl substances and pertains to all man-made chemicals that contain at least one fully fluorinated carbon, or C<sub>n</sub>F<sub>2n+1</sub> alkyl moiety.

**Subpart B Maximum Contaminant Levels**

**§ 65-20-212 Maximum Contaminant Levels (§ 2141.11 - § 2141.16)**

(a) Maximum contaminant levels for inorganic chemicals (§ 2141.11)

The provisions of 40 CFR § 141.11 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) (Removed and Reserved) (§ 2141.12).

(c) Maximum contaminant levels for turbidity (§ 2141.13)

The provisions of 40 CFR § 141.13 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Maximum contaminant levels for radium-226, radium-228, and gross alpha particle radioactivity in community water systems (§ 2141.15)

The provisions of 40 CFR § 141.15\* of the National Primary Drinking Water Regulations are hereby adopted by reference.

(e) Maximum contaminant levels for beta particle and photon radioactivity from manmade radionuclides in community water systems (§ 2141.16)

The provisions of 40 CFR § 141.16\* of the National Primary Drinking Water Regulations are hereby adopted by reference.

(f) Maximum contaminant levels for PFAS in public water systems

The maximum contaminant level shall be:

(1) 0.00007 mg/L (70 ng/L; 70 parts per trillion) for the sum of the concentrations of each of the following PFAS chemicals:

<u>CAS No.</u>	<u>Contaminant</u>
<u>1763-23-1</u>	<u>Perfluorooctane Sulfonic Acid (PFOS)</u>
<u>335-67-1</u>	<u>Perfluorooctanoic Acid (PFOA)</u>

and

(2) 0.0000044 mg/L (4.4 ng/L; 4.4 parts per trillion) for the concentration of Perfluorononanoic Acid (PFNA); and

(3) If a more stringent maximum contaminant level has been established by the Agency for any PFAS chemical or sum of PFAS chemicals, the more stringent maximum contaminant level.

\* So in original. See Commission Comment.

## **Subpart E - Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use**

### **§ 65-20-218 Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use (§ 2141.40 - § 2141.43)**

(a) Monitoring requirements for unregulated contaminants (§ 2141.40)

The provisions of 40 CFR § 141.40 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(b) Special monitoring for sodium (§ 2141.41)

The provisions of 40 CFR § 141.41 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(c) Special monitoring for corrosivity characteristics (§ 2141.42)

The provisions of 40 CFR § 141.42 of the National Primary Drinking Water Regulations are hereby adopted by reference.

(d) Prohibition on use of lead pipes, solder, and flux (§ 2141.43)

The provisions of 40 CFR § 141.43 of the National Primary Drinking Water Regulations are hereby adopted by reference.

#### (e) Special monitoring for PFAS

##### (1) General applicability.

(i) Community and non-transient non-community systems. Every community water system and non-transient non-community water system shall be subject to all requirements of § 65-20-218(e).

(ii) Transient non-community systems. Every transient non-community water system shall, within the first calendar quarter after the effective date of these regulations (or, for new public water systems or existing public water sources that bring a new source on-line or reactivate an existing source, within the first calendar quarter after the source comes on-line), collect, analyze, and report the results of one sample from each sample point. All such monitoring and analysis shall be performed in compliance with §§ 65-20-218(e)(2), (5) and (6).

(2) Monitoring protocols. For purposes of determining compliance with the maximum contaminant level for PFAS set forth in § 65-20-212(f), monitoring shall be conducted as follows:

(i) Single source entry points. Each public water system that draws water from a single source shall take a minimum of one sample at every entry point to the distribution system that is representative of the source after treatment.

(ii) Multiple source entry points. Each public water system that draws water from more than one source, where the sources are combined before distribution, shall take a minimum of one sample at every entry point to the distribution system that is representative of the combined sources after treatment during periods of normal operating conditions (i.e., when water representative of all sources is being used).

(iii) Consistent sample points. Each sample shall be taken at the same sample point unless the Division determines that an alternate sampling location would be more representative of the source or treatment plant.

(iv) Consecutive systems. Unless required by the Division to evaluate PFAS levels, each consecutive public water system shall be exempt from conducting monitoring for PFAS for its purchased portion of water.

### (3) Initial monitoring.

(i) Quarterly monitoring requirement. Commencing with the first calendar quarter after the effective date of these regulations (or, for new public water systems or existing public water sources that bring a new source on-line or reactivate an existing source, within the first calendar quarter after the source comes on-line), each public water source shall conduct sampling and analysis for PFAS for four consecutive quarters.

(ii) Use of previously-collected PFAS data. A public water system, prior to the applicable commencement date of initial monitoring, may request the Division's written approval to substitute monitoring data which was obtained prior to such commencement date. The Division's written approval shall be based on a determination as to whether the monitoring data was collected and analyzed in a manner consistent with the requirements of § 65-20-218(e).

(iii) Waiver from initial monitoring requirement. Any public water system whose analytical results for the first two quarters of initial monitoring do not detect PFAS in a concentration above the minimum reporting level required by § 65-20-218(e)(5)(ii) may submit a written request to the Division to waive the third and fourth quarters of such monitoring. The Division may grant a written waiver in its discretion, subject to the Division's determination that there is no reason to suspect PFAS contamination in the vicinity of the public water system or its sources of water.

### (4) Routine monitoring.

(i) General requirement. Routine monitoring shall continue on a quarterly basis, except as otherwise provided below.

(ii) Reduced monitoring. Public water systems that do not detect PFAS in a concentration above the minimum reporting level required by § 65-20-218(e)(5)(ii) for two consecutive calendar quarters may reduce the monitoring frequency to annually.

(iii) Waiver from reduced monitoring requirement. Any public water system may submit a written request to the Division requesting a waiver from the reduced monitoring requirement to allow for a single sampling and analysis in the 3-year compliance period. The public water system may reapply for a waiver for each successive 3-year compliance period. The Division may grant a written waiver in its discretion, subject to the Division's determination that there is no reason to suspect PFAS contamination in the vicinity of the public water system or its sources of water.

### (5) PFAS analytical requirements.

(i) Methods of analysis. Analysis for PFAS shall be conducted using either EPA Method 537 or EPA Method 537.1.

(ii) Minimum reporting levels. Laboratories conducting PFAS analysis shall be capable of obtaining individual minimum reporting levels less than or equal to 0.0000020 mg/l or 2.0 ng/l.

(iii) Scope of analysis. All samples analyzed pursuant to initial or routine monitoring requirements shall be analyzed for the full scope of PFAS covered by the selected method.

(6) PFAS reporting requirements. All analytical results for PFAS, whether obtained pursuant to initial or routine monitoring requirements or on a voluntary basis, and whether the results show a detection of PFAS below or exceeding the maximum contaminant level, shall be reported to the Division within thirty days of receipt of the result from the laboratory; provided, however, that all analytical results showing an exceedance of the maximum contaminant level shall be reported to the Division within seven days of receipt of the result from the laboratory.

(7) Public education regarding PFAS detections. Any public water system that detects PFAS exceeding the maximum contaminant level shall notify all persons served by the system of the exceedance using materials approved by the Division. Such notice shall be provided as soon as practical and no later than 30 days after receipt of the result from the laboratory. The notice shall include the concentrations of PFAS detected, an explanation of the health effects of PFAS, and steps consumers can take to reduce exposure to PFAS in drinking water. A copy of such materials shall be submitted to the Division along with a written certification by the public water system that the materials were distributed as required.

(f) Annual review of PFAS regulations

The Division shall by no later than August 19, 2022, and annually thereafter, review the most recent peer-reviewed studies and scientific evidence, including, but not limited to, information from the U.S. Environmental Protection Agency and the Agency for Toxic Substances and Disease Registry, independent and government agency studies, and the laws of other states regarding PFAS, and shall amend or may promulgate regulations if such review indicates action by the Division is needed for protection of human health.



Eli D. Cabrera  
Administrator

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Zabrina C. Shai  
Acting Director, DEQ

**ARONGORONGOL TOULAP  
REEL PPWOMWOL LIIWEL NGÁLI MWÓGHUTUGHUTÚL  
SCHALÚL ÚÚL REEL EBWE AYOORAI MWÓGHUTUGHUTÚL AKKÁÁW PER ME  
POLYFLUOROALKYL SUBSTANCE (PFAS)**

KKAPASAL ME WEEWEL: Senate Bill 22-40 House Draft 1 re adóptáali 2 CMC 3902.2 CMC § 3902(a) e itittiw contaminant level (MCL) ngáli PFAS toowowul nge 0.00007 mg/L (70 ng/L; 70 -parts per trillion) ngáli alongal concentration ngáli PFAS chemicals ikka e amwirimwiritiw: perfluorononanoic acid (PFNA). E schuulong, 2 CMC § 3902(c)(1) re tipáli BECQ rebwe aronga reel MCL iye e (a) e weewel toowowul sáangi MCL iye e ffat llól §3902(a), ngáre e maas pileeyló sáangi §3902(a) (ngáre e itittiw sáangi BECQ bwe MCL ebwe awelaaló ngáli ghatchúl aramas). Ottimwo, 2 CMC § 3902(f) re tipáli Bwulasiyo reel rebwe itittiw me adóptáali mwóghutughut ikka e ffil ngáli mwóghutughut me alléghúl MCL ngáli PFAS chemicals, e schuulong ammwelil me

analytical requirements, me rebwe anwuri fischiiy ghal ráagh arongorong PFAS me liiweli ngáre arongawow mwóghutughut ikka e ffil reel ghatchúl malaweer toulap. Ebwe arongowow ppwomwol liiwelil MCL ngáli PFAS iye ebwe pileey maas MCL iye e ffat llól §3902(a) ngáli Perfluoronanoic Acid (PFNA) me e weewe toowowul ngáli MCL imwu e ffat llól §3902(a), me rebwe adóptáali mwóghutughut me alléghúl MCL, sáangi 2 CMC § 3902.

TIPETCHOWUL MWÓGHUTUGHUT: Eyoor tipetchowul ppwomwol mwóghutughut reel NMIAC Chapter 65-130 reel igha re liiweli mwóghutughut ikka e lo iye e amwirimwiritiw:

- § 65-20-202 Weewel (§ 2141.2)
- § 65-20-212 Maximum Contaminant Levels (§ 2141.11 - § 2141.16)
- § 65-20-218 Special Regulations, Including Monitoring Regulations and Prohibition on Lead Use (§ 2141.40 - § 2141.43)

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ppwomwol liiwel kkal ebwe akkatééwow me llól Commonwealth Register llól táлил ppwomwol me ffél mwóghutughut ikka ra adóptáali (1 CMC § 9201 (a)(1)) me ebwe appaschetá 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 ppwomwol liiwel kkal rebwe isch ngáli Travis Spaeth, DEQ Safe Drinking Water Branch Manager, ngáli féléfél iye e amwirimwiritiw, fax, ngáre email address, ebwe lo wóól subject line bwe “Ppwomwol Liiwel ngáli Mwóghutughutúl Schalúl ÚÚl ebwe lemeli PFAS.”

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY

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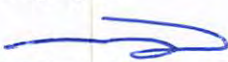
Ebwe toolong kkapas llól eliigh (30) ráál mwiril aal akkatéwów arongorong yeel. 1 CMC § 9104(a)(2).

Isáliyalong:

  
\_\_\_\_\_  
Eli Cabrera  
Administrator, BECQ


12/22/2021  
Ráál

Bwughiyal:

  
\_\_\_\_\_  
Ms. Mathilda A. Rosario  
Special Assistant ngáli Administration

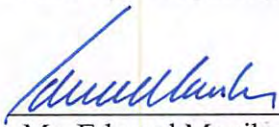
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Ammwelil:

  
\_\_\_\_\_  
Ms. Esther R.M. San Nicolas  
Commonwealth Registrar

01.25.2022  
Ráál

I átirow, 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

12/29/2021  
Ráál



Eli D. Cabrera  
Administrator

Commonwealth of the Northern Mariana  
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Zabrina C. Shai  
Acting Director, DEQ

**NUTISIAN PUPBLIKU**  
**PUT I MANMAPROPONI NA AMENDA SIHA GI REGULASION I MAGIGIMMIN**  
**HÂNUM PARA U MAGUBIETNA METTON NA “PER- AND POLYFLUOROALKYL**  
**SUBSTANCES (PFAS)”**

**NUTISIA I MA’INTENSIONA NA AKSION:** I Commonwealth gi Sangkattan na Islas Mariânas, i Ufisanan Gubietnu, i Bureau of Environmental and Coastal Quality (BECQ) ha intensiona para u amenda i Division of Environmental Quality (DEQ) Regulasion i Magigimmin Hânum sigun gi maneran i Âkton Administrative Procedure (APA), 1 CMC § 9104(a) para u gubietna metton na “per- and polyfluoroalkyl substances (PFAS).”

**I TEMA YAN SUSTÂNSIAN I PALÂBRA:** “Senate Bill 22-40 House Draft 1” ma’adâpta 2 CMC § 3902. 2 CMC § 3902(a) inestapleblesi i “maximum contaminant level (MCL)” para PFAS ni parehu yan i 0.00007 mg/L (70 ng/L; parts per trillion) para i tutât na “concentrations” nu kada na mantinâttiya na “chemical:” PFAS siha: “perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA),” yan “perfluorononanoic acid (PFNA).” Yan mâs, 2 CMC § 3902(a), pat mâs na pruteksion ki §3902(a) (yanggin i BECQ dinitetminan na i MCL ha nisisita ahusta para i pruteksion nu hinemlu’ tâotâo). Uttimu, 2 CMC § 3902(f) ha nisisita i Bureau para u estapleses yan adâpta i regulasion komu nisisâriu para i implimentasion yan magubietna i MCL para “chemical” PFAS siha, kuntu manu manonota yan dinimânda analisa siha, yan para u ma’atan i managuaha na infotmasion put i PFAS yan amenda osino macho’gui i regulasion siha komu manisita para pruteksion hinemlu’ tâotâo. Esti i manmapropo ni amenda siha siempri macho’gui MCL para PFAS nai mâs pruteksion ki i MCL na “set” gi halum §3902(a) para Perfluorononanoic Acid (PFNA) yan pat sino parehu yan i MCL na “set” gi halum §3902(a), yan siempri ma’adâpta i mannisâriu na regulasion siha para i implimentasion yan magubietna i MCL, komu madimânda ni 2 CMC § 3902.

**SITASION I MANINAFEKTA NA REGULASION SIHA:** I manmapropo ni amenda siha ha afekta i NMIAC Chapter 65-130 ni inamenmenda i mantinâttiya na ineksissisti na regulasion siha:

- § 65-20-202 Difinision (§ 2141.2)
- § 65-20-212 Maximum Contaminant Levels (§ 2141.11 - § 2141.16)
- § 65-20-218 Ispisiât na Regulasion siha, kuntu manu manonota na Regulasion yan Pruhibision gi “Lead Use” (§ 2141.40 - § 2141.43)

**DIREKSION PARA U MAPO’LU YAN MAPUPBLIKA:** I manmapropo ni amenda debi na u mapupblika gi halum Rehistran Commonwealth gi halum seksiona ni manmapropo ni yan nuebu na ma’adâpta na regulasion siha, 1 CMC § 9102(a)(1), yan u mapega gi halum kumbinienti na

lugât siha gi hâlum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, parehu Englis yan 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 siha guatu as Travis Spaeth, DEQ Safe Drinking Water Branch Manager, para i mantinâttiya na address, fax, osino email address, ya i suhetu na râya "I Manmaproponi na Amenda siha para i Regulasion Magigimmin Hânum para u Magubietna i PFAS."

BUREAU OF ENVIRONMENTAL AND COASTAL QUALITY

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I upiñon siha debi na u fanhâlum gi halum trenta (30) dihas i kalendâriu ginen i fetchan pupublikasion esti na nutisia. 1 CMC § 9104(a)(2).

Nina'hâlum as:



Eli Cabrera  
Atministradot, BECQ

12/22/2021  
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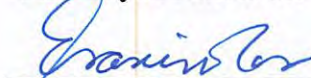
Rinisibi as:



Ms. Mathilda A. Rosario  
Ispisiât na Ayudânti para i Atministradot

12/27/21  
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Pine'lu yan Ninota as:



Ms. Esther R.M. San Nicolas  
Rehistran Commonwealth

01-25-2022  
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Hu settifika, sigun para i 1 CMC § 2153(e) yan 1 CMC § 9104(a)(3), na hu ribisa yan aprueba esti na regulasion siha komu fotma yan ligât sufisienti.



Mr. Edward Manibusan  
Abugâdu Hinirât

12/29/2021  
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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CANNABIS COMMISSION**

P.O. BOX 500135 Saipan, MP 96950  
Email: [info@cnmicannabis.org](mailto:info@cnmicannabis.org)

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**PUBLIC NOTICE OF ADOPTION OF PROPOSED RULES AND REGULATIONS FOR  
THE CNMI CANNABIS COMMISSION**

**INTENDED ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:**

The Commonwealth of the Northern Mariana Islands, CNMI Cannabis Commission ("the Commission") intends to adopt as permanent regulations the attached Proposed Regulations, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The Regulations would become effective 10 days after adoption and publication in the Commonwealth Register. (1 CMC § 9105(b))

**AUTHORITY:** The Commission has the authority to adopt rules and regulations in furtherance of its duties and responsibilities pursuant to Public Laws 20-66 and Public Law 21-05, including but not limited to 4 CMC 53008(b).

**THE TERMS AND SUBSTANCE:** The attached Rules and Regulations supplement the current regulations which govern and regulate the Cannabis Industry in the CNMI. The amendments declare unsuitable certain methods of operation which would negatively affect the cannabis industry in the CNMI.

**THE SUBJECTS AND ISSUES INVOLVED:** These rules and regulations:


1. Amend § 180-10.1-310 Processing (e)(6) to add in new line to read "Identification of an applicant listed in the application who will serve as the Licensee Representative for the licensee. Identification of the Licensee Representative will be submitted in a form and manner prescribed by the Commission."
2. Renumber § 180-10.1-310 Processing (e) to include new line added.
3. Amend § 180-10.1-310 Processing (e)(8)(ii)(2) to read "In addition to requirements of §180-10.1-310(e)(8)(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."
4. Amend § 180-10.1-310 Processing (e)(10)(i) to read "On form prescribed by the Commission, applicants shall submit in addition to the requirements under 180-10.1-310 (e)(1-7)".
5. Establish § 180-10.1-360 Notification to the Commission under Part 300 Licensee Registration Requirements.
6. Establish § 180-10.1-415 Procedure on Revocation or Suspension of License under Part 400 Licensee Responsibilities; General Responsibilities.

7. Amend § 180-10.1-601 Privileges; Prohibitions (a)(3)(ii) to read "Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana processor, wholesaler, retailer, or research certificate holder;"
8. Establish Part 1700 Penalties.
9. Establish § 180-10.1-1701 Legislative Mandate.
10. Establish § 180-10.1-1705 Suspension of Penalties.
11. Establish § 180-10.1-1710 Definitions.
12. Establish § 180-10.1-1715 Licensee Liability.
13. Establish § 180-10.1-1720 Multiple Offenses from Single Action or Omission.
14. Establish § 180-10.1-1725 Self-reporting Determination.
15. Establish § 180-10.1-1730 Determination of Offense Level.
16. Establish § 180-10.1-1735 Mandatory Offense Levels.
17. Establish § 180-10.1-1740 Penalties.
18. Establish § 180-10.1-1745 Burden of Proof.
19. Establish § 180-10.1-1750 No Hearing Necessary for Determination.

**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed 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; the notice shall be both in English and in the principal vernacular. (1 CMC § 9104(a)(1)).

**TO PROVIDE COMMENTS:** Send or deliver your comments to CNMI Cannabis Commission, *Attn: New Cannabis Commission Rules and Regulations*, at the above address, fax or email address, with the subject line "New Cannabis Commission Rules and Regulations". 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))

The CNMI Cannabis Commission approved the attached Regulations on the 19<sup>th</sup> day of November, 2021.

Submitted by:   
 \_\_\_\_\_  
 NADINE DELEON GUERRERO  
 Chairman of the Commission

12/04/2021  
 \_\_\_\_\_  
 Date

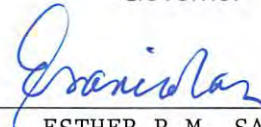
Concurred by:

  
Hon. RALPH DLG TORRES  
Governor

11 JAN 2022

Date

Filed and  
Recorded by:

  
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

01.25.2022

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).

Dated the 14 day of January, 202<sup>2</sup>.



Hon. EDWARD MANIBUSAN  
Attorney General



**COMMONWEALTH GI SANGKATTAN NA ISLAS MARIÑANAS  
KUMISIÓN CANNABIS**

P.O. BOX 500135 Saipan, MP 96950  
Email: [info@cnmicannabis.org](mailto:info@cnmicannabis.org)

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**NUTISIAN PUBLIKU PUT I INADÁPTRAN NU I MANMAPROPONI NA  
AREKLAMANTU YAN REGULASION SIHA PARA I KUMISIÓN CANNABIS IYA CNMI**

**I AKSIÓN NI MA'INTENSIONA PARA U MA'ADÁPTRA ESTI I MANMAPROPONI NA  
AREKLAMANTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Mariñanas, I KumisiÓN Cannabis iya CNMI ("i KumisiÓN") ha intensiona para u adáptra komu petmanienti na regulasion i mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Ákton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempre umifektibu gi dies (10) dihas dispues di adáptrasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

**ÁTURIDÁT:** I KumisiÓN gai áturidát para u adáptra i areklamentu yan regulasion siha ni para u adilanta i iyon-ñiha ubligasion yan responsibilidadát siha sigun gi Lain Publiku 20-66 yan Lain Publiku 21-05, umingklusu lão ti chi'ña para 4 CMC 53008(b).

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I mañechettun na Areklamentu yan Regulasion siha ha suplimenta i prisenti na regulasion siha ni ha gubiebietna yan diririhi i Industrian Cannabis gi halum iya CNMI. I amenda siha dumiklára i ti mampropiu na metton maneran nu operasion siha ni siempre ha afekta gi binába i industrian cannabis gi halum iya CNMI.

**I SUHETU NI MASUMÁRIA YAN ASUNTU NI TINEKKA:** Esti na areklamentu yan regulasion siha:

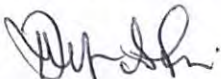
1. Amenda § 180-10.1-310 "Processing (e)(6)" para u manadanña hálum i nuebu na rãya para mataitaiña "Aidentifikasion i aplikánti malista gi halum i aplikasion ni siempre sumietbi komu i Deligádu Manlisenisia para i "Licensee". I aidentifikasion i Deligádu Manlisenisia siempre ma'intrega hálum gi fotma yan manera ni mapriskribi ni KumisiÓN."
2. "Renumber § 180-10.1-310 Processing (e)" para u ma'ingklusu i nuebu na dinanña na rãya.
3. "Amenda § 180-10.1-310 Processing (e)(8)(ii)(2)" para mataitaiña "Yan más para i dinimánda nu § 180-10.1-310(e)(8)(ii)(1)," para rinueba, i ripot debi u diskribi i ineksisti na ilektridát yan usun hánum para i ma'pus na sákkán para makunsidera todú i páttin nu i lugát.
4. "Amenda § 180-10.1-310 Processing (e)(10)(i)" para mataitaiña "Gi fotma ni mapriskribi ni KumisiÓN, i aplikánti siha debi na u ma'intrega hálum más na ginagãogão para i dinimánda siha gi pápa' 180-10.1-310 (e)(1-7)".

5. Estapblesi § 180-10.1-360 Nutifikasion para i Kumisión gi pápa' i Pátti 300 Dinimánda Rehistrasion Manlisenisia siha.
6. Estapblesi § 180-10.1-415 Manera gi "Revocation" pat Suspendi i Manlisenisia gi pápa' i 400 Responsibilidát Manlisenisia siha; Responsibilidát Hinirát.
7. Amenda § 180-10.1-601 "Privileges; Prohibitions (a)(3)(ii)" para mataitaiña "Intieru, i ti manlá'la'la' na tinanum marihuana siha ni manmanafañuha ginen kuatkuet na mandángdánkulu na "medium" para i malisenisia na lugát i marijuana processor, wholesaler, retailer, or research certificate holder;"
8. Estapblesi Part 1700 Pena siha.
9. Estapblesi § 180-10.1-1701 Mándá Lehislatura.
10. Estapblesi § 180-10.1-1705 Suspendi nu Pena siha.
11. Estapblesi § 180-10.1-1710 Difinision.
12. Estapblesi § 180-10.1-1715 "Licensee Liability."
13. Estapblesi § 180-10.1-1720 Mutiplika na Ofensa ginen "Single Action or Omission."
14. Estapblesi § 180-10.1-1725 "Self-reporting Determination."
15. Estapblesi § 180-10.1-1730 "Determination of Offense Level."
16. Estapblesi § 180-10.1-1735 "Mandatory Offense Levels."
17. Estapblesi § 180-10.1-1740 Pena siha.
18. Estapblesi § 180-10.1-1745 "Burden of Proof."
19. Estapblesi § 180-10.1-1750 Táyá Hinekkunguk Nisisáriu para Ditetminasion.

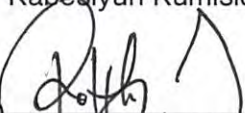
**DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA:** Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum Rehistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adápá na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi halum kumbinienti na lugát gi halum civic center yan i ufisinan gubietnamentu gi kada distritun senadot; i nutisia siempri parehu Inglis yan i prinsipát na lingguáhin natibu. (1 CMC § 9104(a)(1)).

**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hánáo pat intrega hálum i upiñon-mu guatu para i Kumisión Cannabis iya CNMI, *Attn: Nuebu na Areklamentu yan Regulasion Kumisión Cannabis*, gi sanhilu' na address, fax osino email address, yan i suhetu na ráyá "Nuebu na Areklamentu yan Regulasion Kumisión Cannabis". Todu i upiñon siha debi na u fanhálum gi halum trenta (30) dihas ginen i fetchan publikasion nu esta na nutisia. Put fabot intrega hálum i infotmasion, upiñon, pat testimonion kinentrám-mu siha. (1 CMC § 9104(a)(2))

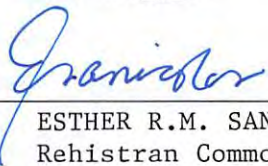
I Kumisi3n Cannabis iya CNMI ma'apueba i mañechettun na Regulasion siha gi diha  
19<sup>th</sup> gi November, 2021.

Nina'hålum as:   
NADINE DELEON GUERRERO  
Kabesiyun Kumisi3n

12/01/21  
Fetcha

Finitma as:   
Hon. RALPH DLG TORRES  
Maga'låhi

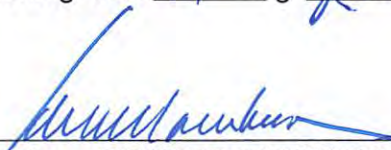
11 JAN 2022  
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Pine'lu yan  
Ninota as:   
ESTHER R.M. SAN NICOLAS  
Rehistran Commonwealth

01-25-2022  
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Sigun para 1 CMC § 2153(e) (I Abugådu Heneråt ma'apueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inapueban Abugådu Heneråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'apueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Heneråt yan debi na u mapupblika, 1 CMC § 2153(f) (publikasion areklamentu yan regulasion siha).

Mafetcha gi diha 14 gi January, 2021<sup>2</sup>.

  
Hon. EDWARD MANIBUSAN  
Abugådu Hiniråt



COMMONWEALTH TÉÉL FALÚW KKA EFÁNG LLÓL MARIANAS  
CANNABIS COMMISSION

P.O. BOX 500135 Saipan, MP 96950

Email: [info@cnmicannabis.org](mailto:info@cnmicannabis.org)

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ARONGORONGOL TOULAP REEL ADÓPTAAL PPWOMWOL ALLÉGH ME  
MWÓGHUTUGHUT NGÁLI CNMI CANNABIS COMMISSION

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁALI PPWOMWOL ALLÉGH MW MWÓGHUTUGHUT:** Commonwealth Téél Falúw kka Efáng llól Marianas, CNMI Cannabis Commission (“Commission we”) re mángemángil rebwe adóptáali bwe ebwe lléghló Ppwomwol Mwóghutughut ikka e appasch, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló Mwóghutughut kkal seigh ráal mwiril aar adóptáali me akkatéewowul me llól Commonwealth register. (1 CMC § 9105(b))

**BWÁNGIL:** Eyooraí bwángil Commission reel rebwe adóptáali allégh me mwóghutughut llól igha ebwe tééló mmwal reel angaang me lemelemil sáangi Alléghúl Toulap 21-05, e schuulong nge ese yooraí aighúghúl ngáli 4 CMC 53008(b).

**KKAPASAL ME AWEEWEL:** Allégh me Mwóghutughut ikka e appasch e ayoorai mwóghutughut ikka e lemeli Cannabis Industry me llól CNMI. Liiwel kkal e aronga bwe ese ffil mwóghutughut ikka e nngaw ngáli cannabis industry me llól CNMI.

**KKAPASAL ME AUTOL:** Allégh me mwóghutughut kkal:

1. Liiweli § 180-10.1-310 Processing (e)(6) ebwe schuulong ebwe arághi bwe “ Ghikkillil applicant ebwe lo llól application iyo ye ebwe lo bwe I Licensee Representative ngáli Licensee. Ghikkillil Licensee Representative ebwe isiisilong llól pappid me mwóghutughut iye e tutto sáangi Commission”.
2. Ayoorai sefáali páápál § 180-10.1-310 Processing (e) ebwe schuulong new line added.
3. Liiweli §180-10.1-310 Processing (e)(10)(i) ebwe arághi bwe “Ebwal schuulong reel §180-10.1-310(e)(8)(ii)(1), ngáli igha re fféerú sefáaliy ngáre sibwe ira bwe renewal, ebwe yooraí aweewel llól repoot reel actual electricity me yááyál schaal ngáli ráagh kkewe aa mweteló me ammwelil reel alongaló wóól falúw.
4. Liiweli § 180-10.1-310 Processing (e)(10)(i) ebwe arághi bwe “Wóól pappid imwu sáangi Commission, applicant ebwe isiisilong fengál me alongal requirements faal 180-10.1310(e)(1-7)”.
5. Itittiwel § 180-10.1-360 Notification ngáli Commission faal Part 300 Licensee Registration Requirements.
6. Itittiwel § 180-10.1-415 Procedure on Revocation or Suspension of License faal Part 400 Licensee Responsibilities; General Responsibilities.

7. Liiweli § 180-10.1-601 Privileges; Prohibitions (a)(3)(ii) ebwe arághi bwe “Ulusul uwal marijuana iye ese melaw iye re atti sáangi mil melaw medium ngáli kkayú iye e licensed reel fféerúl marijuana, wholesaler, retailer, ngáre research certificate holder”.
8. Itittiwel Part 1700 Penalties.
9. Itittiwel § 180-10.1-1701 Legislative Mandate.
10. Itittiwel § 180-10.1-1705 Suspension of Penalties.
11. Itittiwel § 180-10.1-1710 Weewel.
12. Itittiwel § 180-10.1-1715 Licensee Liability.
13. Itittiwel § 180-10.1-1720 Multiple Offenses sáangi Eew Mwóghutughut ngáre Omission.
14. Itittiwel § 180-10.1-1725 Self-reporting Determination.
15. Itittiwel § 180-10.1-1730 Determination of Offense Level.
16. Itittiwel § 180-10.1-1735 Mandatory of Offense Levels.
17. Itittiwel § 180-10.1-1740 Penalties.
18. Itittiwel § 180-10.1-1745 Burden of Proof.
19. Itittiwel § 180-10.1-1750 No Hearing Necessary for Determination.

**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Pommwol Mwóghutughut kkal me llól Commonwealth Register llól táilil pommwol me ffél mwóghutughut ikka ra adóptáali (1 CMC § 9102(a)(1) me ebwe appaschetá llól civic center me bwal llól bwilasiyol gobetnameento llól senatorial district, ebwe lo arongorong yeel llól English me mwaliyaasch. (1 CMC §9104(a)(1)).

**REEL ISIISILONGOL KKAPAS:** Afanga ngáre bwughiló yóómw ischil kkapas ngáli CNMI Cannabis Commission, *Attn: New Cannabis Commission Rules and Regulations*, reel féféfé iye e lo weiláng, fax ngáre email, ebwe lo wóól subject line bwe “New Cannabis Commission rules and Regulations”. Ebwe toolong kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw data, views ngáre angiingi. (1 CMC § 9104(a)(2))

CNMI Cannabis Commission ra átirowa Mwóghutughut ikka e appasch wóól 19<sup>th</sup> ráálil November, 2021.

Isáliyalong:  12/06/21  
 NADINE DELEON GUERRERO Ráál  
 Chairman-il Commission

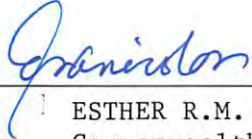
Átirowal:

  
Hon. RALPH DLG TORRES  
Soulemelem

11 JAN 2022

Ráál

Ammwelil:

  
ESTHER R.M. SAN NICOLAS  
Commonwealth Registrar

01-25-2022

Ráál

Sáangi 1 CMC § 2153(e) (átirowal AG reel mwóghutughut bwe aa lleghló reel fféerúl) me 1 CMC § 9104(a)(3) (sáangi átirowal AG) reel pommwol liiwel ikka e appasch bwe ra takkal amwuri fischiiy me aa lleghló reel fféerúl me legal sufficiency sáangi Soulemelemil Alleghúl Lapalpal CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul me arongowowul mwóghutughut).

Aghikkilátiw wóol 14 rááil January, 202~~1~~<sup>2</sup>.

  
Hon. EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
CANNABIS COMMISSION

P.O. BOX 500135 Saipan, MP 96950  
Email: info@cnmicannabis.org  
(670) 488-0420 | (670) 488-2627

§180-10.1-310 Processing

(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) Identification of an applicant listed in the application who will serve as the Licensee Representative for the licensee. Identification of the Licensee Representative will be submitted in a form and manner prescribed by the Commission.
- (7) 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
- (8) 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(e)(8)(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.
- (9) 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.
- (10) For lounges
  - i. On form prescribed by the Commission, applicants shall submit in addition to the requirements under 180-10.1-310 (e)(1-7):
    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

**§ 180-10.1-360 Notification to the Commission**

- (a) An applicant or licensee must notify the Commission in writing within 10 calendar days of any of the following:
  1. A change in any contact information for anyone listed in an application or subsequently identified as an applicant;
  2. A disciplinary proceeding or licensing enforcement action by another governmental entity that may affect the business;
  3. The temporary closure of the business for longer than 30 days;
  4. The permanent closure of the business;
  5. A change to the Licensee Representative
  6. The names, ages, position, date of employment, and a copy of employee badge for any new employees of the licensee
- (b) An applicant or licensee must notify the Commission in a manner prescribed by the Commission within 72 hours of an arrest, a citation issued in lieu of arrest, or a conviction for any misdemeanor or felony of an individual listed in an application or subsequently identified as an applicant or licensee.
  1. Failure to notify the Commission of a conviction within the prescribed timeframe is an intermediate violation.
  2. Failure to notify the Commission of an arrest or a citation in lieu of arrest within the prescribed timeframe is a minor violation. An arrest or citation in lieu of arrest in itself is not a basis for licensing action, but the Commission may investigate the conduct underlying the arrest.
- (c) A licensee must notify the Commission in a manner prescribed by the Commission no more than 24 hours from the theft of marijuana items or money from the licensed premises
- (d) A licensee must notify the Commission within 24 hours of any violation to the Act or to the regulations of the Commission.
- (e) Changes in business structure
  1. A licensee that changes its ownership structure by adding an individual or legal entity who will meet the qualifications of an applicant as described in § 180-10.1-310 or by removing an individual or legal entity that is a licensee must, prior to making the change, submit:
    - i. A form prescribed by the Commission; and
    - ii. Any information identified in the form to be submitted to the Commission.
  2. The Commission must review the form and other information submitted under subsection § 180-10.1-360(e)(1).
  3. If the Commission determines that the addition of an individual or legal entity who meets the qualifications as described in § 180-10.1-310 would result in an initial or renewal application denial under § 180-10.1-335 or serve as the basis of a license suspension or revocation, the licensee may remove that individual or legal entity from the business. If the licensee does not remove that individual or legal entity from the business, the Commission shall propose license suspension or revocation under 4 CMC § 53038.
- (f) Notwithstanding § 180-10.1-360(d)(1), a licensee does not need to notify the Commission prior to the following changes occurring, but must notify the Commission within 30 days of the following occurring:
  1. A shareholder of a publicly traded corporation acquiring or accumulating twenty percent or more of the voting stock.
  2. A publicly traded corporation adding or removing Principal Officers.
- (g) Change of Ownership
  1. A new application must be submitted in accordance with § 180-10.1-310 if:
    - i. A business proposes a change to its ownership structure that is 51 percent or greater. For the purposes of this rule, a change is considered to be 51 percent or greater if natural persons who did not hold a direct or indirect interest in the business at the start of the license year will collectively hold a direct or indirect interest of 51 percent or greater.
- (h) Change of Location

1. A licensee who wishes to change the location of the licensed premises must submit a completed application for the new premises including all required forms and documents and the fee specified in § 180-10.1-320, but does not need to submit information required for a criminal background check if there are no changes to the individuals listed on the initial application.
  2. If a licensee loses the right to occupy the licensed premises, the Commission may allow the licensee to change location if:
    - i. The licensee submits written notice to the Commission at least 10 days in advance of losing the right to occupy the licensed premises;
    - ii. The licensee removes all marijuana items from the licensed premises;
    - iii. The licensee is not under investigation for suspected violations of any provision of these rules or regulations and does not have violations pending action or administrative hearing.
- (i) Addition or Change of Trade Name or Change in Business Logo
1. A licensee must notify and receive approval from the Commission on a form prescribed by the Commission prior to any changes or additions to the business trade name or business logo
  2. The Commission may deny any addition or change to a business trade name or business logo
- (j) Creation or Change in Online Media Presence
1. A licensee must notify the Commission following the creation of online media presence operated by the licensee to include social media accounts, websites, or mobile phone or online applications.
  2. A licensee must notify the Commission of any change in the information provided to the Commission under subsection j(1) no later than 10 days following the change.

#### § 180-10.1-415 Procedure on Revocation or Suspension of License

- (a) The Commission, by the affirmative vote of the majority of Commissioners, may revoke or suspend any license for the violation of any provision of 4 CMC § 53001 et seq. or any rule or regulation applicable thereto.
- (b) In every case where it is proposed to revoke or suspend any license, the licensee shall be given:
  1. Notice and hearing pursuant to §180-10.1-160;
  2. At the hearing, the licensee shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing that the alleged cause or causes for the proposed action do not exist;
  3. The testimony taken shall be under oath and taken steno-graphically or by machine, but the parties shall not be bound by strict rules of evidence. The Commonwealth Administrative Procedures Act [1 CMC § 9101 et seq.] shall apply wherever applicable.
  4. Copies of any transcript made at the hearing shall be given to the licensee upon his or her request and at his or her expense.

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

- (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, retailer, or research certificate holder;

### PART 1700 PENALTIES

#### § 180-10.1-1701 Legislative Mandate.

- (a) The Legislature has granted the Commission the responsibility to levy fines and penalties for violation of provisions of 4 CMC § 53001 et seq. and the regulations promulgated by the Commission.
- (b) The Legislature has required that these regulations, at a minimum, provide civil penalties for the violation of provisions of the law or regulation imposed under this chapter as well as penalties for the late payment of applicable fines, or fees.

#### § 180-10.1-1705 Suspension of Penalties.

The Commission may suspend, reduce, or rescind any penalty imposed at any time upon such terms as it deems just.

**§ 180-10.1-1710 Definitions.**

As used in this Part, unless the context plainly requires a different definition:

- (a) "Offense" means a violation of any Commonwealth law or Commonwealth regulation, or any order issued by the Commission.
- (b) "Person" means a person or business entity who is or who must be licensed, regulated, or registered by the Commission.

**§ 180-10.1-1715 Licensee Liability.**

- (a) A licensee is liable for the offense of its employees as if the licensee had committed the offense.
- (b) Both the employee and the licensee may be fined separately for the acts and omissions of the employee.
- (c) The employee and the licensee may be fined in different amounts for the acts and omissions of the employee.

**§ 180-10.1-1720 Multiple Offenses from Single Action or Omission.**

- (a) A single action or omission which violates multiple laws, regulations, orders or the like may be charged as multiple offenses and multiple punishments may be levied for each offense.

**§ 180-10.1-1725 Self-reporting Determination.**

The Commission, the Managing Director as the case may be, shall determine whether a licensee immediately, promptly or belatedly self-reported the offense (and the facts giving rise thereto) to the Commission, or whether the licensee failed to report the offense in a timely manner or at all.

**§ 180-10.1-1730 Determination of Offense Level.**

- (a) For each offense not listed in these regulations, the Commission, or the Managing Director, as the case may be, shall determine whether the offense should be penalized as a minor offense, and intermediate offense, or a major offense and impose the penalty permitted by § 180-10.1-1740.
- (b) In making the determination required by subsection (a), the Commission, or the Managing Director, as the case may be, shall consider the totality of the circumstances, including but not limited to: whether the offense was an act of commission or omission; the self-reporting determination required by § 180-10.1-1725; whether a licensee promptly accepted responsibility for the offense; whether a licensee has committed any previous offenses in the Commonwealth; whether a licensee has committed any previous offenses in any other jurisdiction; the relative harm suffered by the Commonwealth; the relative harm suffered by the Cannabis industry generally, and any other aggravating or mitigating factor deemed relevant.
- (c) The Commission or the Managing Director, as the case may be, may determine that an offense has occurred and may determine the offense level after a hearing or by a stipulation with a licensee.

**§ 180-10.1-1735 Mandatory Offense Levels.**

- (a) Unless the Commission or the Managing Director, as the case may be, determines that substantial aggravating factors exist such that a higher offense level is appropriate, the following are minor offenses:
  - a. Selling, giving or otherwise making available any marijuana items to any person who is visibly intoxicated;
  - b. Maintaining a noisy, disorderly or unsanitary establishment or supplying adulterated marijuana items;
  - c. Misrepresenting any marijuana items to a consumer or to the public;
  - d. Selling or offering to sell a marijuana item that does not comply with the minimum standards prescribed by the laws of the Commonwealth;
  - e. Selling a whole marijuana plant
  - f. Conducting business outside of the operation hours approved by the Commission

- (b) Unless the Commission or the Managing Director, as the case may be, determines that substantial aggravating factors exist such that a higher offense level is appropriate, the following are intermediate offenses:
  - a. Intentionally allowing a person under twenty-one to enter a licensed premises;
  - b. Negligently allowing a person under twenty-one to view the consumption of marijuana products;
  - c. Failing to request identification upon entering a licensed premises;
  - d. Failure to notify the Commission under the circumstances provided in § 180-10.1-360;
  - e. Selling marijuana during elections;
  - f. Making false representations or statements to the Commission in order to induce or prevent action by the Commission;
  - g. Selling marijuana items outside of the licensed premises;
  - h. Failing to timely provide the Commission with records upon request by the Commission;
  - i. Failing to make any tax, fee, or penalty when due;
  - j. Intentionally marketing marijuana products to persons under twenty-one
- (c) The following are major offenses:
  - a. Intentionally allowing the sale of marijuana items to persons under twenty-one
  - b. Falsifying statements or records required by the Commission
  - c. Refusing to permit the Commission or any of its representatives from making inspections of the licensed premises or of the books and records of the licensee

**§ 180-10.1-1740 Penalties.**

- (a) Each minor offense may be punished by:
  - a. No punishment
  - b. A written warning
  - c. A fine not to exceed two thousand dollars
  - d. Suspension of the license for a period not to exceed one month
- (b) Each intermediate offense may be punished by:
  - a. A fine not to exceed ten thousand dollars
  - b. Suspension of the license for a period not to exceed six months
- (c) Each major violation may be punished by:
  - a. A fine not to exceed fifteen thousand dollars
  - b. Suspension of the license for any period of time up to and including license revocation.
- (d) A license may be suspended or modified at the discretion of the Commission upon a finding that one or more major offenses have occurred.
- (e) A license may be terminated at the discretion of the Commission upon a finding that major offenses have repeatedly occurred.
- (f) Any time a license is suspended for any period of time, the Commission or Managing Director may impose restrictions and conditions of any type deemed necessary which must be followed by the licensee after the period of suspension has ended.

**§ 180-10.1-1745 Burden of Proof.**

In an enforcement hearing, the Managing Director must prove the alleged violation by a preponderance of the evidence. Once a violation is established, the violator bears the burden of proving by a preponderance of the evidence that the Managing Director failed to assess the penalty in accordance with these regulations.

**§ 180-10.1-1750 No Hearing Necessary for Determinations.**

The Managing Director need not hold a hearing to determine whether an offense occurred, the self-reporting determination required under § 180-10.1-1725, the offense level required by § 180-10.1-1735, the determination that any license be suspended, modified, limited or revoked, or any other determination if such determination is made and then alleged in a complaint be heard by the Commission.