

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



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**COMMONWEALTH REGISTER**

**VOLUME 43  
NUMBER 07  
JULY 28, 2021**

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# COMMONWEALTH REGISTER

VOLUME 43

NUMBER 07

JULY 28, 2021

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| <b>Authority:</b>                   | Article III, §10 of the CNMI Constitution, the Homeland Security &<br>Emergency Management Act of 2013, 1 CMC §20144, and the CNMI<br>Emergency Health Powers Act of 2003, 3 CMC §§2181-2195                                                                                                                                                                                                                                                                                                                                                                                                                                       |               |
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| <b>Authority:</b>                   | Article III, §10 of the CNMI Constitution, the Homeland Security &<br>Emergency Management Act of 2013, 1 CMC §20144, and the CNMI<br>Emergency Health Powers Act of 2003, 3 CMC §§2181-2195,<br>Executive Order 2020-04, as amended and renewed                                                                                                                                                                                                                                                                                                                                                                                   |               |
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**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &  
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**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &  
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**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security & Emergency Management Act of 2013, 1 CMC §20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§2181-2195

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**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security & Emergency Management Act of 2013, 1 CMC §20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§2181-2195, Executive Order 2020-04, as amended and renewed

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**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security & Emergency Management Act of 2013, 1 CMC §20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§2181-2195

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**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &

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And in partnership with the Commonwealth HealthCare Corporation,  
To undertake necessary COVID-19 containment measures by means  
Of the development of emergency directives to protect the health and  
Safety of the public.

**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &  
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**Subject:** Renewing the authority of the Secretary of Finance to reprogram  
Or transfer funds from accounts of any department, agency, office  
Board, commission, corporation, instrumentality or other entity of  
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The threat of COVID-19.

**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &  
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Renewal of Order directing the CNMI Homeland Security &  
Emergency Management Office, through the CNMI COVID-19 Task Force,  
And in partnership with the Commonwealth HealthCare Corporation,  
To undertake necessary COVID-19 containment measures by means  
Of the development of emergency directives to protect the health and  
Safety of the public.

**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &  
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Or transfer funds from accounts of any department, agency, office  
Board, commission, corporation, instrumentality or other entity of  
Any branch of the Commonwealth government in order to meet  
The threat of COVID-19.  
**Authority:** Article III, §10 of the CNMI Constitution, the Homeland Security &  
Emergency Management Act of 2013, 1 CMC §20144, and the CNMI  
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**Subject:** Order of Dismissal  
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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 04, pp 045593 of April 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 July 1, 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.

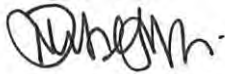
**COMMENTS AND AGENCY CONCISE STATEMENT:** Pursuant to the APA, 1 CMC sec. 9104(a)(2), the agency has considered fully all written and oral submissions respecting the proposed regulations (no written comments submitted). Attached hereto are the Commission responses to all public comments received. (none) 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 1<sup>st</sup> day of July, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:



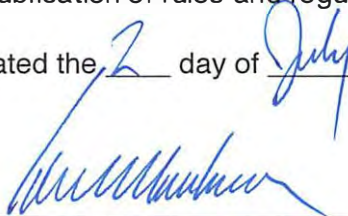
NADINE DELEON GUERRERO  
Chairman, CNMI Cannabis Commission

07.01.2021

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 2 day of July, 2021.



EDWARD MANIBUSAN  
Attorney General

Filed and  
Recorded by:



ESTHER SN. NESBITT  
Commonwealth Register <sup>car</sup>

07.05.2021

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**

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- § 180-10.1-1101 Packaging and Labeling – Definitions
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**CNMI CANNABIS COMMISSION: ORGANIZATION AND  
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**§ 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 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;

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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 (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

#### **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.

**§ 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  
**HEALTH CARE PROFESSIONS LICENSING BOARD**  
P.O. Box 502078, Bldg., 1242 Pohnpei Court  
Capitol Hill, Saipan, MP 96950  
Tel No: (670) 664-4809 Fax: (670) 664-4814  
Email: [cnmi@cnmibpl-hcplb.net](mailto:cnmi@cnmibpl-hcplb.net)  
Website: [cnmibpl-hcplb.net](http://cnmibpl-hcplb.net)



**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE  
HEALTH CARE PROFESSIONS LICENSING BOARD FOR  
PHARMACIST, PHARMACY INTERN, CERTIFIED PHARMACY TECHNICIAN,  
PHARMACY TECHNICIAN**

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

VOLUME 43, NUMBER 05, PP 046149 – 046156 OF MAY 28, 2021

**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:** None.

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

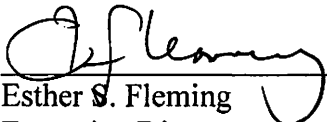
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments to the Regulations for Pharmacist, Pharmacy Intern, Certified Pharmacy Technician and Pharmacy Technician are effective 10 days after compliance with the APA, 1 CMC §§9102 and 9104(a) or (b), which in this instance, is 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 Pharmacist, Pharmacy Intern, Certified Pharmacy Technician, and Pharmacy Technician. 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 Pharmacist, Pharmacy Intern, Certified Pharmacy Technician, and Pharmacy Technician 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 07<sup>th</sup> day of July, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

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

07/07/21  
\_\_\_\_\_  
Date

Filed and recorded by:

  
\_\_\_\_\_  
Esther SN Nesbitt  
Commonwealth Registrar

07-09-2021  
\_\_\_\_\_  
Date

**Part 3500 - Pharmacist, Pharmacy Intern, Certified Pharmacy Technician, Pharmacy Technician.**

**§ 185-10-3501 Definitions**

- (eee) **“Wholesale Distribution”** means the Distribution of Prescription Drugs or Devices by Wholesale Distributors to ~~Persons~~ Pharmacies other than consumers or patients, and includes the transfer of Prescription Drugs by a Pharmacy to another Pharmacy ~~if the value of the goods transferred exceeds five percent (5%) of total Prescription Drug sales revenue of either the transferor or transferee Pharmacy during any consecutive 12-month period.~~ Wholesale Distribution does not include:
- (a) the sale, purchase, or trade of a Prescription Drug or Device, an offer to sell, purchase, or trade a Prescription Drug or Device, or the Dispensing of a Prescription Drug or Device pursuant to a Prescription;
  - (b) the sale, purchase, or trade of a Prescription Drug or Device, or an offer to sell, purchase, or trade a Prescription Drug or Device for Emergency Medical Reasons;
  - (c) Intracompany Transactions, unless in violation of own use provisions;
  - (d) the sale, purchase, or trade of a Prescription Drug or Device, or an offer to sell, purchase, or trade a Prescription Drug or Device, among hospitals, Chain Pharmacy Warehouses, Pharmacies, or other health care entities that are under common control;
  - (e) the sale, purchase, or trade of a Prescription Drug or Device, or the offer to sell, purchase, or trade a Prescription Drug or Device, by a charitable organization described in 503(c)(3) of the Internal Revenue Code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;
  - (f) the purchase or other acquisition by a hospital, or other similar health care entity that is a member of a group purchasing organization, of a Prescription Drug or Device for its own use from the group purchasing organization, or from other hospitals or similar health care entities that are members of these organizations;
  - (g) the transfer of Prescription Drugs or Devices between Pharmacies pursuant to a Centralized Prescription Processing agreement;
  - (h) the sale, purchase, or trade of blood and blood components intended for transfusion;
  - (i) the return of recalled, expired, damaged, or otherwise non-salable Prescription Drugs, when conducted by a hospital, health care entity, Pharmacy, or charitable institution in accordance with the Board’s regulations; or
  - (j) the sale, transfer, merger, or consolidation of all or part of the business of a retail Pharmacy or Pharmacies, from or with another retail Pharmacy or Pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the Board’s regulations.

- (a) The following Persons located within the Commonwealth, and the following Persons located outside the Commonwealth that provide services to patients within the Commonwealth, shall be licensed by the Board and shall Bi-annually renew their license with the Board:
  - (1) persons engaged in the Practice of Pharmacy;
  - (2) persons engaged in the Manufacture, production, sale, or Distribution or Wholesale Distribution of Drugs or Devices;
  - (3) pharmacies where Drugs or Devices are Dispensed, or Pharmacist Care is provided; and
  - (4) pharmacies that provide medications through the mail or other courier.
- (1) Where operations are conducted at more than one location, each such location shall be licensed by the Board.
- (2) Each Pharmacy shall have a Pharmacist-in-Charge. Whenever an applicable rule requires or prohibits action by a Pharmacy, responsibility shall be that of the owner and/or pharmacy permit holder and the Pharmacist-in-Charge of the Pharmacy, whether the owner and/or pharmacy permit holder is a sole proprietor, partnership, association, corporation, or otherwise.
- (3) Each licensed Person, Pharmacy, or Wholesale Distributor located outside of the Commonwealth who ships, mails, Distributes, Wholesale Distributes, or Delivers Drugs or Devices in the Commonwealth, or a Pharmacy located outside of the Commonwealth who ships, mails, Distributes, or Delivers Drugs or Devices in the Commonwealth, shall designate a registered agent in the Commonwealth for service of process. Any such licensed Person or Pharmacy or Wholesale Distributor who does not so designate a registered agent shall be deemed to have violated these rules and will be issued a cease-and-desist order until a registered agent has been designated.
- (4) The Board may enter into agreements with other states or with third parties for the purpose of exchanging information concerning the licensure and inspection of entities located in this jurisdiction and those located outside the Commonwealth.
- (5) The Board may deny or refuse to renew a license if it determines that the granting or renewing of such license would not be in the public interest.
- (6) The Board shall establish the standards that a Person must meet for initial and continued licensure under Article V and shall require initial inspections and periodic inspections thereafter for purposes of licensure or licensure renewal.
- (7) The Board may enter into an agreement with a third party to undertake inspections of facilities of a Person seeking initial or continued licensure where such third party maintains a program which has standards acceptable to the Board that must be met for any such Person to be accredited or certified by such third party. The Board may rely on such accreditation or certification in determining eligibility for initial licensure or licensure renewal.



Eli D. Cabrera  
Administrator

Commonwealth of the Northern Mariana Islands  
**OFFICE OF THE GOVERNOR**  
**Bureau of Environmental and Coastal Quality**  
Division of Coastal Resources Management  
P.O. Box 501304, Saipan, MP 96950  
Tel: (670) 664-8300; Fax: (670) 664-8315  
[www.dcrim.gov.mp](http://www.dcrim.gov.mp)



Janice E. Castro  
Director, DCRM

**PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF  
THE COASTAL RESOURCES MANAGEMENT REGULATORY AGENCIES**

**AMENDMENTS TO NMIAC CHAPTER 15-20  
TO REPEAL THE EXISTING JET SKI RULES AND REGULATIONS  
AND ADOPT NEW WATER SPORTS REGULATIONS**

**ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS:** The Commonwealth of the Northern Mariana Islands, Office of the Governor, Coastal Resources Management (CRM) Regulatory Agencies HEREBY ADOPT AS PERMANENT amendments to NMIAC Chapter 15-20 to repeal all existing Jet Ski Rules and Regulations at NMIAC §§15-20-101 to 15-20-405 and adopt new Water Sports Regulations at NMIAC §§15-20-001 to 15-20-705 pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC §§ 9101 *et seq.*, and the Coastal Resources Management Act, 2 CMC §§ 1501 *et seq.*

I 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.

**PRIOR PUBLICATION:** These regulations were published as Proposed Regulations in Volume 43, Number 05, pp 046036-046065 of the Commonwealth Register on May 28, 2021.

**ATTORNEY GENERAL APPROVAL:** 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).

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:** None.

**AUTHORITY:** These amendments are promulgated under the authority of the CRM Regulatory Agencies to adopt new regulations under 1 CMC § 1531(d). These regulations were adopted as final by the CRM Regulatory Agencies in a public meeting on July 22, 2021, and the Division of Coastal Resources Management (DCRM) Director was authorized to promulgate these regulations on behalf of the CRM Regulatory Agencies.

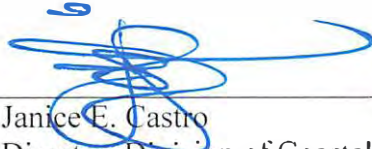
**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105(b), these adopted amendments are effective 10 days after compliance with the APA, 1 CMC §§ 9102 and 9104(a) or (b), which in this instance is 10 days after publication in the Commonwealth Register.

**COMMENTS AND AGENCY CONCISE STATEMENT:** During the 30-day comment period, CRM received no comments regarding the Proposed Regulations. Upon this adoption of the

amendments, CRM will, if requested to do so by any interested person within 30 days of adoption, issue a concise statement of the principal reasons for and against its adoption.

I declare under penalty of perjury that the foregoing is true and correct and this declaration was executed on the date indicated below at Saipan, Commonwealth of the Northern Mariana Islands.

Submitted by:

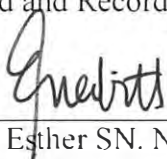


Janice E. Castro  
Director, Division of Coastal Resources Management

7/22/21

Date

Filed and Recorded by:



Ms. Esther SN. Nesbitt  
Commonwealth Registrar

07.26.21

Date





# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- **Public School System**  
PO Box 501370 Saipan, MP 96950 • Tel. 670 664-3711 • E-mail: boc.admin@gnmss.org



## Voting Members

Andrew L. Orsini  
Chairperson

Herman M. Atalig, SGM(Ret)  
Vice Chairperson

Maisie B. Tenorio  
Secretary/Treasurer

Antonio L. Borja  
Member

Gregory P. Borja  
Member

## Non-Voting Members

Phyllis Ain, J.D.  
Teacher Representative

Ronald Snyder, EdD  
Non Public School Rep.

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS  
60-30.2-790 Pay Differentials  
Volume 43, Number 05, pp 046066 to 046077, of May 28, 2021

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and 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 Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to Proposed Regulations 60-30.2-790 Pay Differential as published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Rules and Regulations, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Special Board meeting of July 8, 2021.

### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

To include changes to 60-30.2-790 §§ (b) Nos. 1 to 5 and (c) which were published in the Commonwealth Register Volume 43, Number 05, May 28, 2021 Pages 046066-046077.

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.





# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- **Public School System**  
PO Box 501370 Saipan, MP 96950 • Tel. 670 664-3711 • E-mail: boc.admin@cnmipss.org



## Voting Members

Andrew L. Orsini  
Chairperson

Herman M. Atalig, SGM(Ret)  
Vice Chairperson

Maisie B. Tenorio  
Secretary/Treasurer

Antonio L. Borja  
Member

Gregory P. Borja  
Member

## Non-Voting Members

Phyllis Ain, J.D.  
Teacher Representative

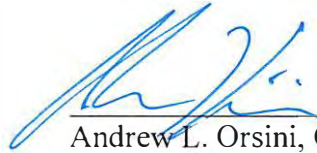
Ronald Snyder, EdD  
Non Public School Rep.

**EFFECTIVE DATE:** Pursuant to the APA, 1 CMC § 9105 (b), these adopted regulations are effective ten (10) days after compliance with the APA, 1 CMC §§9102 and 9104 (a) or (b), which, in this instance, is ten (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 of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (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, in response to filed comments.

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

Certified and ordered by:

  
\_\_\_\_\_  
Andrew L. Orsini, Chairperson  
17th CNMI State Board of Education

  
\_\_\_\_\_  
Date

Filed and  
Recorded by:

  
\_\_\_\_\_  
Esther SN. Nesbitt  
Commonwealth Registrar

07.26.21  
\_\_\_\_\_  
Date



# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- **Public School System**  
PO Box 501370 Saipan, MP 96950 • Tel. 670 664-3711 • E-mail: boc.admin@cnnipss.org



## Voting Members

Andrew L. Orsini  
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Vice Chairperson

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Secretary/Treasurer

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Gregory P. Borja  
Member

## Non-Voting Members

Phyllis Ain, J.D.  
Teacher Representative

Ronald Snyder, EdD  
Non Public School Rep.

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION ON REGULATIONS OF THE COMMONWEALTH STATE BOARD OF EDUCATION

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

60-40-210 Small Purchases

Volume 43, Number 05, pp 046078 to 046089, of May 28, 2021

### Regulations of the State Board of Education

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Commonwealth of the Northern Mariana Islands, State Board of Education (the Board), HEREBY ADOPTS AS PERMANENT regulations the PSS Procurement Rules and 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 Board announced that it intended to adopt as permanent, and now does so.

The Proposed Amendment to Proposed Regulations 60-40-210 Small Purchases published, such adopted regulations are a true, complete and correct copy of the referenced Proposed PSS Rules and Regulations, and that they are being adopted.

**PRIOR PUBLICATION:** The prior publication was as stated above. The Board adopted the regulation as final at its Special Board meeting of July 8, 2021.

### MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY:

To include changes to 60-40-210 §(b) which were published in the Commonwealth Register Volume 43, Number 05, May 28, 2021 Pages 046078 to 046089.

**AUTHORITY:** The Board is required by the Legislature to adopt rules and regulations regarding those matters over which the State Board of Education has jurisdiction.

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



# STATE BOARD OF EDUCATION

Commonwealth of the Northern Mariana Islands ---- **Public School System**  
PO Box 501370 Saipan, MP 96950 • Tel. 670 664-3711 • E-mail: boc.admin@cnnipss.org



## Voting Members

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Chairperson

Herman M. Atalig, SGM(Ret)  
Vice Chairperson

Maisie B. Tenorio  
Secretary/Treasurer

Antonio L. Borja  
Member

Gregory P. Borja  
Member

## Non-Voting Members

Phyllis Ain, J.D.  
Teacher Representative

Ronald Snyder, EdD  
Non Public School Rep.

**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 of the regulations, the agency, if requested to do so by an interested person, either prior to adoption or within thirty (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, in response to filed comments.

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

Certified and ordered by:

Andrew L. Orsini, Chairperson  
17th CNMI State Board of Education

Date

Filed and  
Recorded by:

Esther SN. Nesbitt  
Commonwealth Registrar

Date





# NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 500514, Saipan, MP 96950-0514

Email: [nmhc@nmhc.gov.mp](mailto:nmhc@nmhc.gov.mp)

Website: <http://www.nmhc.gov.net>

Tels: (670) 234-9447

234-6866

234-7670

Fax: (670) 234-9021

## PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Northern Marianas Housing Corporation

PRIOR PUBLICATION IN THE COMMONWEALTH REGISTER  
AS PROPOSED REGULATIONS

Volume 43, Number 05, pp. 046157-046208 of May 28, 2021

**Regulations, which are the policies and procedures for the Northern Marianas Housing Corporation, Community Development Block Grant – Disaster Recovery (CDBG-DR) Program’s Workforce Development Training Scholarship Program under the CDBG-DR Economic Revitalization Program.**

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Northern Marianas Housing Corporation (NMHC) HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). The NMHC announced that it intended to adopt these regulations as permanent, and now do so. I also certify by signature below that: as published, Adopted Regulations are a true, complete, and correct copy of the referenced Proposed, and they are being adopted without modification.

**PRIOR PUBLICATION:** The prior publication was as stated above. The NMHC Board adopted the regulations as final in its July 23, 2021 meeting.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: NONE.**

**AUTHORITY:** The Northern Marianas Housing Corporation is empowered by the Legislature with the authority to adopt and modify rules and regulations for the administration and enforcement of its housing programs. 2 CMC § 4433(i).

**THE TERMS AND SUBSTANCE:** The Adopted Regulations represent a substantial revision to the housing, infrastructure, and economic development regulations and are in conformity with NMHC’s obligation to operate the CDBG-DR program consistent with the CNMI Action Plan and Federal Register, Vol. 85, No. 17 issued January 27, 2020, as amended and effective February 3, 2020.



**“NMHC is an equal employment and fair housing public agency”**

**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:** No written comments were submitted to NMHC on the Proposed Regulations.

**ATTORNEY GENERAL APPROVAL:** 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 the penalty of perjury that the foregoing is true and correct and that this declaration was executed on 23 day of July, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
MERCED "MARCIE" M. TOMOKANE  
Chairperson  
Board of Directors

07/23/2021  
Date

Filed and  
Recorded by:

  
ESTHER SN. NESBITT  
Commonwealth Registrar

07-26-21  
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, pursuant to 1 CCM § 2153(f) (publication of rules and regulations).

Dated this 26 of July, 2021.

  
EDWARD MANIBUSAN  
Attorney General



**"NMHC is an equal employment and fair housing public agency"**



# NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 500514, Saipan, MP 96950-0514

Email: [nmhc@nmhc.gov.mp](mailto:nmhc@nmhc.gov.mp)

Website: <http://www.nmhc.gov.net>

Tels: (670) 234-9447

234-6866

234-7670

Fax: (670) 234-9021

## **PUBLIC NOTICE OF CERTIFICATION AND ADOPTION OF REGULATIONS OF The Northern Marianas Housing Corporation**

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

Volume 43, Number 05, pp. 046209-046283 of May 28, 2021

**Regulations, which are the policies and procedures for the Northern Marianas Housing Corporation, Community Development Block Grant – Disaster Recovery (CDBG-DR) Program's Rental Rehabilitation, Reconstruction and New Construction Program Policies and Procedures under the CDBG-DR Economic Revitalization Program.**

**ACTION TO ADOPT PROPOSED REGULATIONS:** The Northern Marianas Housing Corporation (NMHC) HEREBY ADOPTS AS PERMANENT the Proposed Regulations which were published in the Commonwealth Register at the above-referenced pages, pursuant to the procedures of the Administrative Procedure Act (APA), 1 CMC § 9104(a). The NMHC announced that it intended to adopt these regulations as permanent, and now do so. I also certify by signature below that: as published, Adopted Regulations are a true, complete, and correct copy of the referenced Proposed, and they are being adopted without modification.

**PRIOR PUBLICATION:** The prior publication was as stated above. The NMHC Board adopted the regulations as final in its July 23, 2021 meeting.

**MODIFICATIONS FROM PROPOSED REGULATIONS, IF ANY: NONE.**

**AUTHORITY:** The Northern Marianas Housing Corporation is empowered by the Legislature with the authority to adopt and modify rules and regulations for the administration and enforcement of its housing programs. 2 CMC § 4433(i).

**THE TERMS AND SUBSTANCE:** The Adopted Regulations represent a substantial revision to the housing, infrastructure, and economic development regulations and are in conformity with NMHC's obligation to operate the CDBG-DR program consistent with the CNMI Action Plan and Federal Register, Vol. 85, No. 17 issued January 27, 2020, as amended and effective February 3, 2020.



**"NMHC is an equal employment and fair housing public agency"**

**Tinian Field Office**

Tel: (670)433-9213

Fax: (670)433-3690

**CDBG-DR Office**

Tel: (670)233-9447/9448/9449

**Rota Field Office**

Tel: (670)532-9410

Fax: (670)532-9441



**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:** No written comments were submitted to NMHC on the Proposed Regulations.

**ATTORNEY GENERAL APPROVAL:** 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 the penalty of perjury that the foregoing is true and correct and that this declaration was executed on 23 day of July, 2021, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

  
MERCED "MARCIE" M. TOMOKANE  
Chairperson  
Board of Directors

07/23/2021  
Date

Filed and  
Recorded by:

  
ESTHER SN. NESBITT  
Commonwealth Registrar

07.26.2021  
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, pursuant to 1 CCM § 2153(f) (publication of rules and regulations).

Dated this 26 of July, 2021.

  
EDWARD MANIBUSAN  
Attorney General



**"NMHC is an equal employment and fair housing public agency"**



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 § 180-10.1-501 Licensed Premises Restrictions and Requirement to add in subsection (s) to read "Public facing windows of a licensed premises shall not permit the possibility of minors viewing cannabis products within the licensed premises."
2. Amend § 180-10.1-505 Signage (a)(1) to read "At every licensed premises signs that state:"
3. Amend § 180-10.1-505 Signage (a)(1)(i) to read "No Minors Permitted Anywhere on This Premises; and"
4. Amend § 180-10.1-505 Signage (a)(1)(ii) to read "No On-Site Consumption of Marijuana if the location is not licensed under 4 CMC § 53026;"
5. Amend § 180-10.1-505 Signage (a)(2) to read "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."
6. Amend § 180-10.1-505 Signage (b)(1) to read "All signs required by § 180-10.1-505 (a) must be legible, composed of letters not less than one-half inch in height;"
7. Amend § 180-10.1-705 Retailer Operational Requirements to establish section (c) to read "Retail Point of Sale systems will adhere to standards and capabilities



established by the Commission.”

8. Amend § 180-10.1-705 Retailer Operational Requirements to establish section (d) to read “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.”
9. Amend § 180-10.1-705 Retailer Operational Requirements to establish section (e) to read “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.”

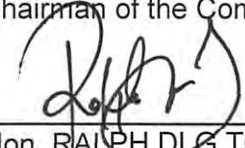
**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district; 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))

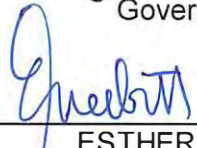
The CNMI Cannabis Commission approved the attached Regulations on the 18<sup>th</sup> day of July, 2021.

Submitted by:   
NADINE DELEON GUERRERO  
Chairman of the Commission

07-22-2021  
Date

Concurred by:   
Hon. RALPH DLG TORRES  
Governor

23 JUL 2021  
Date

Filed and  
Recorded by:   
ESTHER SN NESBITT  
Commonwealth Registrar

07-25-21  
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).

Dated the 25 day of July, 2021.

  
\_\_\_\_\_  
Hon. EDWARD MANIBUSAN  
Attorney General



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

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

**NUTISIAN PUBLIKU PUT I ADÁPTASION I MANMAPROPONI NA AREKLAMENTU  
YAN REGULASION SIHA PARA I KUMISIÓN CANNABIS I CNMI**

**I AKSIÓN NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Mariñas, I Kumisión Cannabis i CNMI ("i Kumisión") ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Regulasion siha, sigun gi maneran i Akton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempri umifektibu gi dies (10) dihas dispues di adáptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

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

**I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA:** I mañechettun na Areklamentu yan Regulasion siha ha suplementa i prisenti na regulasion siha ni ha gubietna yan dirihi i Industrian Cannabis gi halum iya CNMI. I amenda siha dumiklára na ti propiu mettun siha na maneran nu kinalamtin ni siempri 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:

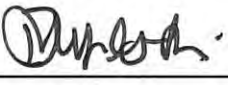
1. Amenda § 180-10.1-501 i Pruibidun Primisias Manlisenisia yan i Mamprinisusu siha para u manahálum gi "subsection (s)" para u mataitai "I mafáfána' na bintánan publiku nu i primisias manlisenisia ti debi gi pusipbli na u mapetmiti i manhobin para u mali'i' fina'pruduktun i cannabis siha gi halum i primisias manlisenisia siha."
2. Amenda § 180-10.1-505 i "Signage (a)(1)" para u mataitai "Gi kada na tapblerun primisias manlisenisia na sináangan."
3. Amenda § 180-10.1-505 i "Signage (a)(1)(i)" para u mataitai "Tãya Manhobin Siña Mapetmiti Maseha Mãnu gi Esti na Primisias; yan"
4. Amenda § 180-10.1-505 i "Signage (a)(1)(ii)" para u mataitai "Ti Siña Mankunsuma Marijuana gi Esti na Lugát yanggin i lugát ti malisenisia gi pápa' i 4 CMC § 53026;"
5. Amenda § 180-10.1-505 i "Signage (a)(2)" para u mataitai "Gi todú i árian nu intráda pat hinanáo asta i dididi' ha' manmasedi na árian maloffan i siñát u mataitai: Mungnga Humálum – Diddidi' Ha' Manmasedi Manhálum –Manmasedi Manhálum para i Manlisenisia Ha' na Impli'áo yan i Ma'isgaihun na Bisita siha."
6. Amenda § 180-10.1-505 i "Signage (b)(1)" para u mataitai "Todú i tapbleru madimánda ginen i § 180-10.1-505 (a) debi na kláru mataitaiña, debi i letra siha na ti menus ki un mediu putgada na linekka;"
7. Amenda § 180-10.1-705 i Mamprisu Siha na Kinalamtin Retailer para u istapblesi seksiona (c) para u mataitai "Puntun Retailer nu sisteman Binendi siempri matátti i "standards" yan kapasidát siha ni ma'istapblesi ni Kumisión."

8. Amenda § 180-10.1-705 i Mamprisisu Siha na Kinalamtin Retailer para u istapblesi seksiona (d) para u mataitai "I retailer debi na u ma'intrega hálum ripot gi Kumisión gi uttimu na Máttis nu kada mes rinipopotti i kuántidat na listan marijuana siha mabendi, i fetchan binendi, klâsin nu prduktun marijuana mabendi, yan tutat na salâppi" nu marijuana na binendi para i mes, yan kopian nu "purchase invoices" mafa'tinas ni retailer yan i manlisenia na "marijuana producer, processor, wholesaler," o sino otu na "retailer."
9. Amenda § 180-10.1-705 i Mamprisisu Siha na Kinalamtin Retailer para u istapblesi seksiona (e) para u mataitai "I retailers debi na u mamantieni rikod nu binendin manggada' tinanum siha para "Homegrown Registry Card Holders," marikod ginen i "Homegrown Registry Card numbers," yan debi na u managuaha esti na rikod siha para i Kumisión yanggin marikuesta. I retailer siha ti manmadimânda para u mahenta kuâtuet otu na aidentifika na imfotmasion gi sanhiyung nu "Homegrown Registry Card numbers."

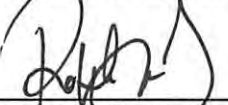
**DIREKSION PARA U MAPO'LU YAN PARA U MAPUPBLIKA:** Esti i Manmaproponi na Regulasion siha debi na u mapupblika gi halum Rehistran Commonwealth gi seksiona ni manmaproponi yan nuebu na ma'adâpta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi halum kumbinienti na lugât gi halum civic center yan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

**PARA U MAPRIBENIYI UPIÑON SIHA:** Nahânâo pat intrega hálum i upiñon-mu guatu para i Kumisión Cannabis I CNMI, Attn: Nuebu na Areklamentu yan Regulasion Kumisión Cannabis, gi sanhilu' na address, fax o sino email address, yan i suhetu na râya "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 na'hálum imfotmasion, upiñon, pat testamonion kinentrâ-mu siha. (1 CMC § 9104(a)(2))

I Kumisión Cannabis I CNMI ma'aprueba i mañechettun na Regulasion siha gi diha  
19 gi July, 2021.

Nina'hálum as:   
 NADINE DELEON GUERRERO  
 Kabesiyun Kumisión

09.22.2021  
 Fetcha

Finitma as:   
 Hon. RALPH DLG TORRES  
 Maga'lâhi

23 JUL 2021  
 Fetcha

Pine'lu yan  
 Ninota as:   
 ESTHER SN NESBITT  
 Rehistran Commonwealth

07.26.21  
 Fetcha

Sigun para 1 CMC § 2153(e) (I Abugádu Henerát ma'aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugádu Henerát) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligát ginin i CNMI Abugádu Henerát yan debi na u mapupblika, 1 CMC § 2153(f) (pubplikasion areklamentu yan regulasion siha).

Mafetcha gi diha 25 gi July, 2021.

  
\_\_\_\_\_  
Hon. EDWARD MANIBUSAN  
Abugádu Henerát





**COMMONWEALTH TÉEL FALÚW KKA EFÁNG LLÓL MARIANAS  
CANNABIS COMMISSION**

P.O. BOX 500135 Saipan, MP 96950

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

**ARONGORONGOL TOULAP REEL ADÓPTAAL POMMWOL ALLÉGH ME  
MWÓGHUTUGHUT NGÁLI CNMI CANNABIS COMMISSION**

**MÁNGEMÁNGIL MWÓGHUT REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUT:**

Commonwealth Téel Falúw kka Efáng llól Marianas, CNMI Cannabis Commission ("Commission we") re mángemángil rebwe adóptáali mwóghutughut ikka e appasch bwe Pommwol Mwóghutughut bwe ebwe lléghló reel fféerúl, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut kkal llól seigh ráál mwiril aal akkatéewow me llól Commonwealth Register. (1 CMC § 9105(b)).

**BWÁNGIL:** Eyoor bwángil Commission reel rebwe adóptáali allégh me mwóghutughutúl reel fáarághil me lemelemil sáangi Alléghúl Toulap 20-66 me Alléghúl Toulap 21-05, e schuulong nge ese yoor aighúúghúl ngáli 4 CMC 53008(b).

**KKAPASAL ME AWEWEL:** 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 § 180-10.1-501 Licensed Premises Restriction and Requirements reel ebwe schuulong llól táilil ebwe arághi bwe "Assammwóscho iye e súllú ngáliir toulap nge ese mmwel bwe olighát rebwe weri "cannabis products" me llól "licensed premises."
2. Liiweli § 180-10.1-505 "Signage" (a)(1) ebwe arághi bwe "reel alongal "licensed premises" ebwe lo ghikkil ebwe lo me ira bwe".
3. Liiweli § 180-10.1-505 "Signage" (a)(1)(ii) ebwe arághi bwe "Essóbw yoor olighát iye e bwe lo wóól premises; me"
4. Liiweli § 180-10.1-505 "Signage" (a)(1)(ii) ebwe arághi bwe "Essóbw yoor yááyál Marijuana ngáre esóór angúúghúl faal 4 CMC § 53026;"
5. Liiweli § 180-10.1-505 "Signage" (a)(2) ebwe arághi bwe "Alongal leliyál toolong me toowow nge e lo bwe "limited access area" ebwe lo wóól ghikkil bwe "Do Not Enter- Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors."
6. Liiweli § 180-10.1-505 (b)(1) ebwe arághi bwe " Alongal ghikkil sáangi § 180-10.1-505 (a) e ffil, e lo isch nge essóbw ghitighiit sáangi "one-half inch" reel láálááyil;"
7. Liiweli § 180-10.1-705 "Retailer Operational Requirements" ebwe itittiw llól táilil (c) ebwe arághi bwe "Retail Point of Sale systems ebwe attabweey ngáli "standards" me meta iye e mmwel ikka e itittiw sáangi Commission."

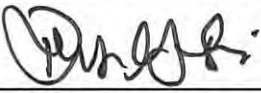
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8. Liiweli § 180-10.1-705 "Retailer Operational Requirements" ebwe itittiw llól táil (d) ebwe arághi bwe "Retailer ebwe isiisilong repoot ngáli Commission wóol ottimwool Mwattis ghal maram reel fitoow marijuana re ammeewló, fitoow selaapiyal marijuana llól eew maram, me pappidil "purchase invoice" ikka eyoor reel retailer me licensed marijuana producer, processor, wholesaler, ngáre escháy retailer."
9. Liiweli § 180-10.1-175 Retailer Operational Requirements ebwe itittiw llól táil (e) ebwe arághi bwe "Retailers rebwe ayoorai ammwelil "immature plants" ikka re ameeew ngáli Homegrown Registry Card Holders, ammwelil sáangi numuro wóol Homegrown Registry Card, me ebwe yoor ammwelil ngáli Commission ngáre e tooto bwe re tingór. Ese nisita bwe Retailers rebwe bweibwoogh "identifiable information" lughul numurol mille Homegrown Registry Card."

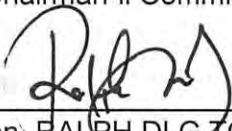
**AFAL REEL AMMWELIL ME AKKATÉÉWOWUL:** Ebwe akkatééwow Pommwol Mwóghutughut kkal me llól Commonwealth Register llól táil pommwol me ffél mwóghutughut ikka ra adóptáali (1 CMC § 9102(a)(1) me ebwe appaschetá llól civic center me bwal llól bwilasiyol gobetnameento llól senatorial district, ebwe lo arongorong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

**REEL ISIISILONGOL KKPAS:** Afanga ngáre bwughiló yóómw ischil kkapas ngáli CNMI Cannabis Commission, *Attn: New Cannabis Commission Rules and Regulations*, reel féléfél iye e lo weiláng, fax ngáre email, ebwe lo wóol 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 wóol 18<sup>th</sup> ráál July, 2021.

Isáliyalong:   
NADINE DELEON GUERRERO  
Chairman-il Commission

07.22.2021  
Ráál

Átirowal:   
Hon. RALPH DLG TORRES  
Soulemelem

23 JUL 2021  
Ráál

Ammwelil:   
ESTHER SN NESBITT  
Commonwealth Registrar

07.26.21  
Ráál

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

Aghikkilátiw wóol 25 rááil July, 2021.



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Hon. EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap



**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**

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§ 180-10.1-005 Construction  
§ 180-10.1-010 Severability  
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**CNMI CANNABIS COMMISSION: ORGANIZATION AND  
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| § 180-10.1-010 | Severability                                           |
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| § 180-10.1-020 | Practice where Regulations Do Not Govern               |
| § 180-10.1-025 | Suspension of Regulations                              |
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| § 180-10.1-040 | Applicability                                          |
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**§ 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;

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, 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 licensee 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 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  
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 §180-10.1-615 Micro Producers to add in subsection (e) to read "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."

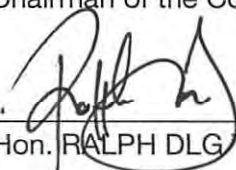
**DIRECTIONS FOR FILING AND PUBLICATION:** These Proposed Regulations shall be published in the Commonwealth Register in the section on proposed and newly adopted regulations (1 CMC § 9102(a)(1)) and posted in convenient places in the civic center and in local government offices in each senatorial district; 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))

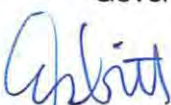
The CNMI Cannabis Commission approved the attached Regulations on the 16<sup>th</sup> day of July, 2021.

Submitted by:   
NADINE DELEON GUERRERO  
Chairman of the Commission

07.09.21  
Date

Concurred by:   
Hon. RALPH DLG TORRES  
Governor

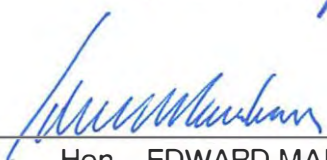
22 JUL 2021  
Date

Filed and  
Recorded by:   
ESTHER SN NESBITT  
Commonwealth Registrar

07.26.21  
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).

Dated the 27 day of July, 2021.

  
Hon. EDWARD MANIBUSAN  
Attorney General



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

P.O. BOX 500135 Saipan, MP 96950

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

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**NUTISIAN PUPBLIKU PUT I ADÁPTASION NU I MANMAPROPONI NA  
AREKLAMENTU YAN REGULASION SIHA PARA I KUMISION CANNABIS IYA CNMI**

**I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA AREKLAMENTU YAN REGULASION SIHA:** I Commonwealth gi Sangkattan na Islas Mariñas, i Kumision Cannabis iya CNMI ("i Kumision") ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Regulasion siha, sigun para i manera nu i Akton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempri umifektibu gi dies (10) dihas dispues di adáptasion yan publikasion gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

**ÁTURIDÁT:** I Kumision gai aturidát para u adápta i areklamentu yan regulasion siha para u kunsigi mo'na ni iyon-ñiha ubligasion yan responsibilidát siha sigun para Lain Pupbliku 20-66 yan Lain Pupbliku 21-05, ingkluklusu lăo ti chi'ña para 4 CMC 53008(b).

**I TEMA YAN SUSTANSIAN I PALÁBRA SIHA:** I chechettun na Areklamentu yan Regulasion siha ha suplimentu i presentu na regulasion siha ni ha gubietna yan "regulate" i Industrian Cannabis gi halum iya CNMI. I amendamentu siha dumiklăra "unsuitable certain" na manera nu kinalamtin ni siempri ha afekta gi binăba i industrian cannabis gi halum iya CNMI.

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

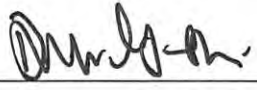
1. Amenda §180-10.1-615 "Micro Producers" para u manahălum i "subsection (e) para u mataitai "Malisensia i Manlisensia para u "operate" gi halum munisipălidăt siha menus ki ochu mit (8,000) na residensia siha, komu madifina ginen i măs presenti na populasion "Census," yan tăya malisensia na marihuana na "wholesaler," siña umantieni i lisensia "Micro Producer" păpa' i dinimănda ni mapega mo'na gi păpa' § 180-10.1-601, "granted" na i malisensia "Micro Producer" debi di u gai iyu tăya măs ki bentisingku (25) na tinanum "mature" na marihuana.

**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'adăpta na regulasion siha (1 CMC § 9102(a)(1)) yan u mapega gi kumbinienti na lugăt siha gi halum i civic center yan i ufisanan gubietnamentu siha gi kada distritun senadot, i nutisia debi u parehu Inglis yan prinsipăt na lingguăhin natibu. (1 CMC § 9104(a)(1)).



**PARA U MAPRIBENIYI UPIÑON SIHA:** Na'hanao pat intrega hálum i upiñon-mu guatu gi Kumision Cannabis I CNMI, *Attn: Nuebu na Areklamentu yan Regulasion Kumision Cannabis siha*, gi sanhilu' na address, fax pat email address, yan i suhetu na rãya "Nuebu na Areklamentu yan Regulasion Kumision Cannabis siha". I upiñon siha debi na u marisibi gi hálum 30 dihas ginin i fetcha nu pupplikasion esti na nutisia. Put fabot na'hálum iyon-mu imfotmasion, views pat agumentu siha. (1 CMC § 9102(a)(2)).

I Kumision Cannabis iya CNMI ma'aprueba i mañechettun na Regulasion siha gi diha 19 gi July, 2021.

Nina'hálum as:   
NADINE DELEON GUERRERO  
Kabesiyun Kumision

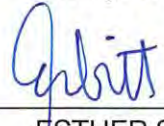
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Finitma as:   
Hon. RALPH DLG TORRES  
Maga'láhi

22 JUL 2021

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Pine'lu yan  
Ninota as:   
ESTHER SN NESBITT  
Commonwealth Registrar

07-26-21

Fetcha

Sigun para 1 CMC § 2153(e) ( I Abugådu Hineråt ma aprueba i regulasion siha na para u macho'gui kumu fotma) yan i 1 CMC § 9104(a)(3) (hentan inaprueban Abugådu Hineråt) i manmaproponi na regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligåt ginin i CNMI Abugådu Hineråt yan debi na u mapupblika, 1 CMC § 2153(f) (pupplikasion areklamentu yan regulasion siha).

Mafetcha gi diha 25 gi July, 2021.

  
Hon. EDWARD MANIBUSAN  
Abugådu Heneråt





COMMONWEALTH TÉEL FALÚW KKA EFÁNG LLÓL MARIANAS  
CANNABIS COMMISSION

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ARONGORONGOL TOULAP REEL POMMWOL ALLÉGH ME MWÓGHUTUGHUT  
NGÁLI CNMI CANNABIS COMMISSION

**MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI POMMWOL ALLÉGH ME MWÓGHUTUGHUT:** Commonwealth Téel Falúw kka Efáng Llól Marianas (“Commission we”) re mangemángil rebwe adóptááli mwóghutughut ikka bwe ebwe lléghló appasch iye e lo bwe Pommwol Mwóghutughut, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC §9104(a). Ebwe bwunguló mwóghutughut kkal llól seigh (10) ráál mwiril aal akkatééwow me llól Commonwealth Register. (1 CMC §9105(b))

**BWÁNGIL:** Eyoor bwángil Commission reel rebwe adóptááli allégh me mwóghutughut llól faráághil reel lemeleml me mwóghutughutúl sáangi Alléghúl Toulap 20-66 me Alléghúl Toulap 21-05, e schuulong nge ese yoar aighúíghúl 4 CMC 53008(b).

**KKAPASAL ME WEEWEL:** Allégh me Mwóghutughut e ayoorai ngáli mwóghutughut ikka e lemeli me ayoorai mwóghutughut ngáli Cannabis Industry me llól CNMI. Liíwel kkal e aronga bwe “unsuitable certain methods of operation” ikka e nngaw mwóghutughutúl ngáli cannabis industry me llól CNMI.

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

1. Liíweli § 180-10.1-615 “Micro Producers” rebwe aschuulong llól subsection (e) ebwe árághi bwe “Schóó iye eyoor aar license llól “municipalities” fengál bwe e ghit sáangi walengaras reel schóól lollo, e lo weewel sáangi Eituut reel “population”, nge esóór “licensed marijuana wholesaler”, emmwel ebwe bweibwogh mille “Micro Producer license” faal “requirements” iye e lo faal §180-10.1-601, ebwe bwal mweiti ngáliir “Micro Producer licensee” bwe essóbw ssogh sáangi reweigh me limoow (25) reel “mature marijuana plants”.

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

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

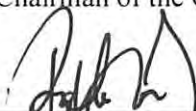
CNMI Cannabis Commission ra átirowa Mwóghutughut ikka e appasch wóól  
ráálil July, 2021.

155

Isáliyalong:   
NADINE DELEON GUERRERO  
Chairman of the Commission

07 09 21

Ráál

Átirowal:   
Hon. RALPH DLG TORRES  
Soulemelem

22 JUL 2021

Ráál

Ammwelil:   
ESTHER SN NESBITT  
Commonwealth Registrar

07.26.21

Ráál

Sáangi 1 CMC §2153(e) ( sáangi átirowal AG reel mwóghutughut bwe aa lléghló reel fféerúl) me 1 CMC §9104(a)(3) (sáangi átirowal AG) reel pommwol mwóghutughut ikka e appasch bwe ra takkal amwuri físchiiy me aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC §2153(f) (arongowowul allégh me mwóghutughut).

Aghikkilátiw wóol 25 ráálil July, 2021.

  
Hon. EDWARD MANIBUSAN  
Soulemelemil Allégh Lapalap

**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**  
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**§ 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
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- § 180-10.1-150 Investigative Hearings
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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 (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 licensee 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

### **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

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

### **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.

### **§ 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.

- § 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 microbes, 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.





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  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-01**

**SUBJECT:** RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND,

RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of January 10, 2020, more than 89.9 million cases of COVID-19 have been reported world-wide resulting in more than 1.93 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the Commonwealth cannot be understated. Although vaccines and treatments are emerging, the best current measures against COVID-19 are quarantine, isolation and containment. Action is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

**WHEREAS,** on January 29, 2020, Executive Order 2020-01 was issued declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS,** on January 31, 2020, the Secretary of Health & Human Services, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

**WHEREAS,** on February 28, 2020, Executive Order 2020-02 was issued continuing the declaration of a state of significant emergency regarding the COVID-19 outbreak.

**WHEREAS,** on March 13, President Donald J. Trump declared a national emergency over the COVID-19 outbreak in the continental United States.



**WHEREAS**, on March 16, 2020, Executive Order 2020-04, as amended, was issued declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency establishing response, quarantine, and preventive containment measures concerning COVID-19.

**WHEREAS**, on March 28, 2020, the Governor's COVID-19 Task Force and the Commonwealth Healthcare Corporation (CHCC) announced that individuals on Saipan were confirmed positive for COVID-19 infection. Since that date, a total of 125 individuals have been confirmed positive with COVID-19. Of those individuals, two have died.

**WHEREAS**, on April 15, 2020, Executive Order 2020-06 was issued renewing Executive Order 2020-04, as amended, and thereby renewing the declaration of a state of public health emergency and continued declaration of a state of significant emergency.

**WHEREAS**, on April 16, 2020, Executive Order 2020-07 was issued ordering the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force, and in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public. The CNMI COVID-19 Task Force issued the CNMI COVID-19 Emergency Directives of 2020, as amended, in conformance with Executive Order 2020-07.

**WHEREAS**, the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been further renewed by Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, and Executive Order 2020-27.

**WHEREAS**, Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, and Executive Order 2020-27 also renewed Executive Order 2020-07 and the associated CNMI COVID-19 Emergency Directives.

**WHEREAS**, COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS**, by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195,

do hereby declare a State of Public Health Emergency and State of Significant Emergency for the entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

(1) The Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and renewed by Executive Order 2020-06, Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, and Executive Order 2020-27 is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.

(2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

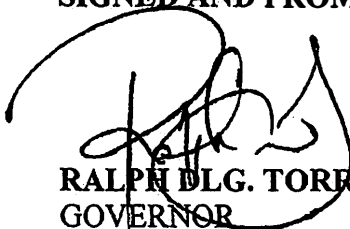
**(B) Renewal of Executive Order 2020-07:**

(1) Executive Order 2020-07, as renewed by Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, and Executive Order 2020-27, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force, and in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.

(2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS 11 day of January, 2021**



**RALPH DLG. TORRES**  
GOVERNOR



**RALPH DLG. TORRES**  
Governor

**ARNOLD I. PALACIOS**  
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-02**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS**, Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. January 14, 2021, more than 92.7 million cases of COVID-19 have been reported worldwide resulting in more than 1.98 million deaths.

**WHEREAS**, COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Although vaccines and treatments are emerging, the best current measures against COVID-19 are quarantine, isolation and containment. Action is necessary to protect the health and safety of our children, our senior citizens, and all other CNMI residents.

**WHEREAS**, on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS**, on February 28, 2020, Executive Order 2020-02 was issued continuing the declaration of a state of significant emergency regarding the COVID-19 outbreak.

**WHEREAS**, on March 13, President Donald J. Trump declared a national emergency over the COVID-19 outbreak in the continental United States.

**WHEREAS**, on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS**, on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS**, on March 28, the Governor's COVID-19 Task Force and the Commonwealth Healthcare Corporation (CHCC) announced that individuals on Saipan were confirmed positive for COVID-19. Since that date, a total of 128 individuals have been confirmed positive with COVID-19. Of those individuals, two have died.

**WHEREAS**, the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been previously renewed by Executive Order 2020-06, Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, Executive Order 2020-27, and Executive Order 2021-01.

**WHEREAS**, the authority of the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19 was previously renewed by Executive Order 2020-08, Executive Order 2020-12, Executive Order 2020-14, Executive Order 2020-16, Executive Order 2020-18, Executive Order 2020-20, Executive Order 2020-23, Executive Order 2020-25, and Executive Order 2020-28.

**WHEREAS**, meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

**WHEREAS**, because of the COVID-19 outbreak and the resulting suspension of flights, our tourism industry has come to a standstill which has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Pursuant to 1 CMC § 20144(c)(2) and 3 CMC § 2186(b), the Secretary of Finance is hereby authorized to access, reprogram or transfer funds from accounts of any department, agency,

office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to ensure that the government is able to meet the COVID-19 threat. The Secretary of Finance shall create a separate business account called the COVID-19 Threat Prevention and Mitigation Account into which all funds taken under the authority granted hereunder shall be deposited. The Secretary of Finance shall maintain a strict accounting of the sources of funds deposited into the account and disbursements therefrom.

2. The Secretary of Finance shall coordinate with the Special Assistant for Management and Budget and any other necessary government officials or agencies, Commonwealth or Federal, in carrying out its authorization under paragraph 1.

3. This executive order shall take effect immediately upon signature and shall remain in effect for thirty (30) days from that effective date.

**SIGNED AND PROMULGATED ON THIS \_\_\_\_ day of January, 2021**



**RALPH DLG. TORRES**  
GOVERNOR



**RALPH DLG. TORRES**  
Governor

**ARNOLD I. PALACIOS**  
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-03**

**SUBJECT:** RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND,

RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC

**WHEREAS**, Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of February 10, 2021, more than 107 million cases of COVID-19 have been reported world-wide resulting in more than 2.34 million deaths.

**WHEREAS**, COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the Commonwealth cannot be understated. Vaccines and treatments are becoming available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

**WHEREAS**, on January 29, 2020, Executive Order 2020-01 was issued declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS**, on January 31, 2020, the Secretary of Health & Human Services, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19.

**WHEREAS**, on February 28, 2020, Executive Order 2020-02 was issued continuing the declaration of a state of significant emergency regarding the COVID-19 outbreak.

**WHEREAS**, on March 13, President Donald J. Trump declared a national emergency over the COVID-19 outbreak in the continental United States.

**WHEREAS**, on March 16, 2020, Executive Order 2020-04, as amended, was issued declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency establishing response, quarantine, and preventive containment measures concerning COVID-19.

**WHEREAS**, on March 28, 2020, the Governor's COVID-19 Task Force and the Commonwealth Healthcare Corporation (CHCC) announced that individuals on Saipan were confirmed positive for COVID-19 infection. Since that date, a total of 133 individuals have been confirmed positive with COVID-19. Of those individuals, two have died.

**WHEREAS**, on April 15, 2020, Executive Order 2020-06 was issued renewing Executive Order 2020-04, as amended, and thereby renewing the declaration of a state of public health emergency and continued declaration of a state of significant emergency.

**WHEREAS**, on April 16, 2020, Executive Order 2020-07 was issued ordering the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force, and in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public. The CNMI COVID-19 Task Force issued the CNMI COVID-19 Emergency Directives of 2020, as amended, in conformance with Executive Order 2020-07.

**WHEREAS**, the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been further renewed by Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, Executive Order 2020-27, and Executive Order 2021-01.

**WHEREAS**, Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, Executive Order 2020-27, and Executive Order 2021-01 also renewed Executive Order 2020-07 and the associated CNMI COVID-19 Emergency Directives.

**WHEREAS**, COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS**, by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195,

do hereby declare a State of Public Health Emergency and State of Significant Emergency for the entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

(1) The Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and renewed by Executive Order 2020-06, Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, Executive Order 2020-27, and Executive Order 2021-01 is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.

(2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

**(B) Renewal of Executive Order 2020-07:**

(1) Executive Order 2020-07, as renewed by Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, Executive Order 2020-27, and Executive Order 2021-01, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.

(2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS** 11 **day of February, 2021**

  
**RALPH DLG. TORRES**  
GOVERNOR





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-04**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. February 16, 2021, more than 109 million cases of COVID-19 have been reported worldwide resulting in more than 2.41 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Vaccines and treatments are becoming available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our children, our senior citizens, and all other CNMI residents.

**WHEREAS,** on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS,** on February 28, 2020, Executive Order 2020-02 was issued continuing the declaration of a state of significant emergency regarding the COVID-19 outbreak.

**WHEREAS,** on March 13, President Donald J. Trump declared a national emergency over the COVID-19 outbreak in the continental United States.

**WHEREAS,** on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS,** on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS**, on March 28, the Governor's COVID-19 Task Force and the Commonwealth Healthcare Corporation (CHCC) announced that individuals on Saipan were confirmed positive for COVID-19. Since that date, a total of 135 individuals have been confirmed positive with COVID-19. Of those individuals, two have died.

**WHEREAS**, the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been previously renewed by Executive Order 2020-06, Executive Order 2020-10, Executive Order 2020-13, Executive Order 2020-15, Executive Order 2020-17, Executive Order 2020-19, Executive Order 2020-22, Executive Order 2020-24, Executive Order 2020-27, Executive Order 2021-01, and Executive Order 2021-03.

**WHEREAS**, the authority of the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19 was previously renewed by Executive Order 2020-08, Executive Order 2020-12, Executive Order 2020-14, Executive Order 2020-16, Executive Order 2020-18, Executive Order 2020-20, Executive Order 2020-23, Executive Order 2020-25, Executive Order 2020-28 and Executive Order 2021-02.

**WHEREAS**, meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

**WHEREAS**, because of the COVID-19 outbreak and the resulting suspension of flights, our tourism industry has come to a standstill which has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

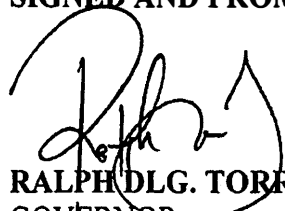
**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Pursuant to 1 CMC § 20144(c)(2) and 3 CMC § 2186(b), the Secretary of Finance is hereby authorized to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to ensure that the government is able to meet the COVID-19 threat. The Secretary of Finance shall create a separate business account called the COVID-19 Threat Prevention and Mitigation Account into which all funds taken under the authority granted hereunder shall be deposited. The Secretary of Finance shall maintain a strict accounting of the sources of funds deposited into the account and disbursements therefrom.

2. The Secretary of Finance shall coordinate with the Special Assistant for Management and Budget and any other necessary government officials or agencies, Commonwealth or Federal, in carrying out its authorization under paragraph 1.

3. This executive order shall take effect immediately upon signature and shall remain in effect for thirty (30) days from that effective date.

SIGNED AND PROMULGATED ON THIS 16 day of February, 2021



RALPH DLG. TORRES  
GOVERNOR



**RALPH DLG. TORRES**  
Governor

**ARNOLD I. PALACIOS**  
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-05**

**SUBJECT:** RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND,

RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of March 9, 2021, more than 117 million cases of COVID-19 have been reported world-wide resulting in more than 2.6 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the Commonwealth cannot be understated. Vaccines and treatments are becoming available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our children, our senior citizens, businesses, and all other CNMI residents and visitors.

**WHEREAS,** COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS,** by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES,** pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, do hereby declare a State of Public Health Emergency and State of Significant Emergency for the

entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

- (1) The Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

**(B) Renewal of Executive Order 2020-07:**

- (1) Executive Order 2020-07, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS 12<sup>th</sup> day of March, 2021**



**RAIPH DLG. TORRES**  
GOVERNOR

**RALPH DLG. TORRES**  
Governor



**ARNOLD I. PALACIOS**  
Lieutenant Governor

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-06**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. As of March 17, 2021, more than 120 million cases of COVID-19 have been reported worldwide resulting in more than 2.67 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of the people of the CNMI.

**WHEREAS,** on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS,** on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS,** on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS,** the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been recently renewed by Executive Order 2021-05.

**WHEREAS,** meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the

utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

**WHEREAS**, because the COVID-19 pandemic has brought our tourism industry to a standstill which has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

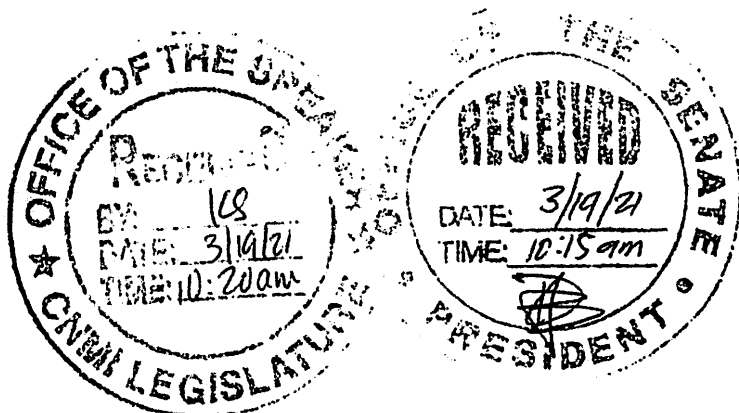
**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Executive Order 2020-05, and all powers, duties and responsibilities embodied in that executive order, is hereby renewed and shall thus continue for an additional thirty (30) days.
2. This renewal shall take effect immediately and remain in effect for thirty (30) days from the effective date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-05 shall remain in effect for thirty (30) days from the date of this Executive Order.

**SIGNED AND PROMULGATED ON THIS** 18<sup>th</sup> **day of March, 2021**

  
**RALPH DLG. TORRES**  
GOVERNOR





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-07**

**SUBJECT:** RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND.

RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of April 8, 2021, more than 133 million cases of COVID-19 have been reported world-wide resulting in more than 2.89 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the vulnerable population of the Commonwealth cannot be understated. Vaccines and treatments are becoming available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our senior citizens, medically vulnerable, and all other CNMI residents and visitors.

**WHEREAS,** COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS,** by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES,** pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, do hereby declare a State of Public Health Emergency and State of Significant Emergency for the



entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

- (1) The Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

**(B) Renewal of Executive Order 2020-07:**

- (1) Executive Order 2020-07, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS 11th day of April, 2021**



**RALPH DLG. TORRES**  
GOVERNOR



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-08**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS**, Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. As of April 18, 2021, more than 141 million cases of COVID-19 have been reported worldwide resulting in more than 3.01 million deaths.

**WHEREAS**, COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of the people of the CNMI.

**WHEREAS**, on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS**, on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS**, on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS**, the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been recently renewed by Executive Order 2021-07.

**WHEREAS**, meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the

utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

**WHEREAS**, because the COVID-19 pandemic has brought our tourism industry to a standstill which has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Executive Order 2020-05, and all powers, duties and responsibilities embodied in that executive order, is hereby renewed and shall thus continue for an additional thirty (30) days.
2. This renewal shall take effect immediately and remain in effect for thirty (30) days from the effective date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-05 shall remain in effect for thirty (30) days from the date of this Executive Order.

**SIGNED AND PROMULGATED ON THIS** 19<sup>th</sup> **day of April, 2021**

  
**RALPH DLG. TORRES**  
GOVERNOR



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-09**

**SUBJECT:** Effecting executive reorganization by transferring the Agricultural Quarantine Section of the Department of Lands and Natural Resources to the Division of Custom Services of the Department of Finance; and directing the establishment of an Office of Information Technology within the Department of Finance.

**AUTHORITY:** NMI Const. art. III, § 1 provides that "[t]he executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws;" and NMI Const. art. III, § 15 permits the governor to "make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration." Further, 1 CMC § 2558 provides that the Department of Finance "may employ staff as required to assist it in performing its duties..."

**WHEREAS,** the Agricultural Quarantine Section within the Department of Lands and Natural Resources, and the Division of Customs Services, within the Department of Finance, share in the implementation of the Commonwealth's efforts to protect the Commonwealth's borders, utilizing the same facilities and performing collaborative functions.

**WHEREAS,** the integration of the Agricultural Quarantine Section with the Division of Customs Services will eliminate unnecessary silos of responsibilities and resources at the Commonwealth's borders and bolster the effectiveness of enforcement of protections against unwanted or illicit importation of products, items, or goods that are harmful to the environment, economy, and quality of life of the people of the Commonwealth.

**WHEREAS,** the Information Technology ("IT") capacity of the Commonwealth government is ineffective in meeting the needs and expectations of a globally interconnected and rapidly advancing population.

**WHEREAS,** since the introduction of affordable software and hardware in the mid-90's computers have come to be a normal part of our lives. With high-speed internet, close proximity to international data hubs in the Pacific region, and faster processors our agencies and employees are fortunate to have the proper tools to work in a connected environment.

**WHEREAS,** currently, most agencies and government facilities either have in-house IT staff or outsource their IT needs to local or off-island third party vendors. The lack of cohesion between software vendors between departments and agencies of the Commonwealth government inhibits collaboration and hinders adaptation to more advanced tools at great expense to the Commonwealth.

**WHEREAS**, the lack of centrally coordinated efforts on unified software platforms have placed the Commonwealth government in greater jeopardy of cybersecurity attacks.

**WHEREAS**, the COVID-19 pandemic has increased adoption of internet-related communications, transactions, services, and as more functions of the Government adopt online portals for the administration of their respective duties and responsibilities, the IT networks of the Commonwealth government become a greater target for cybersecurity attacks. Major cybersecurity attacks on cities caused shutdowns in Atlanta (2018) and Baltimore (2019) and captured news headlines; however, smaller communities have impacted as well, including 20 towns and districts in Texas (2019), Cape Girardeau, Missouri (January 2020), and many others. No local government is immune from cyber threats.

**WHEREAS**, the Department of Finance is the natural agency to lead efforts to improve the technology of the Commonwealth government as it is already a leading agency in using and integrating technology and internet related communications, transactions, and services in performing the responsibilities of the agency; and is already leading and aiding other agencies in adding and integrating technology in order to improve those agencies' public services.

**NOW THEREFORE, I, RALPH DLG. TORRES**, Governor of the Commonwealth of the Northern Mariana Islands, pursuant to the powers vested in me by the Constitution and laws of the Commonwealth of the Northern Mariana Islands, do hereby,

**DECLARE** that the integration of various related functions of the Commonwealth government and the strengthening of the tools and resources to fulfill the needs of the people of the CNMI to adapt to a rapidly evolving world requires the reorganization of the Department of Finance in order to achieve effective and efficient government administration so as to better serve the interest of the Commonwealth and its people.

It is **ORDERED** that:

1. Division of Customs and Quarantine

(a) The Agricultural Quarantine Section of the Department of Lands and Natural Resources is transferred to the Department of Finance and shall be combined with and fall under the Division of Custom Services. The combined division is re-designated the Division of Customs and Quarantine.

(b) In accordance with subsection (a), all statutory authority, powers, duties, functions, and responsibilities found in Title 2, Division 5, Chapter 3, Article 1 of the Northern Mariana Islands Commonwealth Code, and any regulations promulgated thereby (except Title 85, Chapter 85-20 of the Northern Marianas Administrative Code), are hereby transferred to the Division of Customs and Quarantine.

(c) On the effective date of this executive order, the Director of Customs Services shall become the Director of Customs and Quarantine.

(d) All records and property (real or personal) of the Agricultural Quarantine Section and all personnel used in the administration of the Agricultural Quarantine Section (including employees whose chief duties relate to such administration) are hereby transferred to the Division of Customs and Quarantine of the Department of Finance. If applicable, personal property transferred shall maintain its grant identity and shall be used exclusively to support and enhance specific project objectives. All personnel transferred pursuant to this executive order shall maintain their current positions and status in the classified civil service or in the excepted services as the case may be. The Office of Personnel Management shall ensure an orderly transfer of personnel.

(e) The unexpended balances of appropriations, allocations, allotments, or other funds available for the use by the Agricultural Quarantine Section on the effective date of the transfer are hereby transferred to the Division of Customs and Quarantine/Department of Finance on the effective date of this transfer. In the transfer of such funds, an amount shall be included for the liquidation of obligations incurred prior to the transfer. Subsequent to the transfer, Division of Customs and Quarantine operations shall be reflected in the annual budget of the Department of Finance. The Department of Finance shall maintain accounts for the established Division of Customs and Quarantine.

(f) All rules, orders, contracts and agreements relating to the functions transferred to the Department of Finance and the Division of Customs and Quarantine lawfully entered into prior to the effective date of this executive order shall continue to be effective until expired, revised, amended, repealed, or terminated.

## 2. Office of Information Technology

(a) The Secretary of Finance shall establish an Office of Information Technology within the Department of Finance, which shall be headed by the Chief Information Officer ("CIO"), who shall serve under and report directly to the Secretary of Finance.

(b) The CIO shall be a person with extensive experience in best practices of IT management and the protection of critical technological infrastructure against cybersecurity threats.

(c) In furtherance of their purpose, the Office of Information Technology and the CIO will have the following powers, duties and responsibilities:

(i) Management, operation, and security of critical data centers.

(ii) Focus on creating and implementing a cyber security plan for the entire CNMI.

(iii) Formulate, recommend and implement local policies, plans and programs and guidelines that will promote the development and use of technology with due consideration of emerging technologies.

(iv) Provide an integral framework in order to optimize all local government systems and applications.

(v) Provide support to CNMI-wide mission critical applications.

- (vi) Support all Government agencies.
- (vii) Manage and secure employee email accounts.
- (viii) Manage virtual desktop connections.
- (ix) Manage and support all government issued laptops, computers, tablets, cellular and mobile devices and secure and support private devices as long as they are connected to Government servers and data centers.
- (x) Coordinate with all existing IT plans and initiatives to ensure knowledge, information and resource-sharing, database-building and agency-networking linkages among government agencies.
- (xi) Perform IT Training for government staff across departments and agencies.
- (xii) Establish and maintain a unified and internal government IT network
- (xiii) Data storage and processing.
- (xiv) Develop new services and innovative applications in support of citizens, business, and Government agencies.
- (xv) Identify prohibited acts and use of resources which shall include but not limited to, uses contrary to laws, customs, morals and ethical behavior, uses for personal benefit, business or partisan activities, games and entertainment, acts that damage the integrity, reliability, confidentiality and efficiency of the systems, acts that encroach the rights of the users, acts which violate privacy and acts that waste resources.
- (xvi) Work with vendors to ensure that hardware and software is cross-compliant and readable across all agencies.

(d) All information technology records and property (real or personal) and all personnel whose chief duties relate to the administration and facilitation of information technology services within CNMI departments, agencies, offices and instrumentalities of the executive branch (excluding autonomous agencies) are hereby transferred to the Office of Information Technology. If applicable, personal property transferred shall maintain its grant identity and shall be used exclusively to support and enhance specific project objectives. All personnel transferred pursuant to this Executive Order shall maintain their current positions and status in the classified civil service or in the excepted services as the case may be. The Office of Personnel Management shall ensure an orderly transfer of personnel.

(e) The Office of Information Technology shall utilize funds appropriated or otherwise available to the Department of Finance and designated for such purpose by the Governor, Legislature, or the Secretary of Finance; and may utilize federal grants or other sources of funds available to the Commonwealth to fund programs, personnel, operations and capital expenses.

(f) All departments, agencies, offices, instrumentalities, or other entities of the executive branch, and the heads of independent entities of the Commonwealth government including any public corporations are directed or otherwise requested to cooperate with the CIO and the

Office of Information Technology in the performance of its duties to the maximum extent practical.

(g) The Office of Information Technology and the position of CIO shall continue in existence indefinitely for so long as the Office and CIO are needed to serve the people of the Commonwealth.

3. The Secretary of Finance shall make internal organizational changes as may be administratively necessary to fulfill the purpose of this executive order and to complete the realignment of responsibilities prescribed by this executive order, consistent with applicable laws and regulations.

4. In accordance with the Constitution, this executive order shall become effective 60 days after submission to the Legislature, unless specifically modified or disapproved by a majority of members of each house of the Legislature; provided that, in case it shall appear to the Governor that the interest of economy or efficient management require that the transfer be delayed beyond the date this plan become effective, the Governor may, in his discretion, fix a later date therefore, and he may for like cause further defer such date from time to time.

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

**SIGNED AND PROMULGATED** on this 27<sup>th</sup> day of April, 2021



**RALPH DLG. TORRES**  
GOVERNOR





**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-10**

**SUBJECT:** RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND.

RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of May 10, 2021, more than 158 million cases of COVID-19 have been reported world-wide resulting in more than 3.29 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the vulnerable population of the Commonwealth cannot be understated. Vaccines and treatments are becoming available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our senior citizens, medically vulnerable, and all other CNMI residents and visitors.

**WHEREAS,** COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS,** by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES,** pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, do hereby declare a State of Public Health Emergency and State of Significant Emergency for the

entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

(1) The Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.

(2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

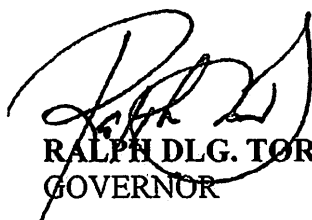
**(B) Renewal of Executive Order 2020-07:**

(1) Executive Order 2020-07, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.

(2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS 11th day of May, 2021**



**RALPH DLG. TORRES**  
GOVERNOR



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-11**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. As of May 18, 2021, more than 163 million cases of COVID-19 have been reported worldwide resulting in more than 3.39 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of the people of the CNMI.

**WHEREAS,** on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS,** on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS,** on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS,** the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been recently renewed by Executive Order 2021-10.

**WHEREAS,** meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the

utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

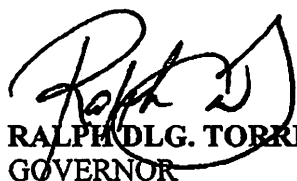
**WHEREAS**, because the COVID-19 pandemic has brought our tourism industry to a standstill, it has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Executive Order 2020-05, and all powers, duties and responsibilities embodied in that executive order, is hereby renewed and shall thus continue for an additional thirty (30) days.
2. This renewal shall take effect immediately and remain in effect for thirty (30) days from the effective date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-05 shall remain in effect for thirty (30) days from the date of this Executive Order.

**SIGNED AND PROMULGATED ON THIS** 19<sup>th</sup> **day of May, 2021**

  
**RALPH DLG. TORRES**  
GOVERNOR

Juan A. Sablan Memorial Building • Capitol Hill, Saipan  
Caller Box 10007 • Saipan, MP 96950 • 670.237.2200 • [governor.gov.inp](mailto:governor.gov.inp)  
@GovernorCNMI   



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-12**

**SUBJECT:** RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND,

RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of June 10, 2021, more than 174 million cases of COVID-19 have been reported world-wide resulting in more than 3.75 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the vulnerable population of the Commonwealth cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our senior citizens, medically vulnerable, and all other CNMI residents and visitors.

**WHEREAS,** COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS,** by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES,** pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, do hereby declare a State of Public Health Emergency and State of Significant Emergency for the

entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

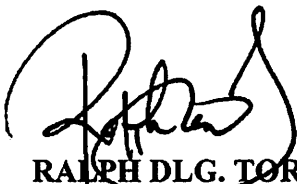
- (1) The Declaration of a State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

**(B) Renewal of Executive Order 2020-07:**

- (1) Executive Order 2020-07, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS 11th day of June, 2021**



**RALPH DLG. TORRES**  
GOVERNOR



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-13**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. As of June 17, 2021, more than 177 million cases of COVID-19 have been reported worldwide resulting in more than 3.83 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of the people of the CNMI.

**WHEREAS,** on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS,** on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS,** on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS,** the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been recently renewed by Executive Order 2021-12.

**WHEREAS,** meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the

utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

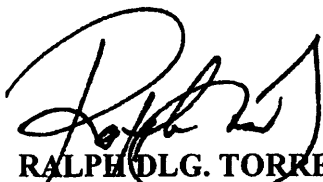
**WHEREAS**, because the COVID-19 pandemic has brought our tourism industry to a standstill, it has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Executive Order 2020-05, and all powers, duties and responsibilities embodied in that executive order, is hereby renewed and shall thus continue for an additional thirty (30) days.
2. This renewal shall take effect immediately and remain in effect for thirty (30) days from the effective date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-05 shall remain in effect for thirty (30) days from the date of this Executive Order.

**SIGNED AND PROMULGATED ON THIS 18<sup>th</sup> day of June, 2021**

  
**RALPH DLG. TORRES**  
GOVERNOR





**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-14**

**SUBJECT: RENEWAL OF DECLARATION OF STATE OF PUBLIC HEALTH EMERGENCY AND CONTINUED DECLARATION OF STATE OF SIGNIFICANT EMERGENCY ESTABLISHING RESPONSE, QUARANTINE, AND PREVENTIVE CONTAINMENT MEASURES CONCERNING CORONAVIRUS DISEASE 2019 (COVID-19); AND,**

**RENEWAL OF ORDER DIRECTING THE CNMI HOMELAND SECURITY & EMERGENCY MANAGEMENT OFFICE, THROUGH THE CNMI COVID-19 TASK FORCE, AND IN PARTNERSHIP WITH THE COMMONWEALTH HEALTHCARE CORPORATION, TO UNDERTAKE NECESSARY COVID-19 CONTAINMENT MEASURES BY MEANS OF THE DEVELOPMENT OF EMERGENCY DIRECTIVES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC**

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in Wuhan, Hubei Province, People's Republic of China in December of 2019. As of July 11, 2021, more than 186 million cases of COVID-19 have been reported world-wide resulting in more than 4.02 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have underlying medical conditions. The potential pandemic impact of COVID-19 on the vulnerable population of the Commonwealth cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of our senior citizens, medically vulnerable, and all other CNMI residents and visitors.

**WHEREAS,** COVID-19 continues to pose a significant and imminent threat of harm to the community, environment and people of the CNMI and thus emergency declarations are necessary to respond, quarantine and ensure the prevention of or containment of COVID-19 in the CNMI.

**WHEREAS,** by renewing the Declaration of State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, and by renewing Executive Order 2020-07, I intend to direct the Commonwealth Healthcare Corporation, the CNMI Homeland Security & Emergency Management Office and all other necessary Commonwealth agencies to undertake containment measures as necessary to meet the threat of COVID-19.

**NOW THEREFORE, I, RALPH DLG. TORRES,** pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, and the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, do hereby declare a State of Public Health Emergency and State of Significant Emergency for the

entire Commonwealth of the Northern Mariana Islands due to the imminent threat posed by COVID-19 and order the following:

**(A) Renewal of Executive Order 2020-04:**

- (1) The Declaration of a State of Public Health Emergency and Continued Declaration of a State of Significant Emergency embodied in Executive Order 2020-04, as amended, is hereby renewed and shall thus continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-04, as amended, shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-04, as amended, shall remain in effect for thirty (30) from the date of this Executive Order.

**(B) Renewal of Executive Order 2020-07:**

- (1) Executive Order 2020-07, which ordered the CNMI Homeland Security & Emergency Management Office, through the CNMI COVID-19 Task Force in partnership with the Commonwealth Healthcare Corporation, to undertake necessary COVID-19 containment measures by means of the development of emergency directives to protect the health and safety of the public, is hereby renewed and shall continue for an additional thirty (30) days from the effective date.
- (2) This renewal of Executive Order 2020-07 shall take effect immediately and remain in effect for thirty (30) days from the date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-07 shall remain in effect for thirty (30) from the date of this Executive Order.

This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the CNMI, its departments, agencies, its officers, employees, or agents, or any other person.

**SIGNED AND PROMULGATED ON THIS 12th day of July, 2021**



**RALPH DLG. TORRES**  
GOVERNOR



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-15**

**SUBJECT:** RENEWING THE AUTHORITY OF THE SECRETARY OF FINANCE TO REPROGRAM OR TRANSFER FUNDS FROM ACCOUNTS OF ANY DEPARTMENT, AGENCY, OFFICE, BOARD, COMMISSION, CORPORATION, INSTRUMENTALITY OR OTHER ENTITY OF ANY BRANCH OF THE COMMONWEALTH GOVERNMENT IN ORDER TO MEET THE THREAT OF COVID-19.

**WHEREAS,** Coronavirus Disease 2019 (COVID-19) is a novel virus that is the cause of severe acute respiratory illness. It was first detected in the People's Republic of China in December of 2019. As of July 15, 2021, more than 188 million cases of COVID-19 have been reported worldwide resulting in more than 4.06 million deaths.

**WHEREAS,** COVID-19 is a highly contagious disease that can lead to serious illness and death, especially for the elderly and people who have severe underlying medical conditions. The potential impact of COVID-19 on the CNMI cannot be understated. Vaccines and treatments are available but measures such as quarantine, isolation and containment are still important in the fight against COVID-19. Action is necessary to protect the health and safety of the people of the CNMI.

**WHEREAS,** on January 29, 2020, the Governor issued Executive Order 2020-01 declaring a state of significant emergency regarding the COVID-19 outbreak that ordered the Commonwealth Healthcare Corporation to implement quarantine and preventive containment measures and directed the Secretary of Finance and the Special Assistant for Management and Budget to assess the fiscal impact of the outbreak on the government's budget.

**WHEREAS,** on March 16, 2020, following discovery of COVID-19 infected individuals on Guam, the Governor issued Executive Order 2020-04 declaring a State of Public Health Emergency and a continued Declaration of a State of Significant Emergency for the CNMI due to the significant and imminent threat of harm to the community, environment and people of the CNMI.

**WHEREAS,** on March 18, 2020, the Governor issued Executive Order 2020-05 which authorized the Secretary of Finance to reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government in order to meet the threat of COVID-19.

**WHEREAS,** the declaration of a state of public health emergency and continued declaration of a state of significant emergency embodied in Executive Order 2020-04, as amended, has been recently renewed by Executive Order 2021-14.

**WHEREAS,** meeting the COVID-19 threat requires a "whole of government" approach such as what the government utilizes in responding to and recovering from typhoons. This requires the

utilization or potential utilization of all government agencies, personnel, facilities, equipment and other resources as necessary to respond to the COVID-19 threat.

**WHEREAS**, because the COVID-19 pandemic has brought our tourism industry to a standstill, it has depressed economic activity and drastically reduced tax revenue. Such a reduction in revenue jeopardizes the government's ability to meet the COVID-19 threat by limiting the government's ability to utilize all necessary personnel, facilities and equipment due to lack of funds.

**WHEREAS**, renewing the authority of the Secretary of Finance to access, reprogram or transfer funds from accounts of any department, agency, office, board, commission, corporation, instrumentality or other entity of any branch of the Commonwealth government, including autonomous or independent entities, in order to fund the government's "whole of government" approach to the prevention and mitigation of the COVID-19 threat is a reasonably necessary response in order to ensure that the government is able to meet the COVID-19 threat.

**NOW THEREFORE, I, RALPH DLG. TORRES**, pursuant to the authority vested in me as Governor of the Commonwealth of the Northern Mariana Islands by Article III, § 10 of the Commonwealth Constitution, the Homeland Security and Emergency Management Act of 2013, 1 CMC § 20144, the CNMI Emergency Health Powers Act of 2003, 3 CMC §§ 2181-2195, Executive Order 2020-04, as amended and renewed, order and direct as follows:

1. Executive Order 2020-05, and all powers, duties and responsibilities embodied in that executive order, is hereby renewed and shall thus continue for an additional thirty (30) days.
2. This renewal shall take effect immediately and remain in effect for thirty (30) days from the effective date of this Executive Order. All memoranda, directives, waivers of regulations, and other measures taken in accordance with Executive Order 2020-05 shall remain in effect for thirty (30) days from the date of this Executive Order.

**SIGNED AND PROMULGATED ON THIS 18th day of July, 2021**

  
**RALPH DLG. TORRES**  
GOVERNOR



**RALPH DLG. TORRES**  
Governor

**ARNOLD I. PALACIOS**  
Lieutenant Governor

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**OFFICE OF THE GOVERNOR**

**EXECUTIVE ORDER NO. 2021-16**

**SUBJECT: ORDER CREATING THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI) STRATEGIC ENERGY TASKFORCE TO PROMOTE COHERENCE IN THE PLANNING AND IMPLEMENTATION PROCESSES OF ALL ONGOING AND FUTURE CNMI ENERGY RELATED PROJECTS**

**AUTHORITY:** NMI Const. art. III § 1 provides that “[t]he executive power of the Commonwealth shall be vested in a governor who shall be responsible for the faithful execution of the laws;” and NMI Const. art. III § 14 grants the Governor the power to “at any time require information in writing or otherwise from the head of any administrative department, office or agency of the Commonwealth;” and 1 CMC § 2052 provides that the “Governor may employ staff as required to assist the office of the Governor in performing its functions...”

**WHEREAS,** energy security and sustainability remains critical to the current and future economic development of the Commonwealth, and proper long-term planning and stakeholder partnerships are essential to achieving energy security; and

**WHEREAS,** a long-term Strategic Energy Master Plan for the CNMI should be developed and implemented by a range of stakeholders, including CNMI government departments, autonomous agencies, private sector members, and the appropriate federal agency partners who are capable of providing technical and financial assistance; and

**WHEREAS,** a Strategic Energy Taskforce made up of qualified and experienced stakeholders is the appropriate vehicle for developing a Strategic Energy Master Plan and for streamlining the necessary processes for which these plans shall be effectively executed; and

**WHEREAS,** the Strategic Energy Taskforce will tap into the expertise that resides within the CNMI’s energy, business, scientific, academic, community, and governmental sectors while providing a mechanism for considering new ideas to incorporate into the CNMI’s Strategic Energy Plan, allowing for the CNMI to speak with a single, unified voice on energy issues; and

**WHEREAS,** the participation from the broad range of stakeholders within the local and federal governments and the private sector would promote coherence and efficiency in these planning and implementation processes; and

**WHEREAS,** the CNMI Strategic Energy Taskforce will develop a vision, mission, goals, and organizational structure to appropriately develop a comprehensive, long-term Strategic Energy Master Plan for the CNMI;

**NOW THEREFORE, I, RALPH DLG. TORRES,** in order to grant the CNMI Strategic Energy Taskforce with the full support of the Executive Branch, it is hereby **ORDERED** that:

1. The CNMI Strategic Energy Taskforce shall be established to determine the state of the Commonwealth’s energy needs at present and extrapolate the energy needs of the

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Commonwealth's future, and present plans to meet those future needs with particular emphasis on alternative energy sources and demand-side management programs.

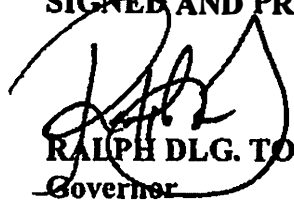
2. The taskforce shall be composed of professional individuals and government officials from both the public and private sectors. All Departments, Divisions, Offices, Government Corporations, Boards and Commissions of the CNMI Government appointed to this taskforce shall assign a representative from their respective offices to participate in meetings and activities carried out by the CNMI Strategic Energy Taskforce necessary to achieve its critical missions.

The Core Taskforce shall consist of but is not limited to representatives from the following agencies:

The Energy Office, Division of Public Works  
Infrastructure Recovery Program  
Commonwealth Utilities Corporation  
Office of Grants Management  
Office of Planning and Development  
Capital Improvement Project Program  
Municipality of Rota  
Municipality of Tinian

3. The Taskforce is hereby granted the full authority to apply for any and all federal grant funding on behalf of the Commonwealth government that is applicable to accomplishing the objectives of the Taskforce. The Energy Office, Division of Public Works shall be deemed "the Administrator" of all related grants and shall become the official recipient of all grant funding on behalf of the Taskforce.
4. The Taskforce shall be co-chaired by the Director of The Energy Office, Division of Public Works and the Governor's Special Advisor for Energy.
5. The Taskforce shall meet periodically as needed or as called by the Chairperson(s) or by one-third of the total membership for the purposes of information exchange or formulation of recommendations to be submitted to the Governor.
6. The Taskforce Chairperson(s), with the consent of the members, is authorized to create subcommittees and to appoint subcommittee Chairpersons and members to these subcommittees from the Core Taskforce and any other governmental agency or private sector representatives deemed necessary for purposes of performing specialized tasks as needed.

SIGNED AND PROMULGATED ON THIS 16<sup>th</sup> day of July, 2021

  
RALPH DLG. TORRES  
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In Re the Matter of:

Labor Case No. 21-032

Roman A. Cabrera, III,

Complainant,

v.

DR Safety Consultant,

Respondent.

ORDER OF DISMISSAL

On February 12, 2021, Complainant filed a complaint against Respondent for unpaid wages. Upon review of the filings, the matter was scheduled for an Order to Show Cause Hearing for failure to participate in the investigative proceedings. Subsequently, on July 7, 2021, Complainant filed a written request to withdraw his appeal.

Accordingly, pursuant to NMIAC § 80-20.1-485(b),<sup>1</sup> this matter is hereby **DISMISSED**. For that reason, the Order to Show Cause Hearing scheduled for July 14, 2021 at 10:00 am is hereby **VACATED**. Any person or party aggrieved by this Order may appeal by filing the Notice of Appeal form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.<sup>2</sup>

So ordered this 12th day of July, 2021.

/s/

JACQUELINE A. NICOLAS

Administrative Hearing Officer

<sup>1</sup> Pursuant to NMIAC § 80-20.1-485 (b), “[a] complaint may be dismissed upon its abandonment or settlement by the parties.”

<sup>2</sup> The Notice of Appeal Form is available online at [www.marianaslabor.net](http://www.marianaslabor.net) or hard copies are available at the Administrative Hearing Office. The aggrieved person or party must file the completed form at the Administrative Hearing Office, with the applicable filing fee.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In Re the Matter of:

Labor Case No. 21-034

Kamruzzaman Arif,

Complainant,

ORDER OF DISMISSAL

v.

JM Enterprises, Inc.,

Respondent.

On March 12, 2021, Complainant filed a complaint against Respondent for unpaid wages. Upon review of the filings, the matter was scheduled for an Order to Show Cause Hearing for failure to participate in the investigative proceedings. Subsequently, on July 12, 2021, Complainant filed a written request to withdraw his appeal.

Accordingly, pursuant to NMIAC § 80-20.1-485(b),<sup>1</sup> this matter is hereby **DISMISSED**. For that reason, the Order to Show Cause Hearing scheduled for July 14, 2021 at 9:00 am is hereby **VACATED**. Any person or party aggrieved by this Order may appeal by filing the Notice of Appeal form and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of this Order.<sup>2</sup>

So ordered this 13th day of July, 2021.

/s/

**JACQUELINE A. NICOLAS**  
Administrative Hearing Officer

<sup>1</sup> Pursuant to NMIAC § 80-20.1-485 (b), "[a] complaint may be dismissed upon its abandonment or settlement by the parties."

<sup>2</sup> The Notice of Appeal Form is available online at [www.marianaslabor.net](http://www.marianaslabor.net) or hard copies are available at the Administrative Hearing Office. The aggrieved person or party must file the completed form at the Administrative Hearing Office, with the applicable filing fee.





COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In Re the Matter of:

Labor Case No. 21-038

Bobby B. Endico,

Complainant,

ORDER OF DISMISSAL

v.

FM Corporation dba FM Manpower,

Respondent.

This matter came for an Order to Show Cause Hearing on June 30, 2021 at 1:30 p.m. at the Administrative Hearing Office. Due to the ongoing COVID-19 public health emergency, the hearing was held telephonically. Complainant Bobby B. Endico ("Complainant") was present and self-represented. Respondent FM Corporation dba FM Manpower ("Respondent") was present and represented by General Manager Aldrin V. Legaspi and Accountant Arleen Dycoco. The hearing was facilitated by Interpreter Rochelle Tomokane.

Pursuant to 3 CMC § 4962, "[n]o labor complaint may be filed more than six months after the date of the last-occurring event that is the subject of the complaint, except in cases where the actionable conduct was not discoverable upon the last-occurring event." "If a complaint is not timely filed, the hearing office *shall* dismiss the complaint with prejudice." NMIAC § 80-20.1-465(e). Emphasis added. "The hearing officer 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." 3 CMC § 4947.

Based on a service agreement between Respondent and Imperial Pacific International (CNMI), LLC ("Contractor"), Respondent hired Complainant an Installation, Maintenance, and Repair Operator to work on a construction project with Contractor. In addition to obligatory deductions for FICA, medicare, and social security, the parties agreed to deduct housing and utility costs provided by Respondent. When contractor ceased making payments under the service agreement, Respondent allegedly advised Complainants to stop work for Contractor. On June 15,

1 2021, Complainant filed the above-captioned labor case alleging unpaid wages and unlawful  
2 deductions arising on or around January 27, 2020 to May of 2020. During the Administrative  
3 Hearing, the parties confirmed that the unpaid wages claim did not arise within six months of  
4 filing the claim. Moreover, Complainant failed to establish how the deductions were unlawful or  
when they occurred.

5 After notice and opportunity to be heard, the undersigned finds that the allegations in this  
6 complaint fall outside the six-month statute of limitations. Accordingly, pursuant to 3 CMC §  
7 4962 and NMIAC § 80-20.1-465(e), this complaint is hereby **DISMISSED**, with prejudice.

8 Any person or party aggrieved by this Order may appeal by filing the Notice of Appeal form  
9 and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of  
10 this Order.<sup>1</sup>

11 So ordered this **6th** day of July, 2021.

12  
13 /s/

14 **JACQUELINE A. NICOLAS**  
Administrative Hearing Officer

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28 <sup>1</sup> The Notice of Appeal Form is available online at [www.marianaslabor.net](http://www.marianaslabor.net) or hard copies are available at the  
Administrative Hearing Office. The aggrieved person or party must file the completed form at the Administrative  
Hearing Office, with the applicable filing fee.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In Re the Matter of:

Labor Case No. 21-039

Jeddanie R. Buenaventura,

Complainant,

v.

FM Corporation dba FM Manpower,

Respondent.

ORDER OF DISMISSAL

This matter came for an Order to Show Cause Hearing on June 30, 2021 at 1:30 p.m. at the Administrative Hearing Office. Due to the ongoing COVID-19 public health emergency, the hearing was held telephonically. Complainant Jeddanie R. Buenaventura ("Complainant") was present and self-represented. Respondent FM Corporation dba FM Manpower ("Respondent") was present and represented by General Manager Aldrin V. Legaspi and Accountant Arleen Dycoco. The hearing was facilitated by Interpreter Rochelle Tomokane.

Pursuant to 3 CMC § 4962, "[n]o labor complaint may be filed more than six months after the date of the last-occurring event that is the subject of the complaint, except in cases where the actionable conduct was not discoverable upon the last-occurring event." "If a complaint is not timely filed, the hearing office *shall* dismiss the complaint with prejudice." NMIAC § 80-20.1-465(e). Emphasis added. "The hearing officer 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." 3 CMC § 4947.

Based on a service agreement between Respondent and Imperial Pacific International (CNMI), LLC ("Contractor"), Respondent hired Complainant an Installation, Maintenance, and Repair Operator to work on a construction project with Contractor. In addition to obligatory deductions for FICA, medicare, and social security, the parties agreed to deduct housing and utility costs provided by Respondent. When contractor ceased making payments under the service agreement, Respondent allegedly advised Complainants to stop work for Contractor. On June 15,

1 2021, Complainant filed the above-captioned labor case alleging unpaid wages and unlawful  
2 deductions arising on or around January 27, 2020 to May of 2020. During the Administrative  
3 Hearing, the parties confirmed that the unpaid wages claim did not arise within six months of  
4 filing the claim. Moreover, Complainant failed to establish how the deductions were unlawful or  
5 when they occurred.

6 After notice and opportunity to be heard, the undersigned finds that the allegations in this  
7 complaint fall outside the six-month statute of limitations. Accordingly, pursuant to 3 CMC §  
8 4962 and NMIAC § 80-20.1-465(e), this complaint is hereby **DISMISSED**, with prejudice.

9 Any person or party aggrieved by this Order may appeal by filing the Notice of Appeal form  
10 and filing fee with the Administrative Hearing Office within fifteen (15) days from the date of  
11 this Order.<sup>1</sup>

12 So ordered this 6th day of July, 2021.

13 /s/  
14 **JACQUELINE A. NICOLAS**  
15 Administrative Hearing Officer  
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28 <sup>1</sup> The Notice of Appeal Form is available online at [www.marianaslabor.net](http://www.marianaslabor.net) or hard copies are available at the  
Administrative Hearing Office. The aggrieved person or party must file the completed form at the Administrative  
Hearing Office, with the applicable filing fee.



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**DEPARTMENT OF LABOR**  
**ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) PUA Case No. 21-0102  
)  
Jin Yue, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
v. )  
)  
CNMI Department of Labor, )  
Division of Employment Services-PUA, )  
)  
Appellee. )

**I. INTRODUCTION**

This matter came before the undersigned for an Administrative Hearing on June 18, 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. Appellant Jin Yue ("Appellant") was present and represented by Attorney Joe McDoulett Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance program ("Appellee" or "Department") was present and represented by PUA Coordinator Zachary Taitano, PUA Coordinator Rikki Camacho, and PUA Supervisor Sharon Palacios.<sup>1</sup>

**Witnesses:**

1. Mike Yang<sup>2</sup>

**Exhibits:**

1. Exhibit 1: Copy of Appellant's Application Snapshot, filed November 7, 2020;
2. Exhibit 2: Copy of Department's Disqualifying Determination, dated March 29, 2021;
3. Exhibit 3: Copy of Department's Notice of Overpayment, dated April 6, 2021;
4. Exhibit 4: Copy of Appellant's Request to File an Appeal, filed March 30, 2021;
5. Exhibit 5: Copy of Notices of Hearing

<sup>1</sup> PUA Coordinator Jenny Lee was present to observe the proceedings but did not participate in the proceedings.

<sup>2</sup> Mike Yang (Appellant's husband) was presented as a witness but did not provide any testimony during the hearing.

- a. Notice issued March 30, 2021;
  - b. Notice issued April 15, 2021; and
  - c. Notice issued May 25, 2021;
6. Exhibit 6: Copy of Appellant's Employment Certifications;
  7. Exhibit 7: Copy of Appellant's Notice of Furlough
  8. Exhibit 8: Copy of Appellant's I-797 Notice of Action (Re: Approval Notice of CW-1 valid from October 1, 2019 to September 30, 2020);
  9. Exhibit 9: Copy of Appellant's I-797 Notice of Action (Re: Approval Notice for Nonimmigrant Status H4 valid from November 2, 2020 to August 10, 2022);
  10. Exhibit 10: Copy of Appellant's I-797 Notice of Action (Re: Approval Notice for C26 Employment Authorization valid from November 2, 2020 to August 10, 2022);
  11. Exhibit 11: Copy of Appellant's Employment Authorization (Category C26 from November 2, 2020 to August 10, 2022);
  12. Exhibit 12: Copy of Department's SAVE Verification Results
    - a. Results initiated on March 4, 2021; and
    - b. Results initiated on March 30, 2021;
  13. Exhibit 13: Copy of Department's Monetary Determination, dated November 10, 2020;
  14. Exhibit 14: Copy of Appellant's Internal Message, dated December 22, 2020; and
  15. Exhibit 15: Copy of Department's Benefit Payment Control Unit ("BPC") Audit Sheet.

For the reasons stated below, the Department's Determination dated March 29, 2021 is **AFFIRMED**. Appellant is not eligible for benefits for the period of April 19, 2020 to December 26, 2020. The CNMI Department of Labor's Notice of Overpayment, dated April 6, 2021, is **AFFIRMED**. Appellant was overpaid in the total amount of \$11,160. However, Appellant is entitled to a waiver from recovery of the overpayment and does not need to repay the overpayment.

## II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits



1 called Pandemic Unemployment Assistance (“PUA”)<sup>3</sup> and Federal Pandemic Unemployment  
2 Compensation (“FPUC”).<sup>4</sup> On December 27, 2020, the Continued Assistance for Unemployed  
3 Workers Act of 2020 (“Continued Assistance Act”) amended and created new provisions of said  
4 federal unemployment insurance programs, which, among other things, extended the PUA and  
5 FPUC programs to March 13, 2021.<sup>5</sup> On March 11, 2021, the American Rescue Plan Act of 2021  
6 (“ARPA”) extended the programs to September 6, 2021. The CNMI Department of Labor is  
7 charged with the responsibility in administering the above-mentioned programs in the CNMI in  
8 accordance to applicable law.<sup>6</sup> The CNMI Department of Labor Administrative Hearing Office  
9 has been designated to preside over appeals of agency decisions.

10 Upon review of the records, the appeal was timely filed. Accordingly, jurisdiction is  
11 established.

### 12 III. PROCEDURAL HISTORY & ISSUES

13 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon  
14 review of Appellant’s application and supporting documents, the Department issued a  
15 Disqualifying Determination on March 29, 2021. On March 30, 2021, Appellant filed a request  
16 to appeal the Department’s determinations and findings. Upon appeal, the Department conducted  
17 an additional review of Appellant’s payment history. Then, on April 6, 2021, the Department  
18 issued a Notice of Overpayment in the amount of \$11,160. The issues on appeal are: (1) whether  
19 Appellant is eligible for PUA; and (2) whether an overpayment occurred and funds should be  
20 returned.

### 21 IV. FINDINGS OF FACT

22 In consideration of the evidence provided and credibility of witness testimony, the  
23 undersigned issues the following findings of fact:

24 ///

25 ///

26 <sup>3</sup> See Section 2102 of the CARES Act of 2020, Public Law 116-136.

27 <sup>4</sup> See Section 2104 of the CARES Act of 2020, Public Law 116-136.

28 <sup>5</sup> See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A (“Continued Assistance for  
Unemployed Workers Act of 2020” or “Continued Assistance Act”).

<sup>6</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.

- 1 1. Since February 18, 2016, Appellant was a Sales Associate for DFS Saipan Limited  
2 (“Employer”) in Garapan, Saipan.<sup>7</sup>
- 3 2. Due the economic impact of the pandemic, Employer implemented cost-cutting measures  
4 and reduced Appellant’s regular work hours. Specifically, from April 21, 2020 to Mid-  
5 May 2020, Appellant was placed on 50% furlough. Then, on May 20, 2020, Employee  
6 was laid off.<sup>8</sup>
- 7 3. On or around November 7, 2020, Appellant submitted an application<sup>9</sup> for unemployment  
8 assistance under the PUA and FPUC programs administered by the Department. In the  
9 initial application,<sup>10</sup> Appellant self-certified under penalty of perjury that:  
10 a. She is an Alien/Refugee Lawfully Admitted to U.S.;  
11 b. That her employment was affected as a direct result of a COVID-19 because her  
12 place of employment was closed; and  
13 c. Her employment was affected since April 21, 2020.
- 14 4. With respect to Appellant’s immigration status and employment authorization, Appellant  
15 provided testimony and substantiating evidence to demonstrate the following:  
16 a. Appellant was a Commonwealth Only Transitional Worker (“CW-1”) from  
17 October 1, 2019 to September 30, 2020;<sup>11</sup>  
18 b. Appellant was approved for nonimmigrant status H4, from November 2, 2020 to  
19 August 10, 2022;<sup>12</sup>  
20 c. Appellant has employment authorization to work in the CNMI under EAD Code  
21 C26, valid from November 2, 2020 to August 10, 2022.<sup>13</sup>
- 22 5. Appellant has no other documents or evidence to demonstrate that she is a qualified alien  
23 during the time period she is claiming benefits.
- 24 6. On November 10, 2020, the Department issued Determination<sup>14</sup> finding Appellant was  
25 financially eligible for PUA pursuant to 20 CFR Part 625. There, it states “[p]rovided you

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25 <sup>7</sup> Exhibit 6.

26 <sup>8</sup> Exhibits 6-7.

27 <sup>9</sup> Exhibit 1.

28 <sup>10</sup> *Id.*

<sup>11</sup> Exhibit 8.

<sup>12</sup> Exhibit 9.

<sup>13</sup> Exhibits 10-11.

<sup>14</sup> Exhibit 13.



1 meet all program deadlines and eligibility requirements during the week(s) claimed, you  
2 are eligible for a weekly benefit amount (WBA) of 345.”<sup>15</sup>

3 7. Based on an internal audit<sup>16</sup> the following payments were made to Appellant’s designated  
4 bank account:

5 a. On November 17, 2020, Appellant received \$8,990 in PUA benefits by direct  
6 deposit (ACH Transaction # 362024) for weeks ending April 25, 2020 to  
7 November 7, 2020;

8 b. On December 8, 2020, Appellant received \$1,240 in PUA benefits by direct  
9 deposit (ACH Transaction # 411990) for weeks ending November 14, 2020 to  
10 December 5, 2020;

11 c. On December 22, 2020, Appellant received \$620 in PUA benefits by direct deposit  
12 (ACH Transaction # 458836) for weeks ending December 12, 2020 to December  
13 19, 2020;

14 d. On January 12, 2021, Appellant received \$310 in PUA benefits by direct deposit  
15 (ACH Transaction # 471034) for week ending December 26, 2020;

16 8. The records show that Appellant received a total amount of \$11,160 in PUA benefits by  
17 direct deposit.

18 9. On December 22, 2020, Appellant sent an internal message to the Department to verify  
19 her case and make sure that she can access or use the PUA funds deposited in her account.

20 10. On March 4, 2021, the Department entered Appellant’s information into the Systematic  
21 Alien Verification for Entitlements (SAVE) database maintained by USCIS, Verification  
22 Division. This database is used to determine the immigration status of PUA applicants so  
23 only those entitled to benefits receive them. The SAVE results indicate that Appellant is  
24 a non-national who is admitted into the U.S. for a specific reason and for a limited period  
25 of time. The results further confirm that Appellant’s employment authorization is under  
26 Category C26.<sup>17</sup>

27 <sup>15</sup> The Department may issue a non-monetary and a monetary determination. A non-monetary determination speaks  
28 a claimant’s eligibility. A monetary determination is a calculation of how much a claimant would receive, after  
deducting reported income and the wages disregard, assuming Appellant is found to be eligible. The November 10,  
2020 is a monetary determination.

<sup>16</sup> Exhibit 15.

<sup>17</sup> Exhibit 12a.

1 11. On March 29, 2021, the Department issued a Disqualifying Determination effective April  
2 19, 2020 to December 26, 2020. There, the Department found that Appellant was not a  
3 qualified alien eligible for PUA or FPUC benefits.<sup>18</sup>

4 12. On March 30, 2021, Appellant filed the present appeal and the matter was scheduled for  
5 an Administrative Hearing.<sup>19</sup>

6 13. Upon appeal, the Department's re-entered Appellant's information into the SAVE. The  
7 SAVE results were unchanged.<sup>20</sup>

8 14. On April 6, 2021, the Department's Benefit Payment Control Unit ("BPC") issued an  
9 Initial Notice of Overpayment for the total amount of \$11,160 in PUA benefits for weeks  
10 ending April 19, 2020 to December 26, 2020.<sup>21</sup>

11 15. Appellant is requesting a waiver from repaying the overpayment amount because  
12 Appellant spent the benefits she received and is unable to repay the amount without  
13 incurring a financial hardship. The Department admits that the overpayment occurred  
14 without fault on Appellant and does not contest a waiver.

#### 15 V. CONCLUSIONS OF LAW

16 In consideration of the above-stated findings and applicable law, the undersigned issues the  
17 following conclusions of law:

##### 18 1. Appellant's employment was affected as a direct result of COVID-19.

19 In accordance with the CARES Act and Continued Assistance Act, payment of PUA and  
20 FPUC benefits are available to "covered individuals." A "covered individual" is someone who:  
21 (1) is not eligible for regular compensation or extended benefits under State or Federal law or  
22 pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including  
23 an individual who has exhausted all rights to regular unemployment or extended benefits under State  
24 or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107;<sup>22</sup> (2) self-  
certifies<sup>23</sup> that the individual is unemployed, partially unemployed, or unable or unavailable to work<sup>24</sup>

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25 <sup>18</sup> Exhibit 2.

26 <sup>19</sup> Exhibit 4.

27 <sup>20</sup> Exhibit 12b.

28 <sup>21</sup> Exhibit 3.

<sup>22</sup> This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal unemployment insurance programs in the CNMI.

<sup>23</sup> The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of perjury.

<sup>24</sup> A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible

1 as a direct result<sup>25</sup> of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, and  
2 (3) provides required documentation of employment/self-employment within the applicable period of  
3 time.<sup>26</sup>

4 With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act  
5 specifically identifies the COVID-19 qualifying reasons<sup>27</sup> as:

- 6 (aa) The individual has been diagnosed with COVID-19 or is  
7 experiencing symptoms of COVID-19 and is seeking a medical  
8 diagnosis;
- 9 (bb) A member of the individual's household has been diagnosed with  
10 COVID-19;
- 11 (cc) The individual is providing care for a family member or a member  
12 of the individual's household who has been diagnosed with  
13 COVID-19;
- 14 (dd) A child or other person in the household for which the individual  
15 has primary caregiving responsibility is unable to attend school or  
16 another facility that is closed as a direct result of the COVID-19  
17 public health emergency and such school or facility care is  
18 required for the individual to work;
- 19 (ee) The individual is unable to reach the place of employment because  
20 of a quarantine imposed as a direct result of the COVID-19 public  
21 health emergency;
- 22 (ff) The individual is unable to reach the place of employment because  
23 the individual has been advised by a health care provider to  
24 quarantine due to concerns related to COVID-19;
- 25 (gg) The individual was scheduled to commence employment and does  
26 not have a job or is unable to reach the job as a direct result of the  
27 COVID-19 public health emergency;
- 28 (hh) The individual has become the breadwinner or major support for  
a household because the head of the household has died as a direct  
result of COVID-19;
- (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

for benefits. *See* HAR § 12-5-35.

<sup>25</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>26</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.

<sup>27</sup> These reasons are further defined or illustrated in UIPL 16-20, Change 4.

(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>28</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 of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. This includes, but is not limited to, those related to facial mask wearing, physical distancing measures, or the provision of personal protective equipment consistent with public health guidelines;
- (3) An individual provides services to an educational institution or educational service agency and the individual is unemployed or partially unemployed because of volatility in the work schedule that is directly caused by the COVID-19 public health emergency. This includes, but is not limited to, changes in schedules and partial closures; and
- (4) An individual is an employee and their hours have been reduced or the individual was laid off as a direct result of the COVID-19 public health emergency.

Here, Appellant submitted a claim for PUA and FPUC Benefits self-certifying, under penalty of perjury, that her employment was affected as a direct result of COVID-19 because her Employer was closed. Appellant began experiencing a reduction of hours and shortly thereafter laid off. With the exception of a few sporadic sale events, Employer has been closed to the public since its closure in 2020. Based on the applicable law and evidence provided, Appellant's employment was affected under item (kk)(1) and (jj), listed above. Accordingly, Appellant's employment was affected as a direct result of COVID-19.

## **2. Appellant is not a qualified alien**

PUA and FPUC are federal public benefits as defined by 8 USC §1611(c). As a condition of eligibility for any federal public benefit, the claimant must be a "qualified alien" at the time relevant to the claim. 8 USC §1611(a). Pursuant to 8 USC §1641, the term "qualified alien" is:

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<sup>28</sup> See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

1. An alien admitted for permanent residence under the Immigration and Nationality Act (INA);
2. An alien granted asylum under § 208 of the INA;
3. A refugee admitted to the US under § 207 of the INA;
4. An alien paroled into the US under § 212(d)(5) of the INA for at least one year;
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. An alien granted conditional entry pursuant to § 203 (a)(7) of the INA;
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. 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.

Further, Section 265 of the Continued Assistance Act provides that a Commonwealth Only Transitional Worker (CW-1) shall be considered a qualified alien for purposes of eligibility under the PUA and FPUC programs. As provided in UIPL 16-20, change 4, page I-16, "CW-1 workers may receive PUA and FPUC if they meet all PUA eligibility requirements beginning with claims filed after December 27, 2020 (*i.e.*, claim effective dates beginning on or after January 3, 2021)."

Based on the evidence provided, the undersigned finds that Appellant does not meet the qualified alien definition above. First, Appellant was unable to provide any documentary evidence to substantiate her status under any of the qualified alien provisions, listed above. When asked about each provision, Appellant responded in the negative. Second, although Appellant was a CW-1 from October 1, 2019 to September 30, 2020, CW-1 workers were not considered qualified aliens for the purposes of PUA until after December 27, 2020. Third, Appellant's H4 visa and employment authorization under EAD Code C26 does not correspond to any qualified alien provision, listed above. Accordingly, based on the applicable law and evidence provided, Appellant was not a qualified alien at the time she claimed unemployment benefits.

**3. Appellant was overpaid and entitled to a waiver.**

"Benefits shall be paid promptly in accordance with a determination, redetermination, or decision or appeal."<sup>29</sup> However, "[a]ny individual who has received any amount as benefits . . . to which the individual was not entitled shall be liable for the amount unless the overpayment was

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<sup>29</sup> HRS § 383-43.



1 received without fault on the part of the recipient and its recovery would be against equity and  
2 good conscience.”<sup>30</sup> Fault<sup>31</sup> is defined as:

- 3 (A) A material statement made by the individual which the  
individual knew or should have known to be incorrect; or
- 4 (B) Failure to furnish information which the individual knew or  
should have known to be material; or
- 5 (C) Acceptance of a payment which the individual either knew or  
6 reasonably could have been expected to know was incorrect.

7 Based on federal guidance, “contrary to equity and good conscience” is tantamount to placing an  
8 individual below the poverty line and taking away basic necessities to live. In evaluating equity  
9 and good conscience,<sup>32</sup> the factors to consider include, but are not limited to:

- 10 (A) Whether notice of a redetermination was given to the claimant,  
as required ...
- 11 (B) Hardship to the claimant that the repayment may impose; and
- 12 (C) The effect, if any, that the repayment will have upon the  
13 fulfillment of the objectives of the program.<sup>33</sup>

14 Considering the discussion above, Appellant was not eligible to receive unemployment  
15 benefits and should not have been paid benefits under PUA or FPUC programs for the time period  
16 in question. Moreover, based on the evidence and testimony that Appellant received a total sum  
17 of \$11,160 despite being ineligible, it is clear that an overpayment occurred.

18 However, based on the evidence presented and applicable law, Appellant is entitled to a  
19 waiver of repaying the overpayment amount. Here, the undersigned finds that the payout occurred  
20 without Appellant’s fault. First, the Department is required to institute benefit payment controls and  
21 run a SAVE inquiry to confirm identification or eligibility for all aliens *before* issuing benefits.

22  
23 <sup>30</sup> HRS § 383-44. Section 2104(f)(2) of the CARES Act requires individuals who have received FPUC overpayments  
24 to repay these amounts to the state agency. Thereunder, the state has authority to waive repayments of FPUC if the  
25 payment was without fault on the part of the individual and such repayment would be contrary to equity and good  
26 conscience. Section 201(d) of the Continued Assistance Act amends Section 2102(d) of the CARES Act and  
authorizes states to waive the repayment if the state determines that the payment of PUA was without fault on the  
part of any such individual and such repayment would be contrary to equity and good conscience. This waiver  
authority applies to overpayments that meet this criterion at any time since the PUA program began.

27 <sup>31</sup> HRS 12-5-83.

<sup>32</sup> *Id.*

28 <sup>33</sup> PUA benefits were designed to be a critical lifeline for qualifying individuals facing a financial crisis amidst a  
pandemic. Issues of fraud and overpayments are of great consequence that jeopardizes the integrity of the program  
and availability of funds for eligible or qualified individuals.

1 However, in this case, the Department did not initiate a SAVE verification until March of 2021 –  
2 months after the benefit payout occurred. Essentially, this payment occurred due to insufficient  
3 controls on the online portal and delayed action by the Department. Second, the undersigned finds  
4 that Appellant did not make false material statements that she knew or should have known to be  
5 incorrect when she answered that she was an “Alien/Refugee Lawfully Admitted to U.S.” on her  
6 application. With respect to this issue, the undersigned recognizes that claimants are responsible for  
7 reading the published Benefit Rights Information handbook and must be held accountable for the  
8 representations made on an initial or weekly application. However, in this case, Appellant’s  
9 misunderstanding stems from an inconsistency in the published material and online application.  
10 Specifically, the Benefits Rights Information handbook and other publications refer to and define the  
11 term “Qualified Alien” but the initial application utilizes the term “Alien/Refugee Lawfully Admitted  
12 to US.” This issue is only exacerbated by the complex legal definition and language barrier. Third,  
13 the undersigned finds that Appellant did not accept or receive payment that she knew or should have  
14 known to be incorrect. In fact, after receiving this payment, Appellant made an effort to confirm or  
15 verify that she could access or use the funds deposited into her account before doing so.

16 Considering above, there is no showing of fault on Appellant’s part. Moreover, the undersigned  
17 finds that recovery would be contrary to equity and good conscience considering that Appellant  
18 has spent all the PUA benefits on basic necessities and has no means to repay the benefits without  
19 falling below the poverty line. Accordingly, a waiver of the entire overpayment in the amount of  
20 \$11,160 is justified and warranted.

## 21 VI. DECISION

22 For the reasons stated above, it is ORDERED that:

- 23 1. The CNMI Department of Labor’s Disqualifying Determination, dated March 29, 2021,  
24 is **AFFIRMED**;
- 25 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of April 19,  
26 2020 to December 26, 2020.
- 27 3. The CNMI Department of Labor’s Notice of Overpayment, dated April 6, 2021, is  
28 **AFFIRMED**;
4. Appellant was **OVERPAID** in the total amount of \$11,160 but the entire amount is  
**WAIVED** from repayment or recovery.

///

1 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
2 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
3 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
4 decision. The written request must be submitted to the Administrative Hearing Office, either in  
5 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at  
6 hearing@dol.gov.mp.

7 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
8 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
9 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
10 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
11 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
12 and court rule.

13 So ordered this 24th day of June, 2021.

14 /s/

15 **JACQUELINE A. NICOLAS**  
16 Administrative Hearing Officer  
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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

In Re Matter of: ) PUA Case No. 21-0104  
)  
Patricia Garshak, )  
)  
Appellant, ) ORDER DENYING REQUEST TO  
) REOPEN;  
v. ) FINAL AGENCY DECISION  
)  
CNMI Department of Labor, )  
Division of Employment Services-PUA, )  
)  
Appellee. )

I. INTRODUCTION

This matter came before the undersigned on June 18, 2021 pursuant to Appellant's request to reopen the decision issued on May 20, 2021 for the above-captioned case. For the reasons stated below, the Appellant's request is hereby **DENIED**.

II. LEGAL STANDARD

Pandemic Unemployment Assistance ("PUA") and Federal Pandemic Unemployment Compensation ("FPUC") was intended to support workers and employment affected by the COVID-19 pandemic. Pursuant to HAR §12-5-93(h)-(i), a decision may be reopened by written motion of the parties' or the Administrative Hearing Officer's own motion. If a case is reopened, "the [Administrative Hearing Officer] shall schedule the matter for further hearing and notify the parties to the appeal . . . ." HAR §12-5-93(i). A decision can only be reopened once by a particular party. HAR §12-5-93(j). In the event that an application to reopen is denied or parties have further objections to a subsequent decision, the parties may obtain judicial review. *Id.*

III. DISCUSSION

On May 20, 2021, the undersigned issued an Administrative Order affirming the Department's Disqualifying Determination as the appeal was found to be untimely. Specifically, Appellant filed the appeal after the 10-day deadline and when asked why, Appellant failed to provide any reason for the delay beyond mere oversight.

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1 On June 18, 2021, Appellant filed a request to reopen the case for a number of reasons. First,  
2 Appellant states she was not asked whether she wanted an open or closed hearing. Second,  
3 Appellant cited a medical reason as reason for the delay and untimeliness. Third, Appellant stated  
4 "several mistaken findings of fact" and the ability to present records of the date she arrived in  
5 Saipan after the Holiday. For the reasons discussed below, Appellant's request to reopen is not  
6 persuasive.

7 With respect to Appellant's first argument, the Administrative Order in this case was  
8 published in the Commonwealth Register pursuant to the Commonwealth Administrative  
9 Procedures Act.<sup>1</sup> Ultimately, Appellant's grievance does not affect the legal conclusion in this  
10 case or justify reopening the case.

11 With respect to Appellant's second argument, Appellant's stated a medical reason is the  
12 reason for her delay. Notably, Appellant was given an opportunity to explain her delay during the  
13 Administrative Hearing. Specifically, during the Administrative Hearing, Appellant stated that  
14 she saw the determination but missing the deadline was a simple oversight. Now, Appellant  
15 provides a reason which is in direct contradiction of her prior sworn testimony. Considering the  
16 inconsistency and lack of supporting documents to address this issue, the undersigned finds that  
17 Appellant's testimony under oath to be more reliable and credible. Appellant's second argument  
18 does not justify reopening the case.

19 With respect to Appellant's third argument, Appellant states the Administrative Order  
20 includes "several mistaken findings of fact." Notably, Appellant does not identify the mistaken  
21 findings of fact, nor demonstrate how that mistake affected the conclusion of this case. Moreover,  
22 upon review of the record, the undersigned concludes that the findings of fact were supported by  
23 the parties' testimonies and available evidence presented at the time of the hearing. A request to  
24 reopen is not an opportunity to relitigate issues and matters that were already discussed during  
25 the hearing.<sup>2</sup> The Notice of Hearing for this case gave Appellant ample time and instructions to  
26 prepare and timely submit proposed exhibits for consideration – Appellant's failure to prepare for  
27 or present her case is not a basis to reopen the case. Accordingly, Appellant's third argument does  
28 not justify reopening this case.

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<sup>1</sup> "No agency rule, order, or decision is valid or effective against any period or party nor may it be invoked by the agency until the rule, order, or decision has been filed with the Registrar of Corporations and the Governor. This provision is not applicable in favor of any person or party who has actual knowledge thereof" 1 CMC § 9102 (d).

<sup>2</sup> The doctrine of Res Judicata prevents the reopening of cases to relitigate issues once it has been judged on the merits.

1 And finally, upon review of the record, the undersigned finds that Appellant failed to establish  
2 that her employment was affected as a direct result of a listed COVID-19 reason in Section  
3 2102(a)(3)(A)(ii) of the CARES Act. Specifically, Appellant's employment with the NMI District  
4 Court was terminated prior to the pandemic and a dispute regarding repatriation benefits is wholly  
5 unrelated to COVID-19. Moreover, while Appellant may have a freelance court reporting agency  
6 in Pennsylvania and performed freelance work in Asia, Appellant did not have a valid business  
7 license to engage in that business in the CNMI during that time. Even if Appellant had a valid  
8 business license and reported a diminution in income, Appellant was never ordered to quarantine  
9 and decided not to work due to her fear of contracting COVID-19. Deciding to home-quarantine  
10 and not work due to a fear of COVID-19 is not a COVID-19 qualifying reason. Accordingly, the  
undersigned finds that there is no unwarranted deprivation of benefits in this case.

#### 11 IV. CONCLUSION

12 In conclusion, Appellant does not provide any new information to justify reopening this case  
13 or reversing the decision. Accordingly, based on the applicable law and circumstances of this  
14 case, Appellant's request to reopen is **DENIED**. The Administrative Order, issued May 20, 2021,  
15 and this present Order Denying Request to Reopen shall constitute a **FINAL AGENCY**  
**DECISION**.

16 In the event a party aggrieved by this Order would like to dispute or contest this decision, said  
17 party may seek judicial review with the CNMI Superior Court under the local Administrative  
18 Procedures Act within 30 days of this Order. *See* 1 CMC § 9112.

19  
20 So ordered this 6th day of July, 2021.

21 /s/  
22 **JACQUELINE A. NICOLAS**  
23 Administrative Hearing Officer  
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COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE



In Re Matter of: ) PUA Case No. 21-0112  
)  
William A. Kani Jr., )  
)  
Appellant, ) ADMINISTRATIVE ORDER  
)  
v. )  
)  
CNMI Department of Labor, )  
Division of Employment Services-PUA, )  
)  
Appellee. )

On June 23, 2021, the hearing was continued in order for the Department to review and consider new evidence. Upon review, on June 25, 2021, the Department issued a Qualifying Determination finding Appellant eligible for PUA benefits effective February 2, 2020. This Qualifying Determination superseded the disqualifying determination issued on September 29, 2020—which was the basis of the above-captioned appeal.

In consideration of above, the undersigned finds that there are no issues on appeal. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for July 21, 2021 is hereby **VACATED**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **20th** day of July, 2021.

/s/  
\_\_\_\_\_  
**JACQUELINE A. NICOLAS**  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) **PUA Case No. 21-0113**  
)  
Rayna Raymond, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
v. )  
)  
CNMI Department of Labor, )  
Division of Employment Services-PUA, )  
Appellee. )

**I. INTRODUCTION**

This matter came before the undersigned for an Administrative Hearing on June 25, 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. Appellant Rayna Raymond ("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 PUA Coordinator Brenda Lynn Sablan and Kimberly Degracia.

**Exhibits:**

1. Exhibit 1: Copy of the Appellant's Application Snapshot filed July 3, 2020;
2. Exhibit 2: Copy of Appellant's Weekly Certifications;
  - a. For week ending May 17, 2020 to May 23, 2020;
  - b. For week ending May 24, 2020 to May 30, 2020;
3. Exhibit 3: Copy of Department's Notice of Overpayment, dated January 21, 2021;
4. Exhibit 4: Copy of Department's Amended Notice of Overpayment, dated May 4, 2021;
5. Exhibit 5: Copy of Appellant's Request to File an Appeal, filed May 4, 2021;
6. Exhibit 6: Copy of Notice of Hearing, issued May 4, 2021;
7. Exhibit 7: Copy of Amended Notice of Hearing, issued June 9, 2021;
8. Exhibit 8: Copy of Appellant's Employment Certification, dated July 13, 2020;
9. Exhibit 9: Copy of Appellant's Letter re: Reduced Work Hours, dated August 27, 2020;

10. Exhibit 10: Copy of Appellant's Lay Off Letter, dated September 23, 2020;
11. Exhibit 11: Copy of Appellant's Paystubs;
12. Exhibit 12: Copy Department's Audit Sheet;
13. Exhibit 13: Copy of Appellant's Email Communications, dated July 21 and 22, 2020.

For the reasons stated below, the Department's Amended Notice of Overpayment, dated May 4, 2021 is **AFFIRMED**. Appellant was overpaid in the total amount of \$5,923.82 for week ending February 8, 2020 and weeks ending May 23, 2020 through July 11, 2020. Due to Appellant's fault in providing a false material statement on her weekly certifications, Appellant is not entitled to a waiver and is required to repay the total amount of \$5,923.82

## II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment Compensation ("FPUC")<sup>2</sup>. On December 27, 2020, the Continued Assistance for Unemployed Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said federal unemployment insurance programs, which, among other things, extended the PUA and FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is charged with the responsibility in administering the above-mentioned programs in the CNMI in accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office has been designated to preside over appeals of agency decisions.

Upon review of the records, the appeal was timely filed. Accordingly, jurisdiction is established.

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<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").

<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.

### III. PROCEDURAL HISTORY & ISSUES

Appellant filed a claim for unemployment benefits under the PUA and FPUC programs and was paid unemployment benefits based on the answers provided in her application and weekly certification. Upon further review of Appellant's application and supporting documents, the Department issued a Notice of Overpayment on January 21, 2021. Pursuant to Appellant's Request for Reconsideration, the Department issued an Amended Notice of Overpayment on May 4, 2021. The Department made no changes from its initial Notice of Overpayment. On May 4, 2021, Appellant filed a Request to Appeal the Department's Amended Notice of Overpayment. The matter was scheduled for a hearing then subsequently rescheduled due to an unforeseen conflict in schedule. As stated in the Amended Notice of Hearing, the issues on appeal are: (1) whether Appellant is eligible for PUA; and (2) whether an overpayment occurred and funds should be returned.

### IV. FINDINGS OF FACT

In consideration of the evidence provided and credibility of witness testimony, the undersigned issues the following findings of fact:

1. Prior to the COVID-19 pandemic, Appellant was employed as a Customer Service Supervisor for Pacific Airport Services ("Employer"). Generally, Appellant worked 32 hours per week for \$9.55 per hour.<sup>5</sup>
2. Because of the pandemic, a number of airlines suspended flights into Saipan. Specifically, Sichuan Airlines suspended flights effective February 1, 2020 and Skymark Airlines suspended flights effective March 26, 2020.
3. Due to the suspension of flights, Employer began reducing employee hours.<sup>6</sup> Based on pay stubs, Appellant received her customary hours and pay from January 26, 2020 to February 6, 2020. Appellant's hours were reduced to approximately 40-50 hours every two weeks the following pay period, beginning February 9, 2020.<sup>7</sup>
4. Employer received financial assistance from the Paycheck Protection Program ("PPP"), which covered employee payroll from May 5, 2020 to July 13, 2020.<sup>8</sup> During this time, Appellant received her customary wages and pay.<sup>9</sup>

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<sup>5</sup> Exhibit 8.

<sup>6</sup> Exhibits 8 and 9.

<sup>7</sup> Exhibit 11.

<sup>8</sup> Exhibits 9 and 13.

<sup>9</sup> Exhibit 11.

- 1 5. Appellant's hours were reduced to 10 hours effective July 14, 2020.<sup>10</sup> Subsequently,  
2 Appellant was placed on furlough and her last day of work was September 24, 2020.<sup>11</sup> To  
3 date, Appellant has not been recalled to work.
- 4 6. On or around July 3, 2020, Appellant submitted an application<sup>12</sup> for unemployment  
5 assistance under the PUA and FPUC programs administered by the Department. In her  
6 application, Appellant self-certified under penalty of perjury that:
  - 7 a. She is a citizen of Freely Associated States;
  - 8 b. That her employment was affected as a direct result of a COVID-19 because her  
9 hours were reduced; and
  - 10 c. Her employment was affected since February 2, 2020.
- 11 7. In her application, Appellant also acknowledged that it is her responsibility to read the Benefit  
12 Rights Information Handbook and that any false statements are punishable under law.
- 13 8. Subsequently, Appellant submitted weekly certifications dating back to February 2, 2020.  
14 Particularly, for the work weeks May 17, 2020 to May 30, 2020 and – Appellant certified  
15 under penalty of perjury that her place of employment was closed. Contrary to Appellant's  
16 certification, Appellant's place of employment was not closed at that time and Appellant  
17 received her customary pay and hours for that time period.<sup>13</sup>
- 18 9. After realizing Appellant's pay was supplemented or covered by PPP, Appellant emailed and  
19 visited the Department in an attempt to correct her initial application.<sup>14</sup>
- 20 10. Based on the answers submitted on Appellant's online application and weekly application,  
21 Appellant's claim adjudicated and processed for payment.<sup>15</sup>
  - 22 a. On August 11, 2020, Appellant received a direct deposit of \$15,876 (ACH  
23 Transaction No. 92879) in unemployment benefits for weeks ending February 8,  
24 2020 to August 8, 2020.
  - 25 b. On August 26, 2020, Appellant received a direct deposit of \$620 (ACH  
26 Transaction No. 127694) in unemployment benefits for weeks ending August 15,  
27 2020 to August 22, 2020.

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28 <sup>10</sup> Exhibit 8.

<sup>11</sup> Exhibit 10.

<sup>12</sup> Exhibit 1.

<sup>13</sup> Exhibit 11.

<sup>14</sup> Exhibit 13.

<sup>15</sup> Exhibit 12.



1 c. On September 1, 2020, Appellant received a direct deposit of \$310 (ACH  
2 Transaction No. 144313) in unemployment benefits for week ending August 29,  
3 2020.

4 d. On September 8, 2020, Appellant received a direct deposit of \$310 (ACH  
5 Transaction No. 154390) in unemployment benefits for week ending September  
6 5, 2020.

7 e. On September 22, Appellant received a direct deposit of \$620 (ACH Transaction  
8 No. 207063) for weeks ending September 12, 2020 to September 19, 2020.

9 11. In total, Appellant received \$17,736 in PUA and FPUC benefits.

10 12. Upon an audit of Appellant's paystubs and employer records, the Department's Benefit  
11 Payment Control Unit ("BPC") found Appellant overpaid in the amount of \$5,923.82 for  
12 weeks ending February 8, 2020 and May 23, 2020 through July 11, 2020 because Appellant  
13 earned her customary wages during that time period.

14 13. Appellant filed a request for BPC to reconsider its determination or Notice of Overpayment.  
15 Pursuant to Appellant's request for reconsideration, the BPC issued a second or amended  
16 Notice of Overpayment on May 4, 2021. Upon review of Appellant's claim, there were no  
17 changes made to BPC's findings and determination.

18 14. On May 4, 2021, Appellant filed an appeal to contest the Notice of Overpayment<sup>16</sup> and the  
19 matter was scheduled for a hearing.<sup>17</sup>

## 20 V. CONCLUSIONS OF LAW

21 In consideration of the above-stated findings and applicable law, the undersigned issues the  
22 following conclusions of law:

23 **1. Appellant's employment was not affected as a direct result of COVID-19 during the  
24 work weeks in question.**

25 In accordance with the CARES Act and Continued Assistance Act, payment of PUA and  
26 FPUC benefits are available to "covered individuals." A "covered individual" is someone who:  
27 (1) is not eligible for regular compensation or extended benefits under State or Federal law or  
28 pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including  
an individual who has exhausted all rights to regular unemployment or extended benefits under State  
or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107;<sup>18</sup> (2) self-

<sup>16</sup> Exhibit 5.

<sup>17</sup> Exhibit 6 and 7.

<sup>18</sup> This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal

1 certifies<sup>19</sup> that the individual is unemployed, partially unemployed, or unable or unavailable to work<sup>20</sup>  
2 as a direct result<sup>21</sup> of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, and  
3 (3) provides required documentation of employment/self-employment within the applicable period of  
4 time.<sup>22</sup>

5 With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act  
6 specifically identifies the COVID-19 qualifying reasons<sup>23</sup> as:

- 7 (aa) The individual has been diagnosed with COVID-19 or is  
8 experiencing symptoms of COVID-19 and is seeking a medical  
9 diagnosis;  
10 (bb) A member of the individual's household has been diagnosed with  
11 COVID-19;  
12 (cc) The individual is providing care for a family member or a member  
13 of the individual's household who has been diagnosed with  
14 COVID-19;  
15 (dd) A child or other person in the household for which the individual  
16 has primary caregiving responsibility is unable to attend school or  
17 another facility that is closed as a direct result of the COVID-19  
18 public health emergency and such school or facility care is  
19 required for the individual to work;  
20 (ee) The individual is unable to reach the place of employment because  
21 of a quarantine imposed as a direct result of the COVID-19 public  
22 health emergency;  
23 (ff) The individual is unable to reach the place of employment because  
24 the individual has been advised by a health care provider to  
25 quarantine due to concerns related to COVID-19;  
26 (gg) The individual was scheduled to commence employment and does  
27 not have a job or is unable to reach the job as a direct result of the  
28 COVID-19 public health emergency;  
(hh) The individual has become the breadwinner or major support for  
a household because the head of the household has died as a direct  
result of COVID-19;

unemployment insurance programs in the CNMI.

<sup>19</sup> The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of perjury.

<sup>20</sup> A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible for benefits. *See* HAR § 12-5-35.

<sup>21</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>22</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.

<sup>23</sup> These reasons are further defined or illustrated in UIPL 16-20, Change 4.

- (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>24</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 of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. This includes, but is not limited to, those related to facial mask wearing, physical distancing measures, or the provision of personal protective equipment consistent with public health guidelines;
- (3) An individual provides services to an educational institution or educational service agency and the individual is unemployed or partially unemployed because of volatility in the work schedule that is directly caused by the COVID-19 public health emergency. This includes, but is not limited to, changes in schedules and partial closures; and
- (4) An individual is an employee and their hours have been reduced or the individual was laid off as a direct result of the COVID-19 public health emergency.

For the time period in question, Appellant submitted a claim for PUA and FPUC Benefits self-certifying, under penalty of perjury, that her employment was affected as a direct result of COVID-19 because her Employer was closed. However, upon review of the Appellant's paystubs and employer records, Appellant's place of employment was not closed. Moreover, during the time period in question, Appellant's employment was not affected by COVID-19 and she received her customary hours and wages. Appellant did not meet any of the COVID-19 qualifying reasons listed above for work week ending February 8, 2020 and May 23, 2020 through July 11, 2020. Accordingly, for the time period stated above, Appellant's employment was not affected as a direct result of COVID-19.

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<sup>24</sup> See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

2. Appellant was overpaid but not entitled to a waiver from repaying the overpayment.

An overpayment occurs when an individual received a benefit payment, or a portion or a payment, to which the individual is not entitled. However, “[a]ny individual who has received any amount as benefits . . . to which the individual was not entitled shall be liable for the amount unless the overpayment was received without fault on the part of the recipient *and* its recovery would be against equity and good conscience.”<sup>25</sup> Fault<sup>26</sup> is defined as:

- (A) A material statement made by the individual which the individual knew or should have known to be incorrect; or
- (B) Failure to furnish information which the individual knew or should have known to be material; or
- (C) Acceptance of a payment which the individual either knew or reasonably could have been expected to know was incorrect.

Based on federal guidance, “contrary to equity and good conscience” is tantamount to placing an individual below the poverty line and taking away basic necessities to live. In evaluating equity and good conscience,<sup>27</sup> the factors to consider include, but are not limited to:

- (A) Whether notice of a redetermination was given to the claimant, as required ...
- (B) Hardship to the claimant that the repayment may impose; and
- (C) The effect, if any, that the repayment will have upon the fulfillment of the objectives of the program.<sup>28</sup>

Considering that Appellant’s employment was not affected during the weeks in question, Appellant should not have been paid benefits under PUA or FPUC. Moreover, considering that Appellant admits to having received the amount in question, it is clear that an overpayment occurred.

In determining whether Appellant is entitled to a waiver, the undersigned must review how the overpayment occurred and whether Appellant meets the legal standard, as stated above. Specifically, whether the Appellant is at fault and whether it would be against equity and good conscience to recover the overpayment.

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<sup>25</sup> HRS § 383-44. Section 2104(f)(2) of the CARES Act requires individuals who have received FPUC overpayments to repay these amounts to the state agency. Thereunder, the state has authority to waive repayments of FPUC if the payment was without fault on the part of the individual and such repayment would be contrary to equity and good conscience. Section 201(d) of the Continued Assistance Act amends Section 2102(d) of the CARES Act and authorizes states to waive the repayment if the state determines that the payment of PUA was without fault on the part of any such individual and such repayment would be contrary to equity and good conscience. This waiver authority applies to overpayments that meet this criterion at any time since the PUA program began.

<sup>26</sup> HRS 12-5-83.

<sup>27</sup> *Id.*

<sup>28</sup> PUA benefits were designed to be a critical lifeline for qualifying individuals facing a financial crisis amidst a pandemic. Issues of fraud and overpayments are of great consequence that jeopardizes the integrity of the program and availability of funds for eligible or qualified individuals.

1 Here, the undersigned finds that Appellant was at least partially at fault for this overpayment and  
2 it is not against equity and good conscience to recover the amount overpaid. As previously discussed,  
3 Appellant is responsible for the answers she puts on her initial and weekly applications. Further,  
4 Appellant is also responsible for reading the Benefit Rights Information Handbook and getting the  
5 necessary information so she can submit informed and accurate answers on her application. Upon  
6 review of this claim, it appears that Appellant was paid benefits based on the answers she submitted  
7 on her weekly certifications. Specifically, for week ending February 8, 2020, Appellant misreported  
8 the amount of earnings she received. Moreover, for weeks ending May 23, 2020 through July 11,  
9 2020, Appellant certified her place of employment was closed when it was not closed and she received  
10 her full or customary wages for that time. The undersigned recognizes that Appellant did not know  
11 that her paycheck was supplemented by the paycheck protection program. The undersigned also  
12 recognizes that Appellant attempt to reconcile that mistake on her application. However, that does not  
13 change the fact that Appellant knew or should have known that she received her customary wages and  
14 that her place of employment was not closed considering she went to work and received her pay. And  
15 lastly, considering Appellant is able to repay this overpayment by offsetting her future payments, the  
undersigned finds that it would not cause an undue financial hardship to repay the overpayment.  
Accordingly, based on the applicable law and evidence provided, Appellant is not entitled to a waiver.

## 16 VI. DECISION

17 For the reasons stated above, it is ORDERED that:

- 18 1. The CNMI Department of Labor's Amended Notice of Overpayment, dated May 4,  
19 2021, is **AFFIRMED**;
- 20 2. The Appellant is **OVERPAID** in the total amount of \$5,923.82 for PUA and FPUC  
21 benefits she is not entitled to and must repay the amount; and
- 22 3. Appellant is **ORDERED** to report to the Department's Benefit Payment Control Unit to  
23 discuss options for repayment or offsetting the overpayment, in accordance with the  
applicable rules.

24 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
25 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
26 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
27 decision. The written request must be submitted to the Administrative Hearing Office, either in  
28 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at  
hearing@dol.gov.mp.

1 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
2 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
3 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
4 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
5 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
6 and court rule.

7 So ordered this 6th day of July, 2021.

8 /s/

9 **JACQUELINE A. NICOLAS**  
10 Administrative Hearing Officer  
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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**DEPARTMENT OF LABOR**  
**ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) **PUA Case No. 21-0114**  
)  
Michaela B. Magboo, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
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 9, 2021 at 9:00 a.m. at the Administrative Hearing Office. Appellant Michaela B. Magboo ("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. There were no other witnesses that provided testimony at the hearing.

**Exhibits:**

1. Exhibit 1: Copy of the Appellant's Application Snapshot, filed June 17, 2020;
2. Exhibit 2: Copy of Department's Portal Communication/Notification, dated December 28, 2020;
3. Exhibit 3: Copy of Department's Disqualifying Determination dated December 29, 2020;
4. Exhibit 4: Copy of Appellant's Letter, dated March 29, 2021;
5. Exhibit 5: Copy of Appellant's Request to file an Appeal, filed May 4, 2021;
6. Exhibit 6: Copy of Appellant's Letter dated July 2, 2021;
7. Exhibit 7: Copy of the Notice of Hearing;
  - a. Notice of Hearing issued May 4, 2021; and
  - b. Order Continuing Hearing issued July 6, 2021;

8. Exhibit 8: Copy of the PUA Benefit Rights Information Handbook;
9. Exhibit 9: Copy of Marianas Variety Article re: PUA Appeals Process, dated October 15, 2020;
10. Exhibit 10: Copy of Saipan Tribune Article re: PUA Appeals Process, dated October 16, 2020;
11. Exhibit 11: Copy of Appellant's Separation Notice, dated March 29, 2020;
12. Exhibit 12: Copy of Appellant 10 Paystubs between March to August 2020;
13. Exhibit 13: Copy of Department's SAVE verification results, initiated November 30, 2020;
14. Exhibit 14: Copy of Appellant's USCIS I-485 Receipt Notice dated September 17, 2018;
15. Exhibit 15: Summary of Appellant's USCIS Case History;
16. Exhibit 16: Summary of Appellant's USCIS Application Follow Ups dated July 8, 2021;
17. Exhibit 17: Copy of Appellant's Permanent Resident Card, valid November 23, 2020 to November 23, 2030;
18. Exhibit 18: Copy of Appellant's EAD Card, Category C09 (valid March 3, 2020 to March 2, 2021); and
19. Exhibit 19: Copy of Department's Email from Benefit Payment Control Unit, dated June 29, 2021.

For the reasons stated below, the Department's Determination dated December 29, 2020 is **AFFIRMED**. Claimant is not eligible for benefits for the period of March 29, 2020 to November 28, 2020.

## II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment Compensation ("FPUC").<sup>2</sup> On December 27, 2020, the Continued Assistance for Unemployed

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<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 Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said  
2 federal unemployment insurance programs, which, among other things, extended the PUA and  
3 FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021  
4 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is  
5 charged with the responsibility in administering the above-mentioned programs in the CNMI in  
6 accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office  
7 has been designated to preside over appeals of agency decisions.

8 Upon review of the records, the appeal was not timely filed. Accordingly, jurisdiction is not  
9 established.

### 10 III. PROCEDURAL HISTORY & ISSUES

11 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon  
12 review of Appellant's application and supporting documents, the Department issued a  
13 Disqualifying Determination on December 29, 2020. On May 4, 2021, Appellant filed a request  
14 to appeal the Disqualifying Determination stating that she believes she is eligible for PUA based  
15 on her employment authorization. The matter was scheduled for an Administrative Hearing. As  
16 stated in the Notice of Hearing, the issues on appeal are: (1) whether the appeal is timely filed;  
17 (2) whether Appellant is eligible for PUA; and (3) whether an overpayment occurred and funds  
18 should be returned.

### 19 IV. FINDINGS OF FACT

20 In consideration of the evidence provided and credibility of witness testimony, the  
undersigned issues the following findings of fact:

- 21 1. Prior to the COVID-19 pandemic, Appellant was employed as a full time accountant for  
22 Hardt Eye Clinic ("Employer"), located in Chalan Lao Lao, Saipan. Generally, Appellant  
23 worked 30 hours or more, per week at \$15.01 per hour.<sup>5</sup> Because of the impact of the  
24 COVID-19 pandemic, Employer temporarily closed operations and reduced Appellant's  
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26 <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").

27 <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  
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 1.

1 hours at fluctuating rates.<sup>6</sup> While Appellant was paid for hours she did not actually work,  
2 Appellant did not receive her customary wages from March to August of 2020.<sup>7</sup>

3 2. On or around June 17, 2020, Appellant submitted an application<sup>8</sup> for unemployment  
4 assistance under the PUA and FPUC programs administered by the Department. In her  
5 application, Appellant self-certified under penalty of perjury that:

6 a. She is an Alien/Refugee Lawfully Admitted to the U.S.;

7 b. That her employment was affected as a direct result of a COVID-19 because she  
8 is the primary caregiver of a child who is unable to attend school or other facility  
9 that is closed as a direct result of COVID-19 and that school or other facility is  
10 required for him to work; and

11 c. Her employment was affected since March 29, 2020.

12 3. The answers provided in Appellant's initial application and weekly certifications were  
13 submitted under penalty of perjury. It is Appellant's responsibility to provide true,  
14 accurate, and complete answers. Moreover, it is Appellant's responsibility to be informed  
15 about the program by reading the PUA Benefit Rights Information Handbook and other  
16 official written material regarding PUA.

17 4. Appellant stated she briefly read the PUA handbook. However, Appellant did not read the  
18 Department press releases clarifying the appeals processes or review the instructions on  
19 the Appeal form.

20 5. Appellant returned to her customary hours on or around August 2020. Appellant stopped  
21 filing weekly claims when she returned to full time work.

22 6. With respect to Appellant's immigration status and employment authorization, Appellant  
23 provided testimony and substantiating evidence to demonstrate the following:

24 a. Appellant applied for permanent residency but her application was pending with  
25 USCIS at the time she filed her claims for unemployment;<sup>9</sup>

26 b. Appellant was granted permanent residency from November 23, 2020 to  
27 November 23, 2030;<sup>10</sup> and

28 <sup>6</sup> Exhibit 11.

<sup>7</sup> Exhibit 12.

<sup>8</sup> Exhibit 1.

<sup>9</sup> Exhibits 13-16.

<sup>10</sup> Exhibit 17.

c. Appellant has employment authorization to work in the CNMI under EAD Code C09, valid from March 3, 2020 to March 2, 2021.<sup>11</sup>

7. Appellant has no other documents or evidence to demonstrate that she was a qualified alien during the time period she is claiming benefits.

8. On November 30, 2020, the Department entered Appellant's information into the Systematic Alien Verification for Entitlements (SAVE) database maintained by USCIS, Verification Division. This database is used to determine the immigration status of PUA applicants so only those entitled to benefits receive them. The SAVE results<sup>12</sup> indicate that Appellant was a nonimmigrant with temporary employment authorization at the time she filed her unemployment claims. The results further confirm that Appellant's employment authorization was approved under Category C09.

9. On December 28, 2020, the Department notified Appellant about the Determination to be uploaded onto Appellant's portal.<sup>13</sup> On December 29, 2020, the Department issued a Disqualifying Determination<sup>14</sup> effective March 29, 2020 to November 28, 2020. There, the Department found that Appellant's employment was not eligible for unemployment benefits because she was not a U.S. Citizen, Non-citizen National, or Qualified Alien at the time of her claims.

10. Appellant did not immediately act on the Determination because she was busy at work. On March 29, 2021, contrary to appeal procedure and requirements, Appellant sent a letter<sup>15</sup> to the Department to initiate an appeal. Appellant did not correctly file her appeal<sup>16</sup> until May 4, 2021. Upon correctly filing the present appeal, the matter was scheduled<sup>17</sup> for an Administrative Hearing.

11. Upon appeal, the Department confirmed that no overpayment occurred in this case.<sup>18</sup>

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<sup>11</sup> Exhibit 18.

<sup>12</sup> Exhibit 13.

<sup>13</sup> Exhibit 2.

<sup>14</sup> Exhibit 3.

<sup>15</sup> Exhibit 4.

<sup>16</sup> Exhibit 5-6.

<sup>17</sup> Exhibit 7.

<sup>18</sup> Exhibit 19.

## V. CONCLUSIONS OF LAW

In consideration of the above-stated findings and applicable law, the undersigned issues the following conclusions of law:

### 1. Appellant's appeal is not timely filed.

Generally, an appeal should be filed within ten days after the Notice of Determination was issued or served to the claimant. However, the Department may extend the period to thirty days by a showing of good cause.<sup>19</sup> Good cause means: (1) illness or disability; (2) keeping an appointment for a job interview; (3) attending a funeral of a family member; and (4) any other reason which would prevent a reasonable person from complying as directed.<sup>20</sup>

On June 17, 2020, Appellant filed an application for federal unemployment benefits. Therein, Appellant designated internal message with email notification as her preferred method of notification. Also in the application, Appellant acknowledged that it is her responsibility to read the PUA Benefit Rights Information Handbook and any other official written material provided. Notably, the PUA Handbook was publicly available throughout the program and included important information regarding program requirements and processes—including appeals. Moreover, because of the online portal's erroneous instructions issued along with determinations, the Department issued a number of press releases to clarify the appeals processes and directed claimants to the PUA handbook and applicable forms.

On December 29, 2020, the Department issued a Disqualifying Determination—after notifying Appellant that an important document was going to be uploaded to her portal. Therein, the Department found that Appellant was not eligible for PUA because she was not a US Citizen, Non-citizen National, or Qualified Alien. The Determination stated that Appellant has 10 calendar days to file an appeal and stated that the appeal “**must be received or postmarked by 1/08/2021.**”

During the Administrative Hearing, Appellant stated she only briefly reviewed the published handbook and did not read the press release or published form instructions. Moreover, as shown above, Appellant did not correctly file her appeal until approximately four months after the determination. The undersigned recognizes Appellant was busy after being returned to full time work – however, the appeal form was a fillable .pdf form published online and could be emailed to the Administrative Hearing Office. Moreover, when Appellant first took action to file her

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<sup>19</sup> HL Rev. Statute § 383-38(a).

<sup>20</sup> HAR § 12-5-81(j).

1 appeal in March 29, 2021 – Appellant utilized the wrong form and did not submit her appeal to  
2 the correct office. Simply, the appeal is untimely because Appellant failed to read and follow  
3 instructions for filing an appeal. Generally, the failure to read and follow instructions is not good  
4 cause for an extension. However, even if a 30-day extension was granted for good cause,  
5 Appellant's appeal would still be approximately four months late.

6 Ultimately, Appellant's appeal is untimely. Considering that the Appellant's appeal is  
7 untimely, the Department's Determination is final and the latter issues are moot.

## 8 VI. DECISION

9 For the reasons stated above, it is ORDERED that:

- 10 1. The CNMI Department of Labor's Disqualifying Determination, dated December 29,  
11 2020 is **AFFIRMED**; and  
12 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of March 29,  
13 2020 to November 28, 2020.

14 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
15 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
16 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
17 decision. The written request must be submitted to the Administrative Hearing Office, either in  
18 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at  
19 hearing@dol.gov.mp.

20 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
21 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
22 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
23 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
24 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
25 and court rule.

26 So ordered this **13th** day of July, 2021.

27 /s/

28 **JACQUELINE A. NICOLAS**  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) **PUA Case No. 21-0115**  
)  
Jess E. Acuavera, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
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 7, 2021 at 9:00 a.m. at the Administrative Hearing Office. Appellant Jess E. Acuavera ("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. There were no other witnesses that provided testimony at the hearing.

**Exhibits:**

1. Exhibit 1: Copy of the Appellant's Application Snapshot, filed July 10, 2020;
2. Exhibit 2: Copy of Department's Disqualifying Determination dated November 17, 2020;
3. Exhibit 3: Copy of Appellant's Letter, dated March 29, 2021;
4. Exhibit 4: Copy of Appellant's Request to file an Appeal, filed May 5, 2021;
5. Exhibit 5: Copy of the Notice of Hearing issued May 5, 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;

9. Exhibit 9: Copy of Appellant's Separation Notice, dated March 29, 2020;
10. Exhibit 10: Copy of Appellant 10 Paystubs between March to August 2020;
11. Exhibit 11: Copy of Department's SAVE verification results, initiated October 26, 2020;
12. Exhibit 12: Copy of Appellant's Permanent Resident Card, valid December 3, 2020 to December 3, 2030;
13. Exhibit 13: Copy of Appellant's EAD Card, Category C09P (valid January 9, 2020 to January 8, 2021; and
14. Exhibit 14: Copy of Department's Email from Benefit Payment Control Unit, dated June 30, 2021.

For the reasons stated below, the Department's Determination dated November 17, 2020 is **AFFIRMED**. Claimant is not eligible for benefits for the period of March 22, 2020 to December 26, 2020.

## II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment Compensation ("FPUC").<sup>2</sup> On December 27, 2020, the Continued Assistance for Unemployed Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said federal unemployment insurance programs, which, among other things, extended the PUA and FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is charged with the responsibility in administering the above-mentioned programs in the CNMI in accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office has been designated to preside over appeals of agency decisions.

<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").

<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

1 Upon review of the records, the appeal was not timely filed. Accordingly, jurisdiction is not  
2 established.

### 3 III. PROCEDURAL HISTORY & ISSUES

4 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon  
5 review of Appellant's application and supporting documents, the Department issued a  
6 Disqualifying Determination on November 17, 2020. On May 5, 2021, Appellant filed a request  
7 to appeal the Disqualifying Determination stating that he believes he is eligible for PUA based  
8 on his employment authorization. The matter was scheduled for an Administrative Hearing. As  
9 stated in the Notice of Hearing, the issues on appeal are: (1) whether the appeal is timely filed;  
10 (2) whether Appellant is eligible for PUA; and (3) whether an overpayment occurred and funds  
11 should be returned.

### 11 IV. FINDINGS OF FACT

12 In consideration of the evidence provided and credibility of witness testimony, the  
13 undersigned issues the following findings of fact:

- 14 1. Prior to the COVID-19 pandemic, Appellant was employed as a full time Optical  
15 Technician or Optician for Hardt Eye Clinic ("Employer"), located in Chalan Lao Lao,  
16 Saipan. Generally, Appellant worked 32 hours or more, per week at \$11.62 per hour.  
17 Because of the impact of the COVID-19 pandemic, Employer reduced Appellant's hours  
18 at fluctuating rates.<sup>5</sup>
- 19 2. On or around June 10, 2020, Appellant submitted an application<sup>6</sup> for unemployment  
20 assistance under the PUA and FPUC programs administered by the Department. In his  
21 application, Appellant self-certified under penalty of perjury that:
  - 22 a. He is an Alien/Refugee Lawfully Admitted to the U.S.;
  - 23 b. That his employment was affected as a direct result of a COVID-19 because he is  
24 the primary caregiver of a child who is unable to attend school or other facility  
25 that is closed as a direct result of COVID-19 and that school or other facility is  
26 required for him to work; and
  - 27 c. His employment was affected since March 28, 2020.

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> Exhibits 9-10.

<sup>6</sup> Exhibit I.



- 1 3. The answers provided in Appellant's initial application and weekly certifications were  
2 submitted under penalty of perjury. It is Appellant's responsibility to provide true,  
3 accurate, and complete answers. Moreover, it is Appellant's responsibility to be informed  
4 about the program by reading the PUA Benefit Rights Information Handbook and other  
5 official written material regarding PUA.
- 6 4. Appellant did not read the PUA handbook,<sup>7</sup> the Department press releases<sup>8</sup> clarifying the  
7 appeals processes, or the instructions<sup>9</sup> on the Appeal form.
- 8 5. Appellant returned to his customary hours on or around August 2020. Appellant stopped  
9 filing weekly claims when he returned to full time work.
- 10 6. With respect to Appellant's immigration status and employment authorization, Appellant  
11 provided testimony and substantiating evidence to demonstrate the following:
  - 12 a. Appellant applied for permanent residency but his application was pending with  
13 USCIS at the time he filed his claims for unemployment;
  - 14 b. Appellant was granted permanent residency from December 3, 2020 to December  
15 3, 2030;<sup>10</sup> and
  - 16 c. Appellant has employment authorization to work in the CNMI under EAD Code  
17 C09P, valid from January 9, 2020 to January 8, 2021.<sup>11</sup>
- 18 7. Appellant has no other documents or evidence to demonstrate that he was a qualified alien  
19 during the time period he is claiming benefits.
- 20 8. On October 26, 2020, the Department entered Appellant's information into the Systematic  
21 Alien Verification for Entitlements (SAVE) database maintained by USCIS, Verification  
22 Division. This database is used to determine the immigration status of PUA applicants so  
23 only those entitled to benefits receive them. The SAVE results indicate that Appellant was  
24 a nonimmigrant with temporary employment authorization. The results further confirm  
25 that Appellant's employment authorization was approved under Category C09P.

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<sup>7</sup> Exhibit 6.

<sup>8</sup> Exhibit 7-8.

<sup>9</sup> See Exhibit 4.

<sup>10</sup> Exhibit 12.

<sup>11</sup> Exhibit 13.

1 9. On November 17, 2020, the Department issued a Disqualifying Determination<sup>12</sup> effective  
2 March 22, 2020 to December 26, 2020. There, the Department found that Appellant's  
3 employment was not eligible for unemployment benefits because he was not a U.S.  
4 Citizen, Non-citizen National, or Qualified Alien at the time of his claims.

5 10. Appellant did not immediately act on the Determination because he was busy at work and  
6 does not regularly check his email or online portal. On March 29, 2021, contrary to appeal  
7 procedure and requirements, Appellant sent a letter<sup>13</sup> to the Department to initiate an  
8 appeal. Appellant did not correctly file his appeal until May 5, 2021.<sup>14</sup> Upon correctly  
9 filing the present appeal, the matter was scheduled for an Administrative Hearing.<sup>15</sup>

10 11. Upon appeal, the Department confirmed that no overpayment occurred in this case.<sup>16</sup>

#### 11 V. CONCLUSIONS OF LAW

12 In consideration of the above-stated findings and applicable law, the undersigned issues the  
13 following conclusions of law:

##### 14 1. Appellant's appeal is not timely filed.

15 Generally, an appeal should be filed within ten days after the Notice of Determination was  
16 issued or served to the claimant. However, the Department may extend the period to thirty days  
17 by a showing of good cause.<sup>17</sup> Good cause means: (1) illness or disability; (2) keeping an  
18 appointment for a job interview; (3) attending a funeral of a family member; and (4) any other  
19 reason which would prevent a reasonable person from complying as directed.<sup>18</sup>

20 On July 10, 2020, Appellant filed an application for federal unemployment benefits. Therein,  
21 Appellant designated email as his preferred method of notification. Also in the application,  
22 Appellant acknowledged that it is his responsibility to read the PUA Benefit Rights Information  
23 Handbook and any other official written material provided. Notably, the PUA Handbook was  
24 publicly available throughout the program and included important information regarding program  
25 requirements and processes—including appeals. Moreover, because of the online portal's  
26 erroneous instructions issued along with determinations, the Department issued a number of press

27 <sup>12</sup> Exhibit 2.

28 <sup>13</sup> Exhibit 3.

<sup>14</sup> Exhibit 4.

<sup>15</sup> Exhibit 5.

<sup>16</sup> Exhibit 14.

<sup>17</sup> Hl. Rev. Statute § 383-38(a).

<sup>18</sup> HAR § 12-5-81(j).

1 releases to clarify the appeals processes and directed claimants to the PUA handbook and  
2 applicable forms.

3 On November 17, 2020, the Department issued a Disqualifying Determination. Therein, the  
4 Department found that Appellant was not eligible for PUA because he was not a US Citizen, Non-  
5 citizen National, or Qualified Alien. The Determination stated that Appellant has 10 calendar days  
6 to file an appeal and stated that the appeal “**must be received or postmarked by 12/01/2020.**”

7 During the Administrative Hearing, Appellant stated he did not read the published BRI, the  
8 appeal form instructions, or the published press releases. Moreover, as shown above, Appellant  
9 did not correctly file his appeal until approximately six months after the determination. The  
10 undersigned recognizes Appellant was busy after being returned to full time work – however, the  
11 appeal form was a fillable .pdf form published online and could be emailed to the Administrative  
12 Hearing Office. Moreover, when Appellant first took action to file his appeal in March 29, 2021  
13 – Appellant utilized the wrong form and did not submit his appeal to the correct office. Simply,  
14 the appeal is untimely because Appellant failed to read and follow instructions for filing an appeal.  
15 Generally, the failure to read and follow instructions is not good cause for an extension. However,  
16 even if a 30-day extension was granted for good cause, Appellant’s appeal would still be  
17 approximately 5 months late.

18 Ultimately, Appellant’s appeal is untimely. Considering that the Appellant’s appeal is  
19 untimely, the Department’s Determination is final and the latter issues are moot.

## 20 VI. DECISION

21 For the reasons stated above, it is ORDERED that:

- 22 1. The CNMI Department of Labor’s Disqualifying Determination, dated November 17,  
23 2020 is **AFFIRMED**; and
- 24 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of March 22,  
25 2020 to December 26, 2020.

26 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
27 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
28 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.

1 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
2 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
3 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
4 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
5 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
6 and court rule.

7 So ordered this 13th day of July, 2021.

/s/

**JACQUELINE A. NICOLAS**  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) PUA Case No. 21-0117  
)  
Soyeon Kim, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
v. )  
)  
CNMI Department of Labor, )  
Division of Employment Services-PUA, )  
)  
Appellee. )

This matter came before the undersigned for an Prehearing Conference on July 9, 2021 at 9:00 a.m. at the Administrative Hearing Office. Appellant Soyeon Kim (“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 PUA Coordinator Jenny Lee. Interpreter Sean Lee facilitated communication during the hearing. There were no other witnesses that provided testimony at the hearing.

On May 4, 2021, the Department’s Benefit Payment Control Unit (“BPC”) issued a Notice of Overpayment finding Appellant overpaid unemployment benefits in the total amount of \$24,555 for weeks ending March 21, 2020 to December 12, 2020. On May 13, 2021, Appellant filed an appeal to contest a Notice of Overpayment and the matter was scheduled for a hearing. Upon review and in preparation for a hearing, the BPC PUA Coordinator issued an Amended Determination on June 16, 2021 finding that no overpayment occurred during the above-mentioned time period. Accordingly, Appellant filed a request to withdraw her appeal. Unexpectedly, the Department filed a number of motions and requests stating that the appeal should not be dismissed because of ongoing issues and the need to further investigate the claim. The Department requested to proceed with a hearing in order to determine whether Appellant is eligible and/or overpaid. However, a second amended determination or notice of overpayment was never issued and the Department has made no findings to review on appeal.

///

1 As a preliminary matter, the PUA Coordinator's actions in this case are very concerning. First,  
2 the haphazard issuance of notices or determinations demonstrate a lack of proficiency and  
3 understanding of procedures. Worse, it demonstrates an indifference for the claimants whose lives  
4 are deeply impacted by these decisions. At a time when public assistance is a critical lifeline for  
5 many, PUA coordinators must strive for consistency in procedures and careful consideration in  
6 their decisions. Second, the filings in this case are generally unsupported by law and not  
7 persuasive. While the undersigned recognizes that the PUA coordinators do not have a legal  
8 background, motions and requests should be based on the applicable law.

9 Here, the PUA Coordinator clearly misunderstands the Administrative Hearing Office's role  
10 with respect to PUA appeals. Appeals and hearings are an avenue for claimants to contest  
11 Department determinations or decisions before an impartial trier of fact. Clearly, Department  
12 investigations and audits should be conducted by the PUA coordinators prior to issuing a  
13 Determination or Notice of Overpayment. It is improper for the Department or PUA coordinators  
14 to utilize this Office to conduct their adjudication and fact-finding during a hearing. To do  
15 otherwise would improperly shift their duties and responsibilities to the undersigned, impact  
16 separation of roles, and potentially create conflicts of interest or an appearance of impropriety in  
17 this case. While the undersigned recognizes that Department's dilemma in this case, the  
18 unsystematic filings and requests to proceed with a hearing cannot overcome these issues.

19 In consideration of above, the undersigned finds that the Department's adjudication is still  
20 pending and that there are no actual findings to contest at a hearing at this time. Simply, the  
21 undersigned finds that this matter is not ripe for appeal and dismissal is appropriate. Accordingly,  
22 this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for July 13, 2021  
23 at 9:00 a.m. is **VACATED**. The parties should note that this dismissal does not prevent the  
24 Department from issuing a new determination. In the event that the Appellant disagrees with a  
25 subsequent determination or notice, Appellant may file a new appeal.

26 So ordered this 9th day of July, 2021.

27 /s/  
28 **JACQUELINE A. NICOLAS**  
Administrative Hearing Officer



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**DEPARTMENT OF LABOR**  
**ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) **PUA Case No. 21-0118**  
)  
Joaquin Lizama, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
v. )  
)  
CNMI Department of Labor, )  
Division of Employment Services-PUA, )  
)  
Appellee. )

**I. INTRODUCTION**

This matter came before the undersigned for an Administrative Hearing on June 17, 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. Appellant Joaquin Lizama ("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 PUA Coordinator Britney Takai and PUA Coordinator Caitlin King.

**Exhibits:**

1. Exhibit 1: Copy of Appellant's Application Snapshot, filed June 23, 2020;
2. Exhibit 2: Copy of Appellant's Weekly Certifications;
3. Exhibit 3: Copy of Appellant's Resignation Letter;
4. Exhibit 4: Copy of Appellant's Employment Certification Documents;
5. Exhibit 5: Copy of Appellant's Self-Certification Letter, dated February 26, 2021;
6. Exhibit 6: Copy of Appellant's Disqualifying Determination dated June 1, 2021;
7. Exhibit 7: Copy of Appellant's Disqualifying Determination dated May 6, 2021;
8. Exhibit 8: Copy of Department's Benefit Payment Control Audit Sheet;
9. Exhibit 9: Copy of Department's Payment Verification Email;
10. Exhibit 10: Copy of Department's Notice of Overpayment, dated June 3, 2021;

1 11. Exhibit 11: Copy of Department's Amended Notice of Overpayment, dated June 16,  
2 2021;

3 12. Exhibit 12: Copy of Appellant's Request to File Appeal, filed May 14, 2021; and

4 13. Exhibit 13: Copy of Notice of Hearing, issued May 14, 2021.

5 For the reasons stated below, the Department's Determination dated June 1, 2021 is  
6 **AFFIRMED**. Claimant is not eligible for benefits for the period of March 1, 2020 to March 21,  
7 2020. Also, the Department's Determination dated May 6, 2021 is **AFFIRMED**. Claimant is not  
8 eligible for benefits for the period of April 15, 2020 to September 4, 2021. The CNMI Department  
9 of Labor's Amended Notice of Overpayment, dated June 16, 2021, is **AFFIRMED**. Appellant  
10 was overpaid in the total amount of \$18,760. However, Appellant is entitled to a waiver from  
11 recovery of the overpayment and does not need to repay the overpayment.

## 12 II. JURISDICTION

13 On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of  
14 2020 was signed into law creating new temporary federal programs for unemployment benefits  
15 called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment  
16 Compensation ("FPUC")<sup>2</sup>. On December 27, 2020, the Continued Assistance for Unemployed  
17 Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said  
18 federal unemployment insurance programs, which, among other things, extended the PUA and  
19 FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021  
20 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is  
21 charged with the responsibility in administering the above-mentioned programs in the CNMI in  
22 accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office  
23 has been designated to preside over appeals of agency decisions.

24  
25 <sup>1</sup> See Section 2102 of the CARES Act of 2020, Public Law 116-136.

26 <sup>2</sup> See Section 2104 of the CARES Act of 2020, Public Law 116-136.

27 <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").

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.



1 Upon review of the records, the appeal was timely filed. Accordingly, jurisdiction is  
2 established.

### 3 III. PROCEDURAL HISTORY & ISSUES

4 Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon  
5 review of Appellant's application and supporting documents, the Department issued a  
6 Disqualifying Determination on May 6, 2021 and on June 1, 2021 because Appellant's resignation  
7 was not a direct result of the COVID-19 pandemic. Additionally, on June 16, 2021, the  
8 Department issued an Amended Notice of Overpayment in the amount of \$18,760. On May 14,  
9 2021, Appellant filed a request to appeal the Department's determinations and findings. As stated  
10 in the Notice of Hearing, the issues on appeal are: (1) whether Appellant is eligible for PUA; and  
(2) whether an overpayment occurred and funds should be returned.

### 11 IV. FINDINGS OF FACT

12 In consideration of the evidence provided and credibility of witness testimony, the  
13 undersigned issues the following findings of fact:

- 14 1. Prior to the pandemic, Appellant was employed as a part-time warehouse personnel at J.C.  
15 Tenorio Enterprises, Inc. ("Employer") in Susupe, Saipan. Appellant was employed by  
16 Employer from January 13, 2020 to April 15, 2020.<sup>5</sup>
- 17 2. Due the economic impact of the pandemic, Employment implemented cost-cutting  
18 measures and reduced Appellant's regular work hours, as follows:<sup>6</sup>
  - 19 a. Effective March 25, 2020 to March 28, 2020, Appellant's hours were reduced from  
20 31 hours to 24 hours;
  - 21 b. Effective March 29, 2020 to April 4, 2020, Appellant's hours were reduced from  
22 24 hours to 32 hours; and
  - 23 c. Effective April 5, 2020 to April 15, 2020, Appellant's hours were reduced from  
24 32 hours to 30 hours.
- 25 3. Effective April 15, 2020, Appellant resigned from Employer for personal reasons.<sup>7</sup>  
26 Specifically, Appellant wanted to relocate to the island of Tinian to reunite his mother-in-  
27 law with the family. Moreover, Appellant admitted that he wanted to resign due to a

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28 <sup>5</sup> Exhibit 4.

<sup>6</sup> Exhibit 4; *see also* Exhibit 1.

<sup>7</sup> Exhibit 3; *see also* Exhibit 5.

1 general fear of contracting COVID-19. To be clear, however, the resignation was not due  
2 to a medical provider advising Appellant to quarantine and Appellant did not present any  
3 underlying medical condition or illness that would make him highly susceptible or  
4 vulnerable to COVID-19.

- 5 4. On or around April 18, 2020, Appellant relocated to Tinian. Upon arriving in Tinian,  
6 Appellant was required to self-quarantine at home for 14 days pursuant to COVID-19  
7 protocols in place at the time.<sup>8</sup>
- 8 5. On or around June 23, 2020, Appellant submitted an application<sup>9</sup> for unemployment  
9 assistance under the PUA and FPUC programs administered by the Department. At  
10 Appellant's request and on Appellant's behalf, then-girlfriend Ruth M. Ada filled out and  
11 submitted Appellant's application. Since Appellant did not have a bank account,  
12 Appellant utilized Ms. Ada's bank account.
- 13 6. In the initial application,<sup>10</sup> Appellant self-certified under penalty of perjury that:
- 14 a. That his employment was affected as a direct result of a COVID-19 because he is  
15 unable to reach the place of employment because he was advised by a health care  
16 provider to self-quarantine due to concerns related to COVID-19;
  - 17 b. That his employment was affected for "other" reasons such as a reduction in hours,  
18 resignation due to relocation, and a mandatory 14-day home quarantine after  
19 relocation; and
  - 20 c. His employment was affected since March 5, 2020.
- 21 7. Upon review of his claim, the Department found that it needed to further review and  
22 investigate to determine whether Appellant's employment was affected by a qualifying  
23 COVID-19 reason. For that reason, on July 13, 2020, the Department created an issue or  
24 red-flagged Appellant's claim to prevent improper payment of benefits.
- 25 8. On August 7, 2020, former PUA Coordinator Arlyn Arboleda cleared the issue and  
26 Appellant's claim was processed for payment. It is unknown why Ms. Arboleda processed  
27 Appellant's claim for payment. The Department stated that Ms. Arboleda's actions were  
28 incorrect and the claim should not have been cleared for payment.

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<sup>8</sup> See Exhibit 1.

<sup>9</sup> Exhibit 1.

<sup>10</sup> *Id.*

- 1 9. On May 6, 2021, the Department issued a Disqualifying Determination effective April 15,  
2 2020 to September 4, 2021. There, the Department found that Appellant's employment  
3 was not affected by a COVID-19 qualifying reason because Appellant resigned for  
4 personal reasons unrelated to a COVID-19 qualifying reason.
- 5 10. On June 1, 2021, the Department issued a second Disqualifying Determination effective  
6 March 1, 2020 to March 21, 2020. There, the Department found that Appellant's  
7 employment was not affected by a COVID-19 qualifying reason because Appellant work  
8 hours were not reduced until March 22, 2020.
- 9 11. Based on an internal audit<sup>11</sup> and confirmation with the Department of Finance,<sup>12</sup> the  
10 following payments were made to Appellant's designated bank account:
  - 11 a. On August 11, 2020, Appellant received \$16,375 in federal unemployment  
12 benefits by direct deposit (ACH Transaction # 93541) for weeks ending March 7,  
13 2020 to April 18, 2020;
  - 14 b. On September 8, 2020, Appellant received \$1,035 in in federal unemployment  
15 benefits by direct deposit (ACH Transaction # 158609) for weeks ending August  
16 15, 2020 to August 29, 2020;
  - 17 c. On September 15, 2020, Appellant received \$690 in federal unemployment  
18 benefits by direct deposit (ACH Transaction # 184574) for weeks ending  
19 September 5, 2020 to September 12, 2020;
  - 20 d. On September 22, 2020, Appellant received \$345 in federal unemployment  
21 benefits by direct deposit (ACH Transaction # 207810) for week ending  
22 September 19, 2020;
  - 23 e. On September 29, 2020, Appellant received \$345 in federal unemployment  
24 benefits by direct deposit (ACH Transaction # 232505) for week ending  
25 September 26, 2020;
  - 26 f. On October 13, 2020, Appellant received \$690 in federal unemployment benefits  
27 by direct deposit (ACH Transaction # 247997) for weeks ending October 3, 2020  
28 to October 10, 2020;

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<sup>11</sup> Exhibit 8.

<sup>12</sup> Exhibit 9.

- g. On October 20, 2020, Appellant received \$345 in federal unemployment benefits by direct deposit (ACH Transaction # 271082) for week ending October 24, 2020;
  - h. On October 27, 2020, Appellant received \$345 in federal unemployment benefits by direct deposit (ACH Transaction # 278381) for week ending October 27, 2020;
  - i. On November 3, 2020, Appellant received \$345 in federal unemployment benefits by direct deposit (ACH Transaction # 308442) for week ending October 31, 2020; and
  - j. On November 10, 2020, Appellant received \$345 in federal unemployment benefits by direct deposit (ACH Transaction # 331663) for week ending November 7, 2020.
12. The records show that Appellant received a total amount of \$20,860 in federal unemployment benefits by direct deposit. However, Appellant claims to only have knowledge of the first direct deposit in the amount of \$16,375. Appellant claims he no longer has access to the bank account or deposited funds because he has broken up with his girlfriend and he cannot contact her.
13. On June 3, 2021, the Department's Benefit Payment Control Unit ("BPC") issued an Initial Notice of Overpayment for the total amount of \$19,432.00 in federal unemployment benefits for weeks ending March 7, 2020 to March 14, 2020 and April 18, 2020 to November 7, 2020. Specifically, this amounted to \$10,432 in PUA benefits and \$9,000 in FPUC benefits.
14. On June 16, 2021, BPC issued an Amended Notice of Overpayment for the total amount of \$18,760 in federal unemployment benefits weeks ending March 7, 2020 to March 14, 2020 and April 18, 2020 to November 7, 2020. Specifically, this amounted to \$9,760 in PUA benefits and \$9,000 in FPUC benefits.
15. As shown by the Amended Notice of Overpayment, the amount of the overpayment was reduced to account for or offset underpayments of \$672 due to Appellant for claimed weeks 4-6. During those weeks, Appellant misreported income and the misreported income was deducted from the weekly benefit amount.
16. On March 14, 2021, Appellant filed the present appeal and the matter was scheduled for an Administrative Hearing.

1 17. Appellant has relocated back to Saipan and will begin working at his previous place of  
2 employment.

3 18. Appellant is requesting a waiver from repaying the overpayment amount because  
4 Appellant spent the benefits he received and is unable to repay the amount without  
5 incurring a financial hardship. The Department admits that the overpayment occurred  
6 without fault on Appellant and does not contest a waiver.

## 7 V. CONCLUSIONS OF LAW

8 In consideration of the above-stated findings and applicable law, the undersigned issues the  
9 following conclusions of law:

### 10 1. Appellant's employment was not affected as a direct result of COVID-19.

11 In accordance with the CARES Act and Continued Assistance Act, payment of PUA and  
12 FPUC benefits are available to "covered individuals." A "covered individual" is someone who:  
13 (1) is not eligible for regular compensation or extended benefits under State or Federal law or  
14 pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including  
15 an individual who has exhausted all rights to regular unemployment or extended benefits under State  
16 or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107;<sup>13</sup> (2) self-  
17 certifies<sup>14</sup> that the individual is unemployed, partially unemployed, or unable or unavailable to work<sup>15</sup>  
18 as a direct result<sup>16</sup> of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, and  
19 (3) provides required documentation of employment/self-employment within the applicable period of  
20 time.<sup>17</sup>

21 With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act  
22 specifically identifies the COVID-19 qualifying reasons<sup>18</sup> as:

23 <sup>13</sup> This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal  
24 unemployment insurance programs in the CNMI.

25 <sup>14</sup> The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of  
26 perjury.

27 <sup>15</sup> A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible  
28 for benefits. See HAR § 12-5-35.

<sup>16</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>17</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.

<sup>18</sup> These reasons are further defined or illustrated in UIPL 16-20, Change 4.

- (aa) The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- (bb) A member of the individual's household has been diagnosed with COVID-19;
- (cc) The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19;
- (dd) A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;
- (ee) The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;
- (ff) The individual is unable to reach the place of employment because the individual has been advised by a health care provider to quarantine due to concerns related to COVID-19;
- (gg) The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;
- (hh) The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
- (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>19</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 of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. This includes, but is not limited to, those related to facial mask wearing, physical distancing measures, or

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<sup>19</sup> See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

1 the provision of personal protective equipment consistent with  
2 public health guidelines;

- 3 (3) An individual provides services to an educational institution or  
4 educational service agency and the individual is unemployed or  
5 partially unemployed because of volatility in the work schedule  
6 that is directly caused by the COVID-19 public health emergency.  
7 This includes, but is not limited to, changes in schedules and  
8 partial closures; and  
9 (4) An individual is an employee and their hours have been reduced  
10 or the individual was laid off as a direct result of the COVID-19  
11 public health emergency.

12 Here, Appellant submitted a claim for PUA and FPUC Benefits self-certifying, under penalty  
13 of perjury, that his employment was affected as a direct result of COVID-19 because he is unable  
14 to reach his place of employment after being advised by a health care provider to self-quarantine  
15 due to concerns of COVID-19. Subsequently, for weeks ending March 7, 2020 and April 18,  
16 2020, Appellant submitted weekly certifications claiming that his employment was still affected  
17 as a direct result of COVID-19 for the same reasons. Upon review, the Department issued a  
18 disqualifying determination finding that Appellant was not eligible for PUA from March 1, 2020  
19 to March 21, 2020 and April 15, 2020 to September 4, 2021.

20 Based on the applicable law and evidence provided, Appellant does not meet any of the  
21 COVID-19 qualifying reasons for the time he was denied benefits. First, while Appellant  
22 experienced a reduction of hours, he did not experience a reduction of hours until March 25, 2020.  
23 Since his employment was not affected prior to March 25, 2020 – he was not eligible to receive  
24 PUA benefits prior to that time. Second, Appellant's resignation, effective April 15, 2020, was  
25 not due to a COVID-19 qualifying reason. Instead, Appellant resigned in order to relocate to  
26 Tinian for personal reasons and a general fear of COVID-19. Importantly, the general fear of  
27 contracting COVID-19 is not a qualifying reason, especially when there is no showing that  
28 Appellant had a condition or illness that made him particularly susceptible or vulnerable to  
COVID-19. And lastly, Appellant's certifying reason on his applications are untrue. Appellant  
certified that he was unable to reach work because he was advised to quarantine. However,  
Appellant was not advised to quarantine until after he resigned and relocated to Tinian on April  
18, 2020. At the time he self-quarantined at home, he was no longer employed – therefore the  
quarantine is not the reason why he could not work. Accordingly, Appellant's employment was

1 not affected as a direct result of COVID-19 during the relevant time period and Appellant is not  
2 eligible to receive PUA or FPUC benefits for said time period.

3 **2. Appellant was overpaid and entitled to a waiver.**

4 “Benefits shall be paid promptly in accordance with a determination, redetermination, or  
5 decision or appeal.”<sup>20</sup> However, “[a]ny individual who has received any amount as benefits . . .  
6 to which the individual was not entitled shall be liable for the amount unless the overpayment was  
7 received without fault on the part of the recipient and its recovery would be against equity and  
8 good conscience.”<sup>21</sup> Fault<sup>22</sup> is defined as:

- 9 (A) A material statement made by the individual which the  
10 individual knew or should have known to be incorrect; or  
11 (B) Failure to furnish information which the individual knew or  
12 should have known to be material; or  
13 (C) Acceptance of a payment which the individual either knew or  
14 reasonably could have been expected to know was incorrect.

15 Based on federal guidance, “contrary to equity and good conscience” is tantamount to placing an  
16 individual below the poverty line and taking away basic necessities to live. In evaluating equity  
17 and good conscience,<sup>23</sup> the factors to consider include, but are not limited to:

- 18 (A) Whether notice of a redetermination was given to the claimant,  
19 as required . . .  
20 (B) Hardship to the claimant that the repayment may impose; and  
21 (C) The effect, if any, that the repayment will have upon the  
22 fulfillment of the objectives of the program.<sup>24</sup>

23 Considering the discussion above, Appellant was not eligible to receive unemployment  
24 benefits and should not have been paid benefits under PUA or FPUC programs. Moreover, based  
25

26 <sup>20</sup> HRS § 383-43.

27 <sup>21</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  
payment was without fault on the part of the individual and such repayment would be contrary to equity and good  
conscience. Section 201(d) of the Continued Assistance Act amends Section 2102(d) of the CARES Act and  
authorizes states to waive the repayment if the state determines that the payment of PUA was without fault on the  
part of any such individual and such repayment would be contrary to equity and good conscience. This waiver  
authority applies to overpayments that meet this criterion at any time since the PUA program began.

<sup>22</sup> HRS 12-5-83.

<sup>23</sup> *Id.*

<sup>24</sup> PUA benefits were designed to be a critical lifeline for qualifying individuals facing a financial crisis amidst a  
pandemic. Issues of fraud and overpayments are of great consequence that jeopardizes the integrity of the program  
and availability of funds for eligible or qualified individuals.



1 on the evidence and testimony that Appellant received a total sum of \$20,860 despite being  
2 ineligible, it is clear that an overpayment occurred.

3 Based on the evidence presented and applicable law, Appellant is entitled to a waiver of  
4 repaying the overpayment amount. Here, the undersigned finds that the payout occurred without  
5 Appellant's fault. First, the undersigned recognizes that Appellant may have been mistaken or  
6 confused when he filled out the application to state he was affected due to the requirement to  
7 quarantine. However, it is important to note that Appellant submitted additional information in  
8 his application to allow the Department to come to a correct conclusion about his claim. Second,  
9 based on the candor of Appellant, the Department was able to red-flag Appellant's claim to  
10 prevent improper payments. Third, based on the testimony of the Department, the Department  
11 admits the payout occurred due to a staff member who improperly cleared the issue or red flag.  
12 Moreover, the undersigned finds that recovery would be contrary to equity and good conscience  
13 considering that Appellant did not have access to the entire amount and has no means to repay  
14 without falling below the poverty line. Accordingly, a waiver of the entire overpayment in the  
15 amount of \$18,760 is justified and warranted.

## 16 VI. DECISION

17 For the reasons stated above, it is ORDERED that:

- 18 1. The CNMI Department of Labor's Disqualifying Determination, dated June 1, 2021, is  
19 **AFFIRMED**;
- 20 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of March 1,  
21 2020 to March 21, 2020.
- 22 3. The CNMI Department of Labor's Disqualifying Determination, dated May 6, 2021, is  
23 **AFFIRMED**;
- 24 4. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of April 15,  
25 2020 to September 4, 2021.
- 26 5. The CNMI Department of Labor's Amended Notice of Overpayment, dated June 16,  
27 2021, is **AFFIRMED**;
- 28 6. Appellant was **OVERPAID** in the total amount of \$18,760 but the entire amount is  
**WAIVED** from repayment or recovery.

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1 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
2 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
3 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
4 decision. The written request must be submitted to the Administrative Hearing Office, either in  
5 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at  
6 hearing@dol.gov.mp.

7 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
8 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant  
9 still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI  
10 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
11 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
12 and court rule.

13 So ordered this 23rd day of June, 2021.

14 /s/

15 **JACQUELINE A. NICOLAS**  
16 Administrative Hearing Officer  
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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**DEPARTMENT OF LABOR**  
**ADMINISTRATIVE HEARING OFFICE**

In Re Matter of: ) **PUA Case No. 21-0119**  
)  
Lilian O. Ganot, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
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 8, 2021 at 9:00 a.m. at the Administrative Hearing Office. Appellant Lilian O. Ganot ("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 PUA Coordinator Tracy A. Maratita and Labor Certification Worker Dennis Cabrera. There were no other witnesses that provided testimony at the hearing.

**Exhibits:**

1. Exhibit 1: Copy of the Appellant's Application Snapshot, filed February 23, 2021;
2. Exhibit 2: Copy of Department's Disqualifying Determination, issued May 4, 2021;
3. Exhibit 3: Copy of Appellant's Request to file an Appeal, filed May 17, 2021;
4. Exhibit 4: Copy of the Notice of Hearing issued May 17, 2021;
5. Exhibit 5: Copy of the PUA Benefit Rights Information Handbook;
6. Exhibit 6: Copy of Marianas Variety Article re: PUA Appeals Process, dated October 15, 2020;
7. Exhibit 7: Copy of Saipan Tribune Article re: PUA Appeals Process, dated October 16, 2020;
8. Exhibit 8: Copy of Appellant's Employment Certification, dated March 16, 2021;
9. Exhibit 9: Copy of Appellant's Reduction of Hours Certification;

10. Exhibit 10: Copy of Department's SAVE verification results, initiated May 24, 2021;
11. Exhibit 11: Copy of Appellant's USCIS I-797 Approval notice and EAD Card (Category C09, Valid from December 4, 2020 to December 3, 2021);
12. Exhibit 12: Copy of Department's Email from Benefit Payment Control Unit, dated July 2, 2021.

For the reasons stated below, the Department's Determination dated May 4, 2021 is **AFFIRMED**. Claimant is not eligible for benefits for the period of December 27, 2020 to September 4, 2021.

## II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment Compensation ("FPUC").<sup>2</sup> On December 27, 2020, the Continued Assistance for Unemployed Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said federal unemployment insurance programs, which, among other things, extended the PUA and FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is charged with the responsibility in administering the above-mentioned programs in the CNMI in accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office has been designated to preside over appeals of agency decisions.

Upon review of the records, the appeal is timely filed. Accordingly, jurisdiction is established.

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<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").

<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.

### III. PROCEDURAL BACKGROUND & ISSUES

Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon review of Appellant's application and supporting documents, the Department issued a Disqualifying Determination on May 4, 2021. On May 17, 2021, Appellant filed the present appeal and the matter was scheduled for a hearing. As stated in the Notice of Hearing, the issues on appeal are: (1) whether the appeal is timely filed; (2) whether Appellant is eligible for PUA; and (3) whether an overpayment occurred and funds should be returned.

### IV. FINDINGS OF FACT

In consideration of the evidence provided and credibility of witness testimony, the undersigned issues the following findings of fact:

1. Prior to the COVID-19 pandemic, Appellant was employed as a Jewelry Appraisal Manager at Titanium Corporation ("Employer 1"), located in San Jose, Saipan. In the year 2020, Appellant was paid \$7.50 per hour. Due to the economic impact of the pandemic, Employer closed the San Jose branch and Appellant became unemployed. Appellant worked for Employer 1 from October 2009 to August 30, 2020.<sup>5</sup>
2. As of September 30, 2020, Appellant was employed as a Customer Service Representative with Insurance Business & Management Corporation ("Employer 2") in Saipan. Appellant was hired at the rate of \$9.26 per hour with 35 hours per week.<sup>6</sup> Although Appellant did not begin employment with 40 hours, she was told that her hours would increase to 40 hours per week after the pandemic. Appellant's hours were increased to 40 hours effective June 21, 2021.
3. On or around February 23, 2021, Appellant submitted an online application<sup>7</sup> for unemployment assistance under the PUA and FPUC programs administered by the Department. In this application,<sup>8</sup> Appellant self-certified under penalty of perjury that:
  - a. Appellant is an Alien/Refugee Lawfully Admitted to U.S.;
  - b. She was working full time at the time she submitted the application;

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<sup>5</sup> See Exhibit 1.

<sup>6</sup> Exhibit 8-9.

<sup>7</sup> Exhibit 1.

<sup>8</sup> *Id.*

1 c. Appellant's employment was directly affected by COVID-19 when her hours were  
2 reduced; and

3 d. Appellant's employment was affected since December 15, 2020.

4 4. The answers provided in Appellant's initial application and weekly certifications were  
5 submitted under penalty of perjury. It is Appellant's responsibility to provide true,  
6 accurate, and complete answers. Moreover, it is Appellant's responsibility to be informed  
7 about the program by reading the PUA Benefit Rights Information Handbook<sup>9</sup> and other  
8 official written material regarding PUA.<sup>10</sup>

9 5. With respect to Appellant's immigration status and employment authorization, Appellant  
10 provided testimony and substantiating evidence to demonstrate:

11 a. Appellant applied for permanent residency in September 2019 but her application  
12 was pending at the time she filed her claims for unemployment;<sup>11</sup>

13 b. Appellant has employment authorization to work in the CNMI under EAD Code  
14 C09, valid from December 4, 2020 to December 3, 2021.<sup>12</sup>

15 6. Appellant has no other documents or evidence to demonstrate that she is a qualified alien  
16 during the time period she is claiming unemployment benefits.

17 7. On May 4, 2021, the Department issued a determination<sup>13</sup> disqualifying Appellant from  
18 PUA and FPUC benefits from December 27, 2020 to September 4, 2021 because the  
19 Department found that Appellant was not a US Citizen, Non-citizen National, or Qualified  
20 Alien eligible for federal public benefits.

21 8. On May 17, 2021, Appellant filed the present appeal<sup>14</sup> and the matter was scheduled<sup>15</sup> for  
22 an Administrative Hearing.

23 9. Notably, the PUA Coordinator who adjudicated this case did not conduct a SAVE verification  
24 before issuing a Determination. Because the PUA Coordinator failed to follow procedure, the  
25 Department's Benefit Payment Control Unit conducted an internal audit to review the claim.

26 <sup>9</sup> Exhibit 5.

27 <sup>10</sup> Exhibits 6-7.

28 <sup>11</sup> See Exhibits 10-11.

<sup>12</sup> Exhibit 11.

<sup>13</sup> Exhibit 2.

<sup>14</sup> Exhibit 3.

<sup>15</sup> Exhibit 4.

1 10. On May 24, 2021, the Department's Benefit Payment Control Unit entered Appellant's  
2 information into the Systematic Alien Verification for Entitlements (SAVE) database  
3 maintained by USCIS, Verification Division. This database is used to determine the  
4 immigration status of PUA applicants so only those entitled to benefits receive them. The  
5 SAVE results<sup>16</sup> indicate that Appellant is a Non-immigrant with temporary employment  
6 authorization. The results further confirm that Appellant's employment authorization is  
7 approved under Category C09 until December 3, 2021.

8 11. As discussed during the Administrative Hearing, Appellant is appealing the Department's  
9 Determination because she has employment authorization, was unemployed for a one-  
10 month period, and needs unemployment assistance.

11 12. The Department's Benefit Payment Control Unit confirmed that no overpayments  
12 occurred in this case.<sup>17</sup>

#### 13 V. CONCLUSIONS OF LAW

14 In consideration of the above-stated findings and applicable law, the undersigned issues the  
15 following conclusions of law:

##### 16 1. Appellant's appeal is timely filed.

17 Generally, an appeal should be filed within ten days after the Notice of Determination was  
18 issued or served to the claimant. However, the Department may extend the period to thirty days  
19 by a showing of good cause.<sup>18</sup> Good cause means: (1) illness or disability; (2) keeping an  
20 appointment for a job interview; (3) attending a funeral of a family member; and (4) any other  
21 reason which would prevent a reasonable person from complying as directed.<sup>19</sup>

22 On February 23, 2021, Appellant filed an application for federal unemployment benefits.  
23 Therein, Appellant acknowledged that it is her responsibility to read the PUA Benefit Rights  
24 Information Handbook and any other official written material provided. Notably, the PUA  
25 Handbook was publicly available throughout the program and included important information  
26 regarding program requirements and processes—including appeals. Moreover, because of the  
27 online portal's erroneous instructions issued along with determinations, the Department issued a

28 <sup>16</sup> Exhibit 10.

<sup>17</sup> Exhibit 12.

<sup>18</sup> HI. Rev. Statute § 383-38(a).

<sup>19</sup> HAR § 12-5-81(j).

1 number of press releases to clarify the appeals processes and directed claimants to the PUA  
2 handbook and applicable forms.

3 The Department issued the Disqualifying Determination on May 4, 2021. Therein, the  
4 Determination stated that Appellant had 10 days to file an appeal and reiterated that the appeal  
5 “must be received or postmarked by 5/14/2021.” On May 14, 2021, Appellant did not file her  
6 appeal with the correct office. Instead of following the instructions on the handbook, press  
7 releases, and appeal form – Appellant submitted her appeal to PUA Headquarters. The appeal,  
8 however, was not correctly filed with the Administrative Hearing office until May 17, 2021 when  
9 the appeal was transmitted to the Administrative Hearing Office.

10 Generally, the failure to read and follow instructions is not good cause for an extension.  
11 However, in consideration of Appellant’s attempt and diligence in filing before the May 14, 2021  
12 deadline—the undersigned finds good cause to extend the filing deadline to 30 days. In light of  
13 this extension, Appellant’s appeal is timely filed.

14 **2. Appellant is not a qualified alien.**

15 PUA and FPUC are federal public benefits as defined by 8 USC §1611(c). As a condition of  
16 eligibility for any federal public benefit, the claimant must be a “qualified alien” at the time relevant  
17 to the claim. 8 USC §1611(a). Pursuant to 8 USC §1641, the term “qualified alien” is:

- 18 1. An alien admitted for permanent residence under the Immigration and Nationality Act  
19 (INA);
- 20 2. An alien granted asylum under § 208 of the INA;
- 21 3. A refugee admitted to the US under § 207 of the INA;
- 22 4. An alien paroled into the US under § 212(d)(5) of the INA for at least one year;
- 23 5. An alien whose deportation is being withheld under § 243(h) of the INA ... or whose  
24 removal is being withheld under § 241 (b)(3) of the INA;
- 25 6. An alien granted conditional entry pursuant to § 203 (a)(7) of the INA;
- 26 7. An alien who is a Cuban or Haitian entrant as defined in § 501(e) of the Refugee Education  
27 Assistance Act of 1980; or
- 28 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.

Further, Section 265 of the Continued Assistance Act provides that a Commonwealth Only  
Transitional Worker (CW-1) shall be considered a qualified alien for purposes of eligibility under the  
PUA and FPUC programs. As provided in UIPL 16-20, change 4, page I-16, “CW-1 workers may  
receive PUA and FPUC if they meet all PUA eligibility requirements beginning with claims filed  
after December 27, 2020 (*i.e.*, claim effective dates beginning on or after January 3, 2021).”



1 Based on the evidence provided, the undersigned finds that Appellant does not meet the qualified  
2 alien definition above. First, Appellant was unable to provide any documentary evidence to  
3 substantiate her status under any of the qualified alien provisions, listed above. When asked about  
4 each provision, Appellant responded in the negative. Second, Appellant's pending application for  
5 permanent residency is not the equivalent of being admitted or granted permanent residency. While  
6 the undersigned recognizes the delays with her applications, the pending application does not satisfy  
7 or prove an individual's qualified alien status. Third, Appellant's argument that she has employment  
8 authorization is not persuasive. Specifically, Appellant was granted employment authorization under  
9 EAD Code C09 from December 4, 2020 to December 3, 2021. As a preliminary matter, the  
10 authorization to work is not the relevant time period when she was between employment. But more  
11 importantly, EAD Code C09 does not correspond to any provision within the Qualified Alien  
12 definition. Instead, Category C09 is a code that USCIS utilizes for applicants pending an adjustment  
13 in status. Notably, the EAD granted Appellant certain rights and privileges to live and work in the  
14 CNMI, but it does not grant rights to federal public benefits, such as PUA or FPUC. Accordingly,  
15 based on the applicable law and evidence provided, Appellant was not a qualified alien at the time  
16 she claimed unemployment benefits.

## 15 VI. DECISION

16 For the reasons stated above, it is ORDERED that:

- 17 1. The CNMI Department of Labor's Disqualifying Determination, dated May 4, 2021 is  
18 **AFFIRMED**; and
- 19 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of December  
20 27, 2020 to September 4, 2021.

21 If a party is aggrieved by this Order and would like to contest the decision, he or she must  
22 submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The  
23 written request should be supported by legal, factual, or evidentiary reasons to reopen the  
24 decision. The written request must be submitted to the Administrative Hearing Office, either in  
25 person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at  
26 hearing@dol.gov.mp.

27 In the event a request to reopen the decision is granted, the matter shall be scheduled for a  
28 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

1 Superior Court under the local Administrative Procedures Act. *See* 1 CMC § 9112. All forms,  
2 filings fees, and filing deadlines for judicial review will be as established by the applicable law  
3 and court rule.

4 So ordered this 13th day of July, 2021.

5  
6 /s/

7 **JACQUELINE A. NICOLAS**  
8 Administrative Hearing Officer  
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**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**  
**DEPARTMENT OF LABOR**  
**ADMINISTRATIVE HEARING OFFICE**



In Re Matter of: ) **PUA Case No. 21-0120**  
)  
Felipe Q. Atalig, )  
)  
Appellant, ) **ADMINISTRATIVE ORDER**  
)  
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 15, 2021 at 9:00 a.m. at the Administrative Hearing Office. Appellant Felipe Q. Atalig (“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 Tiyani Camacho. There were no other witnesses that provided testimony at the hearing.

**Exhibits:**

1. Exhibit 1: Copy of the Appellant’s Application Snapshot, filed March 7, 2021;
2. Exhibit 2: Copy of Appellant’s Weekly Certification;
  - a. Week Ending January 2, 2021;
  - b. Week Ending March 6, 2021;
  - c. Week Ending April 24, 2021;
3. Exhibit 3: Copy of Department’s Disqualifying Determination, dated May 18, 2021;
4. Exhibit 4: Copy of Department’s Disqualifying Determination, dated July 13, 2021;
5. Exhibit 5: Copy of Appellant’s Request to file an Appeal and 5/21/21 Letter, filed May 24, 2021;
6. Exhibit 6: Copy of the Notice of Hearing issued May 24, 2021;
7. Exhibit 7: Copy of the Amended Notice of Hearing, issued June 9, 2021;

8. Exhibit 8: Copy of OAG Letter, dated June 25, 2020;
9. Exhibit 9: Copy of BPC Email, dated July 7, 2021;
10. Exhibit 10: Copy of the PUA Benefit Rights Information Handbook; and
11. Exhibit 11: Copy of Appellant's Business License

For the reasons stated below, the Department's Determination dated July 13, 2021 is **AFFIRMED**. Claimant is not eligible for benefits for the period of December 27, 2020 to April 24, 2021.

## II. JURISDICTION

On March 27, 2020, the Coronavirus Aid Relief and Economic Security ("CARES") Act of 2020 was signed into law creating new temporary federal programs for unemployment benefits called Pandemic Unemployment Assistance ("PUA")<sup>1</sup> and Federal Pandemic Unemployment Compensation ("FPUC").<sup>2</sup> On December 27, 2020, the Continued Assistance for Unemployed Workers Act of 2020 ("Continued Assistance Act") amended and created new provisions of said federal unemployment insurance programs, which, among other things, extended the PUA and FPUC programs to March 13, 2021.<sup>3</sup> On March 11, 2021, the American Rescue Plan Act of 2021 ("ARPA") extended the programs to September 6, 2021. The CNMI Department of Labor is charged with the responsibility in administering the above-mentioned programs in the CNMI in accordance to applicable law.<sup>4</sup> The CNMI Department of Labor Administrative Hearing Office has been designated to preside over appeals of agency decisions.

Upon review of the records, the appeal is timely filed. Accordingly, jurisdiction is established.

## III. PROCEDURAL BACKGROUND & ISSUES

Appellant filed a claim for unemployment benefits under the PUA and FPUC programs. Upon review of Appellant's application and supporting documents, the Department issued a Disqualifying Determination on May 18, 2021. On May 24, 2021 Appellant filed the present appeal and the matter was scheduled for a hearing. Upon appeal, the Department issued a second

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<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").

<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.

1 Disqualifying Determination to correct the effective time period listed in the May 18, 2021  
2 Determination. As stated in the Amended Notice of Hearing, the issues on appeal are: (1) whether  
3 Appellant is eligible for PUA; and (2) whether an overpayment occurred and funds should be  
4 returned.

#### IV. FINDINGS OF FACT

5 In consideration of the evidence provided and credibility of witness testimony, the  
6 undersigned issues the following findings of fact:

- 7 1. Prior to the COVID-19 pandemic, Appellant was employed as a Public Information  
8 Officer at CNMI Department of Public Works (“Former Employer” or “DPW”), located  
9 in San Jose, Saipan.<sup>5</sup> Appellant worked for DPW on or around March 2006 to May 4,  
10 2018 – with a break in employment on or around 2008.
- 11 2. In 2018, there was an incident between Appellant and Coworker which was elevated to  
12 the Director of Public Works and the Department of Public Safety (“DPS”) Officer(s).  
13 This incident ultimately resulted in a police report for Disturbing the Peace. As a result,  
14 Appellant was placed on Administrative Leave with pay for one week and was notified  
15 that his last day with DPW would be effective May 4, 2018.
- 16 3. Appellant pursued an appeal with the CNMI Civil Service Commission – which was  
17 dismissed or otherwise denied. The CNMI Civil Service Commission’s decision is  
18 currently pending judicial review with the CNMI Superior Court.
- 19 4. To date, Appellant has not been reinstated, recalled to work, or otherwise returned to the  
20 workforce since May 4, 2018.
- 21 5. On or around March 7, 2021, Appellant submitted an application<sup>6</sup> for unemployment  
22 assistance under the PUA and FPUC programs administered by the Department. In the  
23 initial application,<sup>7</sup> Appellant self-certified under penalty of perjury that:
  - 24 a. If offered a job today, he could not accept the job;
  - 25 b. Appellant’s employment was directly affected by COVID-19 for an “other reason”  
26 not listed on the application;

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27 <sup>5</sup> See Exhibits 1 and 8.

28 <sup>6</sup> Exhibit 1.

<sup>7</sup> *Id.*

- c. And when asked to specify his reason, Appellant vaguely submitted “ongoing coronavirus pandemic, COVID-19 public health emergency”; and
  - d. Appellant’s employment was affected since February 12, 2019.
6. Subsequently, Appellant submitted weekly certifications<sup>8</sup> to claim continued benefits for weeks ending January 2, 2021, March 6, 2021, and April 24, 2021. In each weekly application, Appellant reported:
  - a. That his employment was still affected by COVID-19 because for an “other reason not listed” on the certification;
  - b. That he is “able” and “available” to work; and
  - c. That he did not earn any income during that week.
7. The answers provided in Appellant’s initial application and weekly certifications were submitted under penalty of perjury. It is Appellant’s responsibility to provide true, accurate, and complete answers. Moreover, 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.
8. On May 12, 2021, the PUA Coordinator/Adjudicator in this case requested documents to certify Appellant’s employment. On the same day, Appellant provided the Adjudicator with copies of two forms of ID and a copy of his social security card. Appellant directed the Adjudicator to retrieve a letter he previously submitted to Agueda Camacho. This letter summarizes a number of other documents.
9. Appellant did not submit any document to substantiate how his employment was affected by the COVID-19 pandemic. Upon recommendation from the Attorney General’s Office, DPW declined to certify Appellant’s employment as his separation predated the pandemic and was not a direct result of COVID-19.<sup>9</sup>
10. Upon review of the above-stated documents, the adjudicator in this case issued a determination.

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<sup>8</sup> Exhibit 2.

<sup>9</sup> Exhibit 8.

- 1 11. On May 18, 2021, the Department issued a determination<sup>10</sup> disqualifying Appellant from  
2 PUA and FPUC benefits from February 2, 2020 to March 13, 2021 for failure to provide  
3 evidence to substantiate eligibility for PUA.
- 4 12. On May 24, 2021, Appellant filed the present appeal<sup>11</sup> and the matter was scheduled<sup>12</sup> for  
5 an Administrative Hearing.
- 6 13. On July 13, 2021, the Department issued a second determination<sup>13</sup> disqualifying Appellant  
7 from PUA and FPUC benefits from December 27, 2020 to April 24, 2021 for failure to  
8 provide evidence to substantiate eligibility for PUA.
- 9 14. Here, Appellant is appealing the Department's determination that he did not provide  
10 supporting documents to substantiate that his employment was affected by the COVID-  
11 19 pandemic and the Department's determination that Appellant is not eligible for PUA.
- 12 15. During the Administrative Hearing, Appellant clarified the answers he submitted on the  
13 Application Snapshot. Specifically:
- 14 a. If offered a job today, he would accept suitable work;
  - 15 b. His employment was affected by the COVID-19 Pandemic because he was  
16 unemployed during the pandemic, the pandemic limited his ability to find work,  
17 and his case for judicial review has been pending; and
  - 18 c. The February 12, 2019 date was a mistake because he was unemployed since May  
19 4, 2018.
- 20 16. During the Administrative Hearing, Appellant clarified the answers he submitted on his  
21 weekly certifications. Specifically:
- 22 a. When asked to specify his COVID-19 qualifying reason, Appellant stated it was  
23 due to his pending appeal of his separation from DPW;
  - 24 b. Appellant has a business<sup>14</sup> for house rentals and earns approximately \$700 in  
25 income per month from the rental business. Appellant's income from the rental  
26 business has either remained consistent or increased during the relevant time  
27 period.

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28 <sup>10</sup> Exhibit 3.

<sup>11</sup> Exhibit 5.

<sup>12</sup> Exhibits 6-7.

<sup>13</sup> Exhibit 4.

<sup>14</sup> Exhibit 11.

17. With respect to the overpayment issue, the Department conducted further review and confirmed with the Department's Benefit Payment Control Unit ("BPC") that no overpayment occurred in this case.<sup>15</sup>

## V. CONCLUSIONS OF LAW

In consideration of the above-stated findings and applicable law, the undersigned issues the following conclusions of law:

### 1. Appellant's employment was not affected as a direct result of COVID-19.

In accordance with the CARES Act and Continued Assistance Act, payment of PUA and FPUC benefits are available to "covered individuals." A "covered individual" is someone who: (1) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under Section 2107 of the CARES Act, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or Pandemic Emergency Unemployment Compensation under Section 2107;<sup>16</sup> (2) self-certifies<sup>17</sup> that the individual is unemployed, partially unemployed, or unable or unavailable to work<sup>18</sup> as a direct result<sup>19</sup> of a listed COVID-19 reason in Section 2102(a)(3)(A)(ii) of the CARES Act, and (3) provides required documentation of employment/self-employment within the applicable period of time.<sup>20</sup>

With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act specifically identifies the COVID-19 qualifying reasons<sup>21</sup> as:

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<sup>15</sup> Exhibit 9.

<sup>16</sup> This condition is generally not at issue with claimants in the CNMI because there are no other State or Federal unemployment insurance programs in the CNMI.

<sup>17</sup> The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of perjury.

<sup>18</sup> A claimant must be able to work and be available for work, as defined by Hawaii state law, in order to be eligible for benefits. See HAR § 12-5-35.

<sup>19</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. Unemployment is considered a "direct result" if the claimant satisfies the (aa) through (kk) qualifying reasons.

<sup>20</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 within the applicable timeframe, and any other relevant, requested documents is a justifiable basis to deny benefits under HAR § 12-5-81(j).

<sup>21</sup> These reasons are further defined or illustrated in UIPL 16-20, Change 4.



- (aa) The individual has been diagnosed with COVID-19 or is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- (bb) A member of the individual's household has been diagnosed with COVID-19;
- (cc) The individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID-19;
- (dd) A child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for the individual to work;
- (ee) The individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID-19 public health emergency;
- (ff) The individual is unable to reach the place of employment because the individual has been advised by a health care provider to quarantine due to concerns related to COVID-19;
- (gg) The individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID-19 public health emergency;
- (hh) The individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
- (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>22</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 of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. This includes, but is not limited to, those related to facial mask wearing, physical distancing measures, or

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<sup>22</sup> See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

the provision of personal protective equipment consistent with public health guidelines;

- (3) An individual provides services to an educational institution or educational service agency and the individual is unemployed or partially unemployed because of volatility in the work schedule that is directly caused by the COVID-19 public health emergency. This includes, but is not limited to, changes in schedules and partial closures; and
- (4) An individual is an employee and their hours have been reduced or the individual was laid off as a direct result of the COVID-19 public health emergency.

Here, Appellant failed to submit evidence to substantiate that his employment was directly affected by a COVID-19 qualifying reason under item (aa) through (kk). First, Appellant has no certification of employment because his former employer declined to provide him with such evidence after their legal counsel determined: “(1) Mr. Atalig’s termination for cause was effective on May 4, 2018 . . . and (2) Mr. Atalig’s termination was not due to COVID-19.”<sup>23</sup> Second, while Appellant is contesting the use of the term “termination for cause” the distinction between termination or suspension is not dispositive in this case. Rather, the separation or unemployment must be a direct result of a COVID-19 qualifying reason, as stated under items (aa) through (kk) above. Upon review, it is clear that Appellant separated from his former employer prior to the pandemic occurring and Appellant would have been separated from his former employer whether or not the pandemic occurred. Considering that Appellant’s separation predated the pandemic, it is illogical to find that COVID-19 directly affected his employment. Instead, COVID-19 triggered a chain of events that delayed his appeal with the Civil Service Commission and the CNMI Superior Court. Third, when asked about each qualifying reasons under items (aa) through (kk)—Appellant responded in the negative. Moreover, the circumstance that his appeal was pending during the pandemic and that the pandemic generally restricted ability to look for work does not satisfy any of the COVID-19 qualifying reasons under (aa) through (kk). 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 that effect. Accordingly, Appellant is not a “covered individual” eligible for PUA benefits.

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<sup>23</sup> Exhibit 8.

**VI. DECISION**

For the reasons stated above, it is ORDERED that:

1. The CNMI Department of Labor's Disqualifying Determination, dated July 13, 2021 is **AFFIRMED**; and
2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of December 27, 2020 to April 24, 2021.

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](mailto: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 **19th** day of July, 2021.

/s/

**JACQUELINE A. NICOLAS**  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

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| In Re Matter of:                     | ) | PUA Case No. 21-0127 |
| Charlyn M. Francisco,                | ) |                      |
|                                      | ) |                      |
| Appellant,                           | ) | ADMINISTRATIVE ORDER |
|                                      | ) |                      |
| v.                                   | ) |                      |
|                                      | ) |                      |
| CNMI Department of Labor,            | ) |                      |
| Division of Employment Services-PUA, | ) |                      |
|                                      | ) |                      |
| Appellee.                            | ) |                      |

On June 17, 2021, Appellant filed a Request to Appeal the Department's PUA Disqualifying Determination, dated September 22, 2020 and the matter was scheduled for a hearing on August 12, 2021. On June 29, 2020, Appellant filed a written request to withdraw her appeal. Based on her request, Appellant no longer wants to contest the determination.

In consideration of above, the undersigned finds that there are no issues on appeal. Accordingly, this appeal is hereby **DISMISSED** and the Administrative Hearing scheduled for August 12, 2021 is hereby **VACATED**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this 6th day of July, 2021.

/s/  
JACQUELINE A. NICOLAS  
Administrative Hearing Officer



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
DEPARTMENT OF LABOR  
ADMINISTRATIVE HEARING OFFICE

IN THE MATTER Of:

CNMI Department of Labor Enforcement  
Section

Complainant,

v.

Prophet Manpower Services.

Respondent.

Compliance Agency Case No. 21-003-04

**ORDER REINSTATING SUSPENDED  
SANCTION**

On May 19, 2021, judgment was entered against Respondent for multiple and repeated failures to submit documents in accordance with 3 CMC § 4947. In accordance with 3 CMC § 4528 and NMIAC § 80-20.1-485(c), the undersigned may sanction employer up to \$2,000 *for each* violation in this case. Here, Respondent was sanctioned a total of \$3,000, all suspended but \$1,000 to be due on or before June 19, 2021. The Administrative Order further provides: “[i]f Respondent fails to comply with the terms of this Order, Respondent shall be subject to a reinstatement of all or part of the suspended sanction.”

As demonstrated by Enforcement’s Request to Reopen and Respondent’s July 9, 2021 filing which acknowledges their failure to timely pay, it is clear that Respondent failed to abide by the terms of the suspended sanction. Accordingly, the Department’s Request to Reopen this case and reinstate the suspended sanction is **GRANTED**. Respondent is **ORDERED** to pay the \$1,000 sanction that is past due and an additional \$500 of the suspended sanction on or before **August 6, 2021**, close of business. If Respondent fails to comply with the terms of this Order, Respondent shall be subject to a reinstatement of all or part of the remaining suspended sanction.

So ordered this 13th day of July, 2021.

/s/

**JACQUELINE A. NICOLAS**  
Administrative Hearing Officer