

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



COMMONWEALTH REGISTER

**VOLUME 45
NUMBER 12
DECEMBER 28, 2023**

COMMONWEALTH REGISTER

VOLUME 45

NUMBER 12

December 28, 2023

ADOPTED

Public Notice of Certification and Adoption
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Commonwealth Ports Authority 050658

Public Notice of Certification and Adoption
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Office of the Governor 050662

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Office of the Governor 050664

Public Notice of Certification and Adoption
Of NMIAC Ch.15-20 to Revise the Designated
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Health Care Professions Licensing Board 050668

PROPOSED

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Department of Labor		050739



Commonwealth Ports Authority

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

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

Volume 45, Number 10, pp. 050540–46, of October 28, 2023

Amendments to the Commonwealth Ports Authority Airport Rules and Regulations

ACTION TO ADOPT THESE PROPOSED RULES AND REGULATIONS: Pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a), the Commonwealth Ports Authority HEREBY ADOPTS AS PERMANENT the Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority published in Number 10 of Volume 45 of the Commonwealth Register. I certify by signature below that as published, such adopted regulations are a true, complete, and correct copy of the referenced Proposed Regulations.

PRIOR PUBLICATION: The substance of these regulations was published in Volume 45, Number 10, pp. 050540–46 of the Commonwealth Register.

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

EFFECTIVE DATE: These amendments to the Commonwealth Ports Authority's Airport Rules and Regulations will become effective ten days after publication of this Notice of Adoption in the Commonwealth Register. 1 CMC § 9105(b).

COMMENTS, MODIFICATIONS, AND AGENCY CONCISE STATEMENT: During the 30-day comment period, no comments made in accordance with the Public Notice of the Proposed Amendments to the Airport Rules and Regulations of the Commonwealth Ports Authority were submitted.

The CPA Board of Directors adopted the Proposed Regulations as final at the December 11, 2023, Board of Directors meeting.

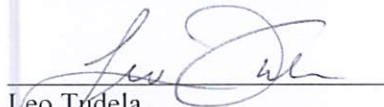
TERMS, SUBSTANCE, AND DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: These adopted regulations amend CPA's Airport Rules and Regulations by increasing the public parking fees listed in NMIAC § 40-10.1-1275

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 22nd day of December, 2023, at Saipan, Commonwealth of the Northern Mariana Islands.

*nd
jr.*


Submitted by:

Date: December 22, 2023


Leo Tudela
Executive Director


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

Dated this 3rd day of January, 2024.


EDWARD MANIBUSAN
Attorney General

Filed and Recorded by: _____

Date: _____


ESTHER R.M. SAN NICOLAS
Commonwealth Registrar

§ 40-10.1-1275 Public Parking Fee

(a) All vehicles owned by members of the general public shall park their vehicles in designated public parking areas, and shall pay a public parking fee, as follows:

Parking Category	Fee
0 minutes to 30 minutes	\$3
30 to 60 minutes	\$5
Each additional hour (or fraction of an hour)	\$2
Daily rate (maximum 24 hours)	\$20
Annual rate per vehicle for employees of airport tenants	\$75
Rate per vehicle for frequent flyers – annual	\$400
Rate per vehicle for frequent flyers – semi annual	\$250
Annual rate per vehicle for service and delivery vehicles	\$200

(b) No fee is imposed for CPA vehicles, for vehicles owned by CPA employees and officials, for cars rented from companies with whom CPA has an operating agreement, and for U.S. government and CNMI government vehicles.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 39 Com. Reg. 39592 (Apr. 28, 2017); Amdts Proposed 38 Com. Reg. 39040 (Dec. 28, 2016); Amdts Adopted 23 Com. Reg. 17842 (Apr. 23, 2001); Amdts Proposed 23 Com. Reg. 17614 (Jan. 19, 2001); Amdts Adopted 21 Com. Reg. 16855 (July 23, 1999); Amdts Proposed 21 Com. Reg. 16779 (May 19, 1999).

Commission Comment: In June 2008, CPA made emergency amendments to this part addressing fees and charges for incineration and aircraft waste handling services. See 30 Com. Reg. 28519 (June 27, 2008). These amendments were effective for only 120 days from June 3, 2008. The notice referred to the permanent adoption of the amendments pursuant to an attached notice of proposed regulations. However, no such notice was attached and Chamorro and Carolinian translations were not published. The regulations were re-proposed in March of 2012. 34 Com. Reg. 32372 (Mar. 29, 2012). If adopted, these sections will be codified as § 40-10.1-1280 and § 40-10.1-1285.

The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 2001 amendments amended subsections (a) and (b) and deleted former subsection (c).



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands
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Bureau of Environmental and Coastal Quality

Division of Coastal Resources Management

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Richard V. Salas
Director, DCRM

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

**AMENDMENTS TO NMIAC CHAPTER 15-10
TO REVISE DCRM'S PERMITTING FEES**

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 the following sections of NMIAC Chapter 15-10 to revise the permitting fees charged by the Division of Coastal Resources Management (DCRM) 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.*

- §15-10-205 Permit Application Procedures, (h) Fees
- §15-10-610 Mandatory Conditions, (b) Timing and Duration

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 45, Number 08, pp 050257-050276 of the Commonwealth Register on August 28, 2023.

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 November 30, 2023, 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:

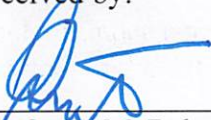


Mr. Richard V. Salas
Director, Division of Coastal Resources Management

11/30/23

Date

Received by:



Mr. Oscar M. Babauta
Special Assistant for Administration

12/09/23

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

15-2023
12-27

Date



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands
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Division of Coastal Resources Management
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www.dcrm.gov.mp



Richard V. Salas
Director, DCRM

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

AMENDMENTS TO NMIAC CHAPTER 15-10 TO REVISE THE PERMIT APPLICATION AND AMENDMENT PROCEDURES

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 the following sections of NMIAC Chapter 15-10 to revise the Division of Coastal Resources Management (DCRM) permit application and amendment procedures 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.*

- §15-10-215 Review of Application
- §15-10-230 Decision on CRM Application
- §15-10-610 Mandatory Conditions
- §15-10-701 CRM Permit Amendment
- §15-10-830 Remedies

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 45, Number 09, pp 050476-050487 of the Commonwealth Register on September 28, 2023.

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 November 30, 2023, 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:



Mr. Richard V. Salas
Director, Division of Coastal Resources Management

11/30/23

Date

Received by:



Mr. Oscar M. Babauta
Special Assistant for Administration

12/04/23

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

12.15.2023

Date



Eli D. Cabrera
Administrator

Commonwealth of the Northern Mariana Islands
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Richard V. Salas
Director, DCRM

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

**AMENDMENTS TO NMIAC CHAPTER 15-20
TO REVISE THE DESIGNATED AREA FOR TOWED FLOATATION**

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 the following sections of the Division of Coastal Resources Management (DCRM) Water Sports and Recreational Activities Rules and Regulations, NMIAC Chapter 15-20, to revise the coordinates of the designated area for Towed Floatation 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.*

- §15-20-401 Designated Areas

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 45, Number 08, pp 050277-050287 of the Commonwealth Register on August 28, 2023.

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 November 30, 2023, 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:

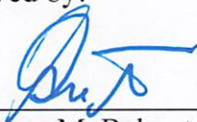


Mr. Richard V. Salas
Director, Division of Coastal Resources Management

11/20/23

Date

Received by:




Mr. Oscar M. Babauta
Special Assistant for Administration

12/04/23

Date

Filed and Recorded by:



Ms. Esther R.M. San Nicolas
Commonwealth Registrar

12.15.2023

Date



Commonwealth of the Northern Mariana Islands
HEALTH CARE PROFESSIONS LICENSING BOARD
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Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**PUBLIC NOTICE AND CERTIFICATION OF ADOPTION OF THE AMENDMENT TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD FOR
SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS**

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

VOLUME 45, NUMBER 09, PP 050488 – 050506 OF SEPTEMBER 28, 2023

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: One comment received and Board approved.

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 Speech-Language Pathologists and Audiologists 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 Speech-Language Pathologists and Audiologists. Therefore, the Board adopted the proposed regulations as final during their Board meeting on November 22, 2023. Upon this adoption of the amendments, the agency, if requested to do so by an interested person within 30 days of publication, will issue a concise statement of the principal reasons for accepting or rejecting any comments.

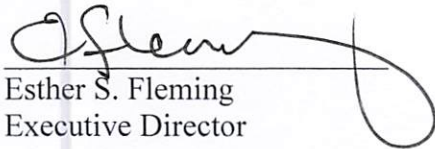


OFFICE OF THE ATTORNEY GENERAL
CIVIL DIVISION
RECEIVED
BY: *AW* DATE: 12/05/73

ATTORNEY GENERAL APPROVAL: The adopted regulations for Speech-Language Pathologists and Audiologists 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 a true and correct copy and that this declaration was executed on the 27th day of November, 20 23, at Saipan, Commonwealth of the Northern Mariana Islands.

Certified and ordered by:

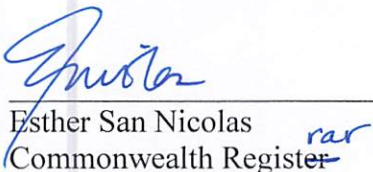


Esther S. Fleming
Executive Director

2023/11/27/23

Date

Filed and recorded by:



Esther San Nicolas *rar*
Commonwealth Register

12.23.2023

Date

SUBCHAPTER 185-10
COMMONWEALTH HEALTH CARE PROFESSIONS
LICENSING BOARD REGULATIONS

Part 5000	Speech-Language Pathologists and Audiologists
§ 185-10-5001	Definitions
§ 185-10-5005	Practice as Speech-language Pathologist or Audiologist - Title or Description of Services
§ 185-10-5010	Exemptions
§ 185-10-5015	Requirements for Licensure
§ 185-10-5020	Licensure by Endorsement
§ 185-10-5025	Applications
§ 185-10-5030	Fees
§ 185-10-5035	Continuing Education (CE)
§ 185-10-5040	Scope of Practice for Speech-Language Pathologists and Audiologists
§ 185-10-5045	Scope of Practice for Speech-language Pathology Assistant
§ 185-10-5050	Scope of Practice for Audiologist Assistant
§ 185-10-5055	Supervisor's Responsibilities
§ 185-10-5060	Advertising
§ 185-10-5065	Code of Ethics
§ 185-10-5070	Disciplinary Action

§ 185-10-5000 Speech-Language Pathologists and Audiologists

§ 185-10-5001 Definitions.

- (a) **"ABA"** means the American Board of Audiology.
- (b) **"ASHA"** is the American Speech-Language-Hearing Association.
- (c) **"Audiology assistant"** means a person who meets the academic and supervised training requirements set forth by the Board and who is approved by the Board to assist in the provision of audiology under the supervision of a CNMI-licensed audiologist who retains full professional and legal responsibility for the performance of the assistant and the care and treatment of the patient.
- (d) **"Audiologist"** means a person who has been duly licensed to practice audiology in the CNMI, as hereafter defined.
- (e) **"Certificate of Clinical Competence (CCC)"** means a current certificate issued by the American Speech-Language-Hearing Association's Council for Clinical Certification to an individual who:
 - (1) Completes a degree in audiology or speech-language pathology from an educational institution approved by the Board that includes a clinical practicum;
 - (2) Passes the ETSNESPA; and
 - (3) Completes a clinical fellowship.
- (f) **Clinical practicum"** means the experience acquired by an individual who is completing course work in audiology or speech-language pathology, while supervised by a licensed audiologist, a licensed speech-language pathologist, or an individual holding a CCC, by assessing, diagnosing, evaluating, screening, treating, and counseling individuals exhibiting speech, language, hearing, or communication disorders.
- (g) **Educational institution approved by the Board"** means:
 - (1) An educational institution that is accredited by a regional or national accrediting body recognized by the U.S. Department of Education or from an institution that is a member in good standing with the Association of Universities and Colleges of Canada; or
 - (2) Has program accreditation in the area for which licensure is sought by an accrediting body recognized by the U.S. Department of Education or the Council on Higher Education Accreditation (CHEA) or its predecessor, the Council on Postsecondary Accreditation (COPA), or a comparable accrediting body recognized by the Board; or
 - (3) A graduate speech-language or audiology program shall be accredited or shall be designated as a program in candidacy by the accrediting body authorized by the American Speech-Language-Hearing Association at the time of the applicant's graduation; or
 - (4) A post-baccalaureate audiology doctoral program shall be accredited or shall be designated as a program in candidacy by the accrediting body by the American Speech-Language-Hearing Association or shall be accredited or shall be designated in candidacy by another accrediting body.
- (h) **"ETSNESPA"** means Educational Testing Service National Examination in Speech-Language Pathology and Audiology, the specialty area test of the Praxis Series given by the Education Testing Service, Princeton, N.J.

- (i) **"Examination approved by the Board,"** means the National Examination in Speech Pathology or the National Examination in Audiology administered by the Educational Testing Service of Princeton, New Jersey.
- (j) **"Practice of Audiology"** means the application of principles, methods, and procedures for the prevention, identification, evaluation, consultation, habilitation, rehabilitation, instruction, treatment, and research, relative to hearing and the disorders of hearing, and related language and speech disorders. "Disorders" are defined to include all conditions, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication, including, but not limited to, disorders of auditory sensitivity, acuity, function, or processing, or damage to the integrity of the physiological system.
- (k) **"Practice of Speech-language pathology"** means the application of principles, methods, and procedures for the prevention, identification, evaluation, treatment, consultation, habilitation, rehabilitation, instruction, and research, relative to the development and disorders of human communication; to related oral and pharyngeal competencies; and to behavior related to disorders of human communication,
- (l) **"Speech-language pathologist (SLP)"** means a person who has been duly licensed to practice speech-language pathology in the CNMI, as hereafter defined.
- (m) **"Speech-language pathology assistant"** means a person who meets the academic and supervised training requirements set forth by the Board and who is approved by the Board to assist in the provision of speech-language pathology under the supervision of a CNMI licensed speech-language pathologist who retains full professional and legal responsibility for the performance of the assistant and the care and treatment of the patient.
- (n) **"Supervision"** means a licensed speech-language pathologist or a licensed audiologist will direct and exercise supervision for the services rendered by an assistant and recognizes that he/she retains full professional and legal responsibility for the performance of the assistant and the care and treatment of the patient.

§ 185-10-5005 Practice as Speech-language Pathologist or Audiologist; title or description of services.

- (a) A person represents himself or herself to be a speech-language pathologist when he or she holds himself or herself by any title or description of services incorporating the words "speech pathologist," "speech pathology," "speech therapy," "language pathologist," "language pathology," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "language therapist," "phoniatriest," or any similar titles; or when he or she purports to treat stuttering, stammering, or other disorders of speech.
- (b) A person represents himself or herself to be an audiologist when he or she holds himself or herself out to the public by any title or description of services incorporating the terms "audiology," "audiologist," "audiological," "hearing clinic," or any similar titles.

§ 185-10-5010 Exemptions.

- (a) Nothing in these regulations shall be construed as preventing or restricting:
 - (1) Hearing testing conducted by licensed physicians and surgeons or by persons conducting hearing tests under the supervision of a physician and surgeon;
 - (2) A licensed hearing aid dispenser or dealer from engaging in testing of hearing and other practices and procedures used solely for the fitting and testing of hearing aids over the age of 16;
 - (3) The services or activities of a student or a speech-language pathology or audiology intern pursuing a course of study leading to a degree in speech-language pathology or audiology, provided that these services and activities constitute a part of his/her supervised course study, and they are under the supervision of a licensed speech-language pathologist or a licensed audiologist;

- (4) The activities and services of a person fulfilling the clinical experience requirements or the clinical fellowship year leading to the ASHA certificate of clinical competence; or
 - (5) The performance of speech pathology or audiology services in the CNMI by a person, not a resident of the CNMI who is not licensed, if such services are performed for not more than five working days in any calendar year and in cooperation with a CNMI licensed speech pathologist or audiologist, and if such person meets the licensure requirements under Section 185-10-5015 of these regulations.
- (b) Persons employed as speech-language pathologists or audiologists by a federal agency are exempted from these regulations.

§ 185-10-5015 Requirements for Licensure.

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

(1) Speech-Language Pathologist

- (i) Possess at least a master's degree in speech-language pathology from an educational institution approved by the Board or qualifications deemed equivalent by the Board; and
- (ii) Took and passed the examination approved by the Board; or
- (iii) Possess a current and valid Certificate of Clinical Competence in speech-language pathology issued by ASHA's Council for Clinical Certification.

(2) Speech-Language Pathologist without ASHA CCC or U.S. SLP License

- (i) Possess a master's degree or completion of the academic requirements of a doctoral program, with a major emphasis in speech-language pathology;
- (ii) Applicants enrolled in an educational institution or program approved by the Board prior to January 5, 2005, must complete a minimum of sixty (60) semester hours, at least thirty-six (36) hours must be earned in graduate level courses;
- (iii) Applicants enrolled in an educational institution or program approved by the Board after January 5, 2005, must complete a minimum of seventy-five (75) semester hours, at least thirty-six (36) hours must be earned in graduate-level courses;
- (iv) Completed 300 clock hours of supervised experience with at least 200 hours in speech-language pathology;
- (v) Completed at least nine (9) months of professional employment experience;
- (vi) Has taken and passed the Praxis Series Examination administered by the Educational Testing Services; and
- (vii) Completed one hour of HIV/AIDS and two hours in the Prevention of Medical Errors workshop or seminar.

(3) Speech-Language Pathology Assistant

- (i) Possess a bachelor's degree from an educational institution approved by the Board, which includes at least 24 semester hours of coursework in Speech and Language;
 - (ii) Completed one hour of HIV/AIDS and two hours in the Prevention of Medical Errors workshop or seminar;
 - (iii) Submits to the Board a Supervisory/Activity Plan signed by both the SLP supervisor and him/herself.
- (4) Audiologist
- (i) Possess a Doctor of Audiology degree (Au.D.) or a Ph.D. in audiology from an educational institution approved by the Board; or
 - (ii) Possess at least a master's degree in audiology from an educational institution approved by the Board or qualifications deemed equivalent by the Board; and
 - (iii) Took and passed the examination approved by the Board; or
 - (iv) Possess a current and valid Certificate of Clinical Competence in audiology issued by ASHA's Council for Clinical Certification or hold Board Certification in Audiology from the American Board of Audiology;
- (5) Audiologist without ASHA CCC or Board Certification in Audiology U.S. Audiologist License
- (i) Possess a doctoral degree in audiology;
 - (ii) Applicants who earned a doctoral degree from an educational institution or program approved by the Board conferred before January 1, 2008, must complete a minimum of sixty (60) semester hours, at least twenty-four (24) hours must be in audiology;
 - (iii) Applicants who earned a doctoral degree from an educational institution or program approved by the Board conferred after January 1, 2008, must complete a minimum of seventy-five (75) semester hours, at least twenty-four (24) hours must be in audiology;
 - (iv) Completed 300 clock hours of supervised experience with at least 200 hours in audiology;
 - (v) Completed at least eleven (11) months of professional employment experience;
 - (vi) Applicant who possesses a master's degree conferred before January 1, 2008, shall submit the document to show proof that applicant has completed one (1) year of clinical work experience prior to licensure;
 - (vii) Has taken and passed the Praxis Series Examination administered by the Educational Testing Services; and
 - (viii) Completed one hour of HIV/AIDS and two hours in the Prevention of Medical Errors workshop or seminar.
- (6) Audiology Assistant
- (i) Completed a high school education or its equivalent;

- (ii) Completed one-hour HIV/ workshop or seminar;
 - (iii) Submits to the Board a Supervisory/Activity Plan signed by both the audiology supervisor and him/herself.
- (b) "Qualifications deemed equivalent by the Board" in this section means in lieu of a master's degree an applicant may present evidence of completion of at least 30 semester units acceptable towards a master's degree while registered as a graduate student in a degree program in speech-language pathology and/or audiology. At least 24 of the required semester units shall be completed at a single educational institution and shall be in speech-language pathology or audiology.

§ 185-10-5020 Licensure by Endorsement.

- (a) The Board may grant a license to a person to practice as a speech-language pathologist or audiologist by endorsement if:
- (1) The person holds a full, unrestricted, active license to practice as a speech-language pathologist or audiologist in another U.S. state or territory, or Canada and has completed no less than one year of full-time continuous employment as a speech-language pathologist or audiologist within the past three years; and
 - (2) The person substantially complies with the requirements for licensure in Section 185-10-5015.
- (b) The Board may deny a license by endorsement to a person to practice as a speech-language pathologist or audiologist if the person has been the subject of an adverse action in which his/her license was suspended, revoked, placed on probation, conditioned, or renewal denied.

§ 185-10-5025 Applications.

An application for a license to practice as a speech-language pathologist, speech-language pathology assistant, audiologist, or audiology assistant shall be made under oath on a form to be provided by the Board and shall be signed and sworn to under penalty of perjury by the applicant accompanied with the following information and documentation as is necessary to establish that the applicant possesses the qualifications as required in these regulations:

- (a) The applicant's full name and all aliases or other names ever used, current address, date and place of birth and social security number;
- (b) Applicant's 2x2 photograph taken within six (6) months with your signature on the bottom front;
- (c) Applicant must pay the appropriate fees, including the application fee, which shall not be refunded;
- (d) Applicant to provide originals of all documents and credentials, or notarized or certified copies acceptable to the Board of such documents and credentials, including but not limited to:
 - (1) Diploma or certificate showing the appropriate degree from an educational institution approved by the Board or qualifications deemed equivalent by the Board;
 - (2) Documents showing satisfactory proof that the applicant has taken and passed the required examination by the National Examination in Speech Pathology or the National Examination in Audiology administered by the Educational Testing Service of Princeton, New Jersey; or

- (2) Documents showing proof that the applicant has a current and valid Certificate of Clinical Competence in speech-language pathology or audiology issued by ASHA's Council for Clinical Certification; or
- (3) Documents showing proof that the applicant is licensed to practice as a speech-language pathologist, speech-language pathology assistant, audiologist, or audiology assistant in another jurisdiction;
- (4) A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank
- (e) Applicant to provide a list of all jurisdictions, U.S. or foreign, in which the applicant is licensed or has applied for a license to practice as a speech-language pathologist, speech-language pathology assistant, audiologist or audiology assistant; and
- (f) Applicant to provide a detailed educational history, including places, institutions, dates, and program descriptions of all his or her education beginning with secondary schooling and including all college and/or training programs; and
- (g) Applicant to provide a list of all jurisdictions, U.S. or foreign, in which the applicant has been denied licensure or voluntarily surrendered a license to practice as a speech-language pathologist, speech-language pathology assistant, audiologist or audiology assistant; and
- (h) Applicant to provide a list of all jurisdictions, U.S. or foreign, of all sanctions, judgments, awards, settlements, or convictions against the applicant that would constitute grounds for disciplinary action under the Act or these regulations.

§ 185-10-5030 Schedule of Fees.

PROFESSION	APPLICATION FEE	INITIAL LICENSE	RENEWAL LICENSE	*LATE FEE/LICENSE VERIFICATION
Speech-Language Pathologist	\$100	\$100	\$200	\$25
Speech-Language Pathologist Assistant	\$100	\$100	\$200	\$25
Audiologist	\$100	\$100	\$200	\$25
Audiologist Assistant	\$100	\$100	\$200	\$25

Note: A delinquent fee of \$25 will be charged every 1st of the month after the expiration date.

§ 185-10-5035 Continuing Education (CE).

- (a) A speech-language pathologist and audiologist licensed to practice in the CNMI is required to complete thirty (30) CE hours during the 24 months prior to the expiration of their license as a prerequisite to the renewal of their biennial license.
- (b) A speech-language pathologist or audiologist assistant licensed to practice in the CNMI is required to complete twenty (20) CE hours during the 24 months prior to the expiration of their license as a prerequisite to the renewal of their biennial license.
- (c) One CE unit or credit equals one contact hour.
- (d) Approved continuing education activities include but are not limited to the following:

- (1) ASHA's approved CE providers, ASHA's CEUs online (ASHA eLearning), American Academy of Audiology, or other programs approved by the Board;
 - (2) Shall complete an online course or attend a workshop or seminar offered in the CNMI on domestic violence.
- (e) If a licensee fails to meet the CE requirements for renewal of license because of illness, military service, medical or religious activity, residence in a foreign country, or other extenuating circumstances, the Board upon appropriate written request from the applicant may grant an extension of time to complete same, on an individual basis.
 - (f) It shall be the responsibility of the licensee to obtain documentation, satisfactory to the Board, from the organization or institution of his or her participation in the continuing education, and the number of course/credit hours.
 - (g) Licensure renewal shall be denied to any licensee who fails to provide satisfactory evidence of completion of CE requirements, or who falsely certifies attendance at and/or completion of the CE as required herein.
 - (h) A licensee is not permitted to carry forward CE credit hours from a previous renewal period.

§ 185-10-5040 Scope of Practice for Speech-Language Pathologists and Audiologists

- (a) The scope of practice of speech-language pathologists includes but is not limited to:
 - (1) Providing screening, identification, evaluation, assessment, recommendations, intervention (i.e., prevention, restoration, and amelioration), and follow-up services for disorders of:
 - (i) Speech (e.g., disorders of respiration, phonation, articulation, resonance, and fluency);
 - (ii) Language (including disorders or symbolic communication in oral, written, manual, graphic, and other modalities;
 - (iii) Oral pharyngeal and related functions (e.g., dysphagia, orofacial myofunctional disorders);
 - (iv) Cognitive communication (including communication and other functional disabilities associated with cognitive rehabilitation);
 - (v) Social communication (e.g., challenging behavior, ineffective social skills, and language).
 - (2) Providing consultation and counseling and making referrals when appropriate;
 - (3) Selecting, dispensing, developing, and establishing the effective use of augmentative and alternative communication techniques, technologies, and strategies;
 - (4) Selecting, fitting, and establishing the effective use of prosthetic/adaptive devices for speaking and swallowing (e.g., tracheoesophageal valves, electrolarynxes, speaking valves);
 - (5) Using instrumental technology to diagnose and treat disorders of communication and swallowing (e.g., videofluoroscopic, naso endoscopy, ultrasonography);
 - (6) Providing aural rehabilitation and related counseling to individuals with hearing loss and their families;
 - (7) Screening hearing for the purpose of speech-language evaluation and/or the initial identification or individuals with other communication disorders;

- (8) Enhancing speech-language proficiency and communication effectiveness (e.g., accent reduction, collaboration with teachers of English as a Second Language);
- (9) Supervising personnel and developing and managing programs in communication sciences and related disorders;
- (10) Conducting, disseminating, and applying research in communication sciences and related disorders;
- (11) Conducting a continuous evaluation of the effectiveness of practices and programs to improve and maintain the quality of services.

(b) The scope of practice of audiologists includes but is not limited to:

- (1) Activities that identify, assess, diagnose, manage, and interpret test results related to disorders of human hearing, balance, and other neural systems;
- (2) Otoloscopic examination and external ear canal management for removal or cerumen in order to evaluate hearing or balance, make ear impressions, fit hearing protection or prosthetic devices, and monitor the continuous use of hearing aids;
- (3) The conduct and interpretation of behavioral, electroacoustic, or electrophysiologic methods used to assess hearing, balance, and neural system function;
- (4) Evaluation and management of children and adults with central auditory processing disorders;
- (5) Supervision and conduct of newborn hearing screening programs;
- (6) Measurement and interpretation of sensory and motor evoked potentials, electromyography, and other electrodiagnostic tests for purposes of neurophysiologic intraoperative monitoring and cranial nerve assessment;
- (7) Provision of hearing care by selecting, evaluating, fitting, facilitating adjustment to, and dispensing prosthetic devices for auditory disorders, including hearing aids, sensory aids, hearing assistive devices, alerting and telecommunication systems, and captioning devices;
- (8) Assessment of candidacy of persons with auditory disorders for cochlear implants and provision of fitting, programming, and audiological rehabilitation to optimize device use;
- (9) Provision of audiological rehabilitation including speechreading, communication management, language development, auditory skill development, and counseling for psychosocial adjustment to hearing loss for persons with hearing loss and their families/caregivers;
- (10) Consultation to educators as members of interdisciplinary teams about communication management, educational implications or hearing loss, educational programming, classroom acoustics, and large-area amplification systems for children with hearing loss;
- (11) Prevention of hearing loss and conservation of hearing function by designing, implementing, and coordinating occupational, school, and community hearing conservation and identification program;
- (12) Consultation and provision of rehabilitation to persons with balance disorders using habituation, exercise therapy, and balance retraining;

- (13) Design and conduct of basic and applied audiologic research to increase the knowledge base, to develop new methods and programs, and determine the efficacy of assessment and treatment paradigms, dissemination of research findings to other professionals and to the public;
- (14) Education and administration in audiology graduate and professional education programs;
- (15) Measurement of functional outcomes, consumer satisfaction, effectiveness, efficiency, and cost-benefit of practices and programs to maintain and improve the quality of audiological services;
- (16) Administration and supervision of professional and technical personnel who provide support functions to the practice of audiology;
- (17) Screening of speech-language, use of sign language (e.g., American Sign Language and cued speech), and other factors affecting communication function for the purposes of an audiologic evaluation and/or initial identification of individuals with other communication disorders;
- (18) Consultation about accessibility for persons with hearing loss in public and private buildings, programs, and services;
- (19) Assessment and nonmedical management of tinnitus using biofeedback, masking, hearing aids, education, and counseling;
- (20) Consultation to individuals, public and private agencies, and governmental bodies, or as an expert witness regarding legal interpretations of audiology findings, effects of hearing loss and balance system disorders, and relevant noise-related considerations;
- (21) Case management and service as a liaison for the consumer, family, and agencies in order to monitor audiological status and management and to make recommendations about educational and vocational programming;
- (22) Consultation to industry on the development of products and instrumentation related to the measurement and management of auditory or balance functions; and
- (23) Participation in the development of professional and technical standards.

§ 185-10-5045 Scope of Practice for Speech-language Pathology Assistant.

- (a) The scope of practice of speech-language pathology assistant includes but is not limited to:
 - (1) Conducting speech-language screening, without interpretation, and using screening protocols developed by the supervising speech-language pathologist;
 - (2) Providing direct treatment to patients or clients under the supervision of the speech-language pathologist;
 - (3) Following and implementing documented treatment plans or protocols developed by the supervising speech-language pathologist;
 - (4) Documenting patient or client progress toward meeting established objectives and reporting the information to the supervising speech-language pathologist;
 - (5) Assisting a speech-language pathologist during assessments, including but not limited to, assisting with formal documentation, preparing materials, and performing clerical duties for the supervising speech-language pathologist;

- (6) When competent to do so, as determined by the supervising speech-language pathologist, acting as an interpreter for non-English speaking patients or clients and their family members;
 - (7) Scheduling activities and preparing charts, records, graphs, and data;
 - (8) Performing checks and maintenance of equipment, including but not limited to, augmentative communication devices; and
 - (9) Assisting with speech-language pathology research projects, in-service training, and family or community education.
- (b) Speech-language pathology assistants are not authorized to conduct evaluations, interpret, data, alter treatment plans, or perform any task without the express knowledge and approval of the supervising speech-language pathologist.

§ 185-10-5050 Scope of Practice for Audiology Assistant.

Provided that the training, supervision, and planning are appropriate, the following three overarching duty areas may be delegated to an audiology assistant:

(a) Participate in patient care/services and in educational settings

- (1) Assist with providing services (testing), fitting of hearing devices and accessories
- (2) Perform nondiagnostic otoscopy and conduct audiologic testing without clinical interpretation (e.g., hearing screening, pure-tone air conduction thresholds, newborn hearing screening, immittance screening, otoacoustic emission screening)
- (3) Assist with intervention programs (auditory rehabilitation, hearing loss prevention)
- (4) Document and report all patient/client/student encounters—including interaction, services, and outcomes
- (5) Assist with educating patients/clients/students, families, and caregivers about the use and care of hearing devices, assistive listening devices, and alerting devices

(b) Perform hearing device maintenance and maintain audiology testing space

- (1) Perform electroacoustic analysis of hearing devices, perform listening checks, and visual inspection of hearing devices and accessories;
- (2) Perform troubleshooting and minor repairs of hearing devices, earmolds, and accessories; clean hearing devices, earmolds, and accessories, assist the audiologist in sending hearing devices and accessories for repair;
- (3) Assist with clerical duties (e.g., stocking of materials, recordkeeping, scheduling activities), and maintain inventory of supplies;
- (4) Perform infection control.

(c) Engage in professional activities and advocacy

- (1) Participate in professional organizations, advocate for relevant public policies and resources at the local, state, and national levels;

(2) Assist with activities such as research projects, in-service training, public relations programs, and marketing programs;

(3) Participate in community awareness, health literacy, education, and training programs;

§ 185-10-5055 Supervisor's Responsibilities.

- (a) A supervisor of a speech-language pathology assistant or audiology assistant shall:
- (1) Have legal responsibility for the health, safety, and welfare of the patients; and
 - (2) Have legal responsibility for the acts and services provided by the speech-language pathology assistant or audiology assistant, including compliance with the provisions of the statute and these regulations.
- (b) The speech-language pathology or audiology supervisor is responsible for ensuring that the speech-language pathology assistant or audiology assistant is adequately trained for the tasks the assistant will perform. The amount and type of training required must be based on the following:
- (1) The skills and experience of the speech-language pathology or audiology assistant;
 - (2) The needs of the patients/clients served;
 - (3) The service setting;
 - (4) The tasks assigned; and
 - (5) Any other factors as determined by the supervising speech-language pathologist or audiologist.
- (c) A supervising speech-language pathology or audiology supervisor is allowed to supervise no more than three (3) speech-language pathology assistants or audiology assistants.

§ 185-10-5060 Advertising.

- (a) A licensed speech-language pathologist or audiologist may advertise the provision of any services authorized by the law so long as such advertising does not promote the excessive or unnecessary use of such services.
- (b) A licensed speech-language pathologist or audiologist may advertise any academic degree that has been earned and awarded provided that the advertisement of that degree is not false, deceptive, misleading, or in the exercise of reasonable care should be known to be false, deceptive, or misleading.
- (c) If these degrees are generic, such as Ph.D., Ed.D. M.S., M.A., or M.Ed., the holder may represent them but shall specify the discipline in which each degree was earned.

§ 185-10-5065 Code of Ethics.

The Board recognizes the ASHA's Code of Ethics as its professional standards model. The preservation of the highest standards of integrity and ethical principles is vital to the responsible discharge of obligations by speech-language pathologists and audiologists. This Code of Ethics sets forth the fundamental principles and rules considered essential to this purpose. All CNMI-licensed speech-language pathologists, audiologists, speech-language pathology assistants, and audiology assistants shall abide by this Code of Ethics.

§ 185-10-5070 Disciplinary Action.

- (a) The Board shall have the power to impose administrative penalties and/or reprimands; revoke or suspend; refuse to issue, restore, or renew, the license of any person who is found to have violated one or more of the provisions enumerated in § 2224 of P.L. 15-105 and §§ 185-10-901 through 185-10-1301 of the regulations, including but not limited to the following:
- (1) Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate;
 - (2) Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee;
 - (3) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the hearing instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable;
 - (4) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect;
 - (5) Making any statement regarding the cure of the cause of a hearing impairment using a hearing aid; and
 - (6) Representing or implying that a hearing aid is or will be "custom made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual when such is not the case.



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION

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**PUBLIC NOTICE OF PROPOSED AMENDMENTS TO THE 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. Add § 180-10.1-045 Definitions (a), (c) – (e)
2. Add § 180-10.1-045 Definitions (ww)
3. Add § 180-10.1-045 Definitions (zz) – (aaa)
4. Amend § 180-10.1-045 Definitions (bb)
5. Renumber § 180-10.1-045 Definitions (b), (f) – (bbb) to reflect addition of new (a), (c) – (e), new (ww), and new (zz) – (aaa).
6. Amend § 180-10.1-350 Withdrawal (a)
7. Establish § 180-10.1-351 Application Abandonment, establish (a) – (d)
8. Remove § 180-10.1-320 Fees (e) (2) – (3)
9. Renumber § 180-10.1-320 Fees new (e) (2) to reflect removal of (e) (2) – (3)
10. Add § 180-10.1-320 Fees new (f) – (g)
11. Add § 180-10.1-701 Retailer Privileges; Prohibitions (3) (iii)
12. Amend § 180-10.1-810 Endorsements (a) and (a) (3) – (4)
13. Add § 180-10.1-810 Endorsements (a) (5) – (6)
14. Amend § 180-10.1-810 Endorsements (f)
15. Amend § 180-10.1-820 Processor Training Requirements (a) (2) – (3)
16. Add § 180-10.1-820 Processor Training Requirements (a) (4) – (5)
17. Add § 180-10.1-1101 Packaging and Labeling Definitions (k)

Subchapter 180.10-3 Homegrown Marijuana Registry


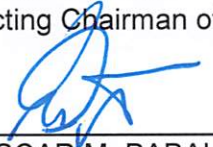

1. Remove § 180-10.3-101 Establishment of Homegrown Marijuana Registry (b) (4) – (5)

2. Renumber § 180-10.3-101 Establishment of Homegrown Marijuana Registry new (b) (4) to reflect removal of (4) – (5)
3. Remove § 180-10.3-101 Establishment of Homegrown Marijuana Registry (d) (iii)

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, 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 29 day of Nov, 2023.

Submitted by:	 _____ JUAN T. IGUEL Acting Chairman of the Commission	<u>11/29/2023</u> _____ Date
Received by:	 _____ OSCAR M. BABAUTA Special Assistant for Administration	<u>11/29/23</u> _____ Date
Filed and Recorded by:	 _____ ESTHER R.M. SAN NICOLAS Commonwealth Registrar	<u>12-28-23</u> _____ 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 19 day of December, 2023.



Hon. EDWARD MANIBUSAN
Attorney General



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NUTISIAN PUPBLIKU PUT I MANMAPROPONI NA AMENDASION PARA I 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 Sankattan na Islas Mariñas, i Kumisión Cannabis iya CNMI ("i Kumisión") ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Regulasion siha, sigun para i manera nu i Ákton Administrative Procedure, 1 CMC § 9104(a). I Regulasion siha siempre umifektibu gi dies (10) dihas dispues di adáptasién yan publikasién gi halum Rehistran Commonwealth. (1 CMC § 9105(b))

ATURIDÁT: I Kumision gai aturidát para u adápta i areklamentu yan regulasion siha para u makonsigi mo'na ni iyon-ñiha ubligasion yan responsibilidát siha sigun para Lain Puplicu 20-66 yan Lain Puplicu 21-05, kuntuđu lăo ti chí'ña para 4 CMC 53008(b).

I TEMA YAN SUSTANSIAN I PALĀBRA SIHA: I mañechettun na Areklamentu yan Regulasion siha ha suplimenta i prisenti na regulasion siha ni ha gubietna yan maneha i Industrian Cannabis gi halum iya CNMI. I tinilaika siha dumiklăra ti manapropiu na pattikulidát manera nu operasién ni siempre inafekta gi binăba i industrian cannabis gi halum iya CNMI.

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

1. Na'hălum § 180-10.1-045 Definisién (a), (c) – (e)
2. Na'hălum § 180-10.1-045 Definisién (ww)
3. Na'hălum § 180-10.1-045 Definisién (zz) – (aaa)
4. Amenda § 180-10.1-045 Definisién (bb)
5. Renumber § 180-10.1-045 Definisién (b), (f) – (bbb) para u riflekta măs na mannuebu (a), (c) – (e), new (ww), and new (zz) – (aaa).
6. Amenda § 180-10.1-350 Withdrawal (a)
7. Establesi § 180-10.1-351 Application Abandonment, establesi (a) – (d)
8. Na'suha § 180-10.1-320 Āpas siha (e) (2) – (3)
9. Renumber § 180-10.1-320 Nuebu na Āpas siha (e) (2) para u riflekta i malaknus nu (e) (2) – (3)
10. Na'hălum § 180-10.1-320 Nuebu na Āpas siha (f) – (g)
11. Na'hălum § 180-10.1-701 Retailer Privileges; Prohibisién siha (3) (iii)
12. Amenda § 180-10.1-810 Endorsements (a) yan (a) (3) – (4)
13. Na'hălum § 180-10.1-810 Endorsements (a) (5) – (6)
14. Amenda § 180-10.1-810 Endorsements (f)
15. Amenda § 180-10.1-820 Processor Training Requirements (a) (2) – (3)
16. Na'hălum § 180-10.1-820 Processor Training Requirements (a) (4) – (5)
17. Na'hălum § 180-10.1-1101 Packaging yan Labeling Definitions (k)




Subchapter 180.10.3-101 Establishment Homegrown Marijuana Registry

1. Na'suha § 180-10.3-101 Establishment Homegrown Marijuana Registry (b) (4) – (5)
2. Renumber § 180-10.3-101 nuebu na Establishment of Homegrown Marijuana Registry (b) (4) para u riflekta i malaknus nu (4) – (5)
3. Na'suha § 180-10.3-101 Establishment of Homegrown Marijuana Registry (d) (iii)

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'adapta na regulasion siha (1 CMC § 9102(a)(1)) ya u mapega gi kumbinienti na lugat siha gi halum i civic center yan i ufisinan gubietnamentu siha gi kada distritun senadot, i nutisia debi u parehu Inglis yan i dos prinsipat na lingguahin natibu. (1 CMC § 9104(a)(1)).

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

I Kumision Cannabis iya CNMI ma'aprueba i mañechettun na Regulasion siha gi diha 29 gi NOV., 2023.

Nina'hálum as:	 JUAN T. IGUEL Acting Kabesiyun Kumision	<u>11/29/2023</u> Fetcha
Rinisibi as:	 OSCAR M. BABAUTA Ispisiat na Ayudanti para I Atministrasion	<u>11/29/23</u> Fetcha
Pine'lu yan Ninota as:	 ESTHER R.M. SAN NICOLAS Rehistran Commonwealth	<u>12-28.23</u> Fetcha

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

Mafetcha gi diha 19 gi December, 2023.


Hon. EDWARD MANIBUSAN
Abugadu Hinirât



COMMONWEALTH TÉÉL FALÚW KKA EFÁNG LLÓL MARIANAS
CANNABIS COMMISSION

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**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGÁLI ALLÉGH ME
MWÓGHUTUGHUT NGÁLI CNMI CANNABIS COMMISSION**

MÁNGEMÁNGI MWÓGHUT REEL REBWE ADÓPTÁALI ALLÉGH ME MWÓGHUTUGHUT:

Commonwealth Téél Falúw kka Efáng llól Marianas, CNMI Cannabis Commission ("Commission we") re mángemángil rebwe adóptáali Ppwomwol Mwóghutughut ikka e appasch bwe aa lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwungulól Mwóghutughut kkal llól seigh ráal mwiril aal akkatééwow me llól Commonwealth Register. (1 CMC § 9105(b))

BWÁNGIL: Eyoor bwángil Commission reel rebwe adóptáali allégh me mwóghutughut llól ghatchúl me lemelemlL sáangi Alléghúl Toulap 20-66 me Alléghúl Toulap 21-05, e schuulong nge ese yúgh ngáli 4 CMC 53008(b).

KKAPASAL ME WEEWEL: Ebwal schuulong llól Allégh me Mwóghutughut ikka e appasch mwóghutughut ikka e lo iye e ayoorai lemelem me mwóghutughut ngáli "Cannabis Industry" me llól CNMI. Eyoor liiwel ikka ese fil ngáli mwóghutughutúl me e lo bwe e nngaw ngáli "cannabis industry" me llól CNMI.

KKAPASAL ME AUTOL: Allégh me Mwóghutughut kkal:

1. Aschuulong § 180-10.1-045 Weeweel (a), (c) – (e)
2. Aschuulong § 180-10.1-045 Weeweel (ww)
3. Aschuulong § 180-10.1-045 Weeweel (zz) – (aaa)
4. Siiweli § 180-10.1-045 Weeweel (bb)
5. Fféerú sefáali páápál § 180-10.1-045 Weeweel (b), (f) – (bbb) ebwe bwááló imwu e ffé bwe re aschuulong (a), (c) – (e), ffé (ww) me ffé (zz) – (aaa).
6. Liiweli § 180-10.1-350 Withdrawal (a)
7. Itittiw § 180-10.1-351 Application Abandonment, itittiw (a) – (d)
8. Amwóyló § 180-10.1-320 Óbwóss (e) (2) – (3)
9. Fféerú sefáali páápál § 180-10.1-320 Ffél Óbwóss (e) (2) ebwe bwáá siiwelil (e) (2) – (3)
10. Aschuulong § 180-10.1-320 Ffél Óbwóss (f) – (g)
11. Aschuulong § 180-10.1-701 Retailer Privileges; Prohibitions (3) (iii)
12. Liiweli § 180-10.1810 Endorsements (a) me (a) (3) – (4)
13. Aschuulong § 180-10.1-820 Endorsements (a) (5) – (6)
14. Liiweli § 180-10.1-810 Endorsements (f)
15. Liiweli § 180-10.1-820 Processor Training Requirements (a) (2) – (3)
16. Aschuulong § 180-10.1-820 Processor Training Requirements (a) (4) – (5)
17. Aschuulong § 180-10.1-1101 Ammwelil me Ischiyal Weeweel (k)

Subchapter 180.10-3 Homegrown Marijuana Registry

1. Amwóyló § 180-10.3-101 Itittiwel Homegrown Marijuana Registry (b) (4) – (5)
2. Fféerú sefáali § 180-10.3-101 Itittiwel ffél Homegrown Marijuana Registry (b) (4) ebwe bwáá amwóyló (b) (4) – (5)

3. Amwóyló § 180-10.3-101 Itittiwel Homegrown Marijuana Registry (d) (iii)

AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Ebwe akkatééwow Ppwomwol Mwóghutughut me llól Commonwealth Register llól táil ppwomwol me ffél mwóghut ikka ra adóptáali (1 CMC § 9102(a)(1)) me ebwe appaschetá me llól civic center llól bwulasiyol gobetnameento llól senatorial district; ebwe lo arongorong yeel llól English me mwaliyaasch. (1 CMC § 9104(a)(1)).

REEL ISIISILONGOL KKPAS: Afanga ngare bwughiló yóómw ischil kkapas ngáli CNMI Cannabis Commission, *Attn: New Cannabis Commission Rules and Regulations*, reel féléfél iye lo weiláng, fax ngare "email address", fengál wóól "subject line" bwe "New Cannabis Commission Rules and Regulations". Ebwe toolong ischil kkapas llól eliigh ráál mwiril aal akkatééwow arongorong yeel. Isiisilong yóómw "data", "views", ngare angiingi. (1 CMC § 9104(a)(2))


CNMI Cannabis Commission ra átirowa Mwóghutughut ikka e appasch wóól 29 ráálil Nov, 2023.

Isaliyalong:


JUAN T. IGUEL
Acting Chairman-il Commission


11/29/2023
Ráál

Bwughiyal:


OSCAR M. BABAUTA
Special Assistant ngáli Administration

11/29/23
Ráál


Ammwelil:


ESTHER R. M. SAN NICOLAS
Commonwealth Registrar

12.28.23
Ráál

Sángi 1 CMC § 2153(e) (sángi átirowal AG bwe aa ffil reel fféerúl) me 1 CMC § 9104(a)(3) (sángi átirowal AG) reel ppwomwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa reel fféerúl me legal sufficiency sángi Soulemelemil Allégh Lapalap CNMI me ebwe akkatééwow, 1 CMC § 2153(f) (arongowowul allégh me mwóghutughut).

Aghikkilátiw wóól 18 ráálil December, 2023.


Hon. EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION

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§ 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) “Abandonment” refers to the status of an application when an applicant fails to complete the necessary steps or actions within the timeframe specified by the Commission.
- (b) “Act” means Public Law 20-66, as amended by Public Law 21-05 and as it may be amended or supplemented by subsequent legislation.
- (c) “Advertising” is publicizing the trade name of a licensee together with words or symbols referring to marijuana or publicizing the brand name of marijuana or a marijuana product.
- (d) “Applicant” means any person (as defined in these regulations) who files an application for a cannabis license or permit with the Commission.
- (e) “Application” pertains to the formal request or submission made by an applicant for a cannabis license or permit with the Commission.
- (f) “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.
- (g) “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.*
- (h) “Commerce” means the Department of Commerce.
- (i) “Commission” means the Cannabis Commission.
- (j) “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.
- (k) “Commonwealth” or “CNMI” means the Commonwealth of the Northern Mariana Islands.
- (l) “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.
- (m) “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 immune modulated 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.
- (n) “Division of Agriculture” means the Department of Lands and Natural Resources Division of Agriculture.
- (o) “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.
- (p) “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.
- (q) “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.

- (r) “Homegrown” or “homemade” means grown or made by a person 21 years of age or older for non-commercial purposes.
- (s) “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.
- (t) “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.
- (u) “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.
- (v) “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.
- (w) “Immature marijuana plant” means a marijuana plant with no observable flowers or buds.
- (x) “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.
- (y) “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.
- (z) “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.
- (aa) “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.
- (bb) “Marijuana extract” or “Marijuana concentrate” means a product obtained by separating resins from marijuana by solventless extraction using water, vegetable glycerin or heat and pressure press, or solvent-based extraction using chemical solvents such butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide: which is produced only by a licensed marijuana establishment.
- (cc) (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.
- (dd) “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.
- (ee) "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.
- (ff) "Marijuana processor" means a person who processes marijuana items in this Commonwealth.
- (gg) "Marijuana producer" means a person who produces marijuana in this Commonwealth.
- (hh) (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.
- (ii) "Marijuana retailer" means a person who sells marijuana items to a consumer in this Commonwealth.
- (jj) "Marijuana testing facility" means an entity licensed by the Commission to analyze and certify the safety and potency of marijuana items.
- (kk) "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.
- (ll) "Mature marijuana plant" means any marijuana plant that is not an immature marijuana plant. A mature marijuana plant has observable flowers or buds.
- (mm) "Medical marijuana" or "medicinal marijuana" means marijuana used by a person for medical or medicinal purposes.
- (nn) "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.
- (oo) "Micro producer" means a person with a micro production license to produce marijuana in this Commonwealth.
- (pp) "Minor" means a person under the age of 21 years old for purposes of this chapter.
- (qq) "Non-commercial" means not dependent or conditioned upon the provision or receipt of financial consideration.
- (rr) "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.
- (ss) "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.

(tt) (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.

(uu) (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.

(vv) “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).

(ww) “Reapplication” signifies the process of submitting a new application and applicable fees after the previous application has been deemed abandoned by the applicant or was denied by the Commission Board.

(xx) “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.

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

(zz) “Solventless extraction” means a solvent-free mechanical process of separating resins from marijuana flowers or leaves using water, vegetable glycerin or heat and pressure press.

(aaa) “Solvent-based extraction” means a chemical process of separating resins from marijuana flowers or leaves using solvents, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide.

(bbb) (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.

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

§ 180-10.1-351 Application Abandonment

§ 180-10.1-355 Limitation on number of licenses

§ 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.~~

The applicant must submit a written request for application withdrawal to the Commission. The request must include the following information:

1. Full name of the applicant
2. Date of application submission
3. Type of application
4. Reason for application withdrawal

The withdrawal request may be submitted in-person, or by email as designated by the Commission. Upon receiving the withdrawal request, the Commission will provide written acknowledgement of the request.

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.

§ 180-10.1-351 Application Abandonment

- a) In cases where an applicant fails to fulfill required application steps, including scheduling an onsite premises inspection, submitting essential documents, or providing requested information within the prescribed deadline, the application shall be considered abandoned.
- b) Commission records will reflect the application status as “abandoned”.
- c) An abandoned application will result in the forfeiture of any fees paid during the initial application process.
- d) Upon determination of application abandonment, an official notice will be sent to the applicant’s contact information on record. The notice will include:
 1. The reasons for abandonment, the steps that were not completed, and the option for reapplication.

2. An outline of the applicant's right to appeal the abandonment status by submitting a written appeal to the Commission Board members for consideration.
3. The appeals process, including timelines and required documentation.

§ 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~~
 - 2. Change to previously approved package or label: \$25
- f) Based on cost of doing business, the Commission approves a provisional reduction of license fees and application fees of twenty-five percent (25%), as provided in 4 CMC § 53036 (e), on all license types within the municipalities of Tinian, Rota, and the Northern Islands.
- g) The Commissioners representing the municipalities of Tinian, Rota, and the Northern Islands may reconsider the reduction in fees in (g) of this provision within their respective municipalities as may be dictated by market demand for cannabis licenses.

§ 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.
 - iii. Marijuana items to consumers off the licensed premises pursuant to bona fide orders received on the licensed premises prior to delivery.

§ 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; ~~and~~
 - 5. Solventless processor, except that cannabinoid edibles shall not be endorsed without proper product testing by a licensed marijuana laboratory; or

6. Solvent-based processor, except that cannabinoid edibles, topicals, concentrates, and extracts shall not be endorsed without proper product testing by a licensed marijuana laboratory and compliance with § 180-10.1-325 (b)(1).

- 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, except cannabinoid concentrates and extracts derived from solventless processing.
- 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.

§ 180-10.1-820 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; ~~and~~
 - 4. Processor certification from reputable cannabis training institutions; or
 - 5. For solventless processor, demonstrates in (a)(1) of this rule and § 180-10.1-815, the knowledge, skill, and ability to engage in solventless processing.
- 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.

§ 180-10.1-1101 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 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, chemical or other process.
- 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.
- k) **All packaging, labeling, and advertising shall be in English.**

SUBCHAPTER 180-10.3

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~~
- 4. Description of measures taken to ensure:
 - ii. 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
 - iii. 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~~



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) 664-4808/4809 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**NOTICE OF PROPOSED AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD FOR
PART 1605 – FEES, INITIALLY**

INTENDED ACTION TO ADOPT THIS PROPOSED REGULATION: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulation the attached Proposed Amendment, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulation would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

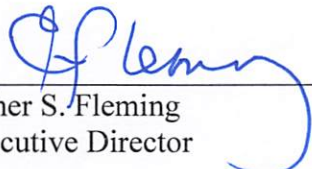
AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC § 2206(b), as amended.

THE TERMS AND SUBSTANCE: The attached proposed amendment is to amend the regulation for the Health Care Professions Licensing Board Part 1605 – To increase delinquent license fees for renewal.

THE SUBJECTS AND ISSUES INVOLVED: Amendment to the regulation:
Part 1605 § 185-10-1605(g) To increase delinquent license fees for renewal.

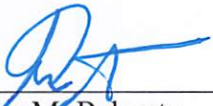
DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding this proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendment by contacting us at 664-4809 or by email at info@cnmilicensing.gov.mp or come by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be dropped off at our office or sent to the HCPLB, P.O. Box 502078, Saipan, MP, 96950.

Submitted By: _____


Esther S. Fleming
Executive Director

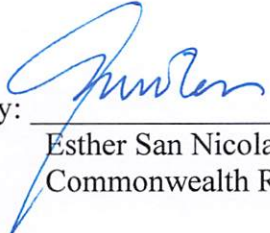

Date

Received By: _____


Oscar M. Babauta
Special Assistant for Administration

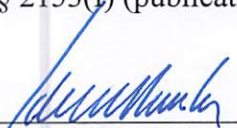
12/29/23
Date

Filed and Recorded By: _____


Esther San Nicolas
Commonwealth Registrar

12-29-23
Date

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


EDWARD MANIBUSAN
Attorney General

12/21/2023
Date

Part 1600 - Fees

§ 185-10-1605 Fees, Initially

The fees shall be in effect initially as follows: The following fees must be paid for the following services.

(a)	Initial Application Fees	\$100.00
(b)	Initial License Fees: Physicians, Dentists, Pharmacists, Optometrists, Psychologists	\$200.00
(c)	License Fees: all other Health Care Professionals	\$100.00
(d)	Temporary License	\$200.00
(e)	Renewal License for Physicians, Dentists, Pharmacists, Optometrists, Psychologists	\$200.00
(f)	Renewal License: all other Health Care Professionals	\$100.00
(g)	Delinquent (double the license fee for renewal)	- \$100.00-All other health care professions - \$200.00-Physicians, Dentists, Pharmacists, Optometrists, Psychologists - \$300.00-Clinical Labs & Pharmacies
(h)	Replacement/Duplication of License	\$75.00
(i)	Replacement/Duplication of wallet-size card	\$25.00
(j)	Application for Permit to Operate Clinical Laboratory	\$200.00
(k)	Permit to Operate Clinical laboratory	\$300.00
(l)	Application for Permit to Operate Pharmacy	\$200.00
(m)	Permit to Operate Pharmacy	\$300.00
(n)	Renewal Permit for Clinical Laboratory or Pharmacy	\$300.00
(o)	Fees for documents shall be as follows:	
	(1) Photocopies	Less than 10 copies – no charge; 11 or more copies - \$0.50 per page
	(2) Electronic files on CD	\$10.00 for each CD
	(3) Electronic files on DVD	\$20.00 for each DVD
	(4) Copies of meeting minutes on cassette tape	\$15.00 per tape
	(5) If complying with a request for information takes longer than one hour	Labor shall be charged at the rate of \$20.00 per hour
(p)	Annual reports of the Board	Ten dollars/hard copy
(q)	Such other charges and fees may be charged as shall be required for special licensee-related services, as may be performed in-house or through a contract.	
(r)	Other fees and charges to be published by the Board:	
	(1) In forma pauperis waiver	
	(2) Verification of license fees	\$25.00
	(3) Certified copies	
	(4) Research of licensure status	
	(5) Hearing transcripts	
	(6) Preparation of record on appeal	



Commonwealth Téel Falúw kka Efáng Ilól Marianas
HEALTH CARE PROFESSIONS LICENSING BOARD
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Website: www.cnmilicensing.gov.mp



**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGÁLI
HEALTH CARE PROFESSIONS LICENSING BOARD NGÁLI
PATTE 1605 – LICENSE FEES**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL MWÓGHUTUGHUT KKAAL: Health Care Professions Licensing Board (HCPLB) re mángemángil rebwe adóptááli PPwommwol Liiwel ikka e appasch bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut seigh ráál (10) mwiril aal angúungú fengál me 1 CMC §§ 9102 me 9104(a) ngáre (b) (1 CMC § 9105(b)).

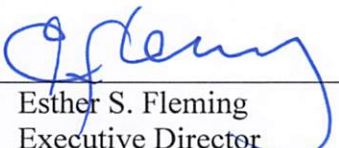
BWÁNGIL: Eyoor bwángil Health Care Professions Licensing Board rebwe aronga me isiisiwow mwóghut sáangi 3 CMC § 2206(b), igha e liiwe.

KKAPAS ME WEEWEE: Uruwowul Mwóghutughut: Alléghúl Toulap No. 15-105 iye e ghikkillong llól allégh sáangi Soulemelem Benigno R. Fitial me ebwe bwunguló wóól Aremwoy 7, 2007, me e toowow bwe “Health Care Professions Act of 2007,” 3 CMC §§2201-36. Act e ayoora eew Health Care Professions Licensing Board, bwe eew “independent regulatory agency”, nge rese isáli llól eew bwulasiyo. Eyoor bwángil Board reel rebwe ayoora “license health care professionals” me llól Commonwealth, ebwe ghikkill “standards” ngáre progróomal rághefish, isiisiwow “exams”, me ayoorai ammwelil “licensees” ngáli “violation of the Act”. Alléghúl Toulap No. 15-105 3 CMC § 2206(b), e ayoorai bwángil Board rebwe adóptááli allégh me mwóghutughut ikka e weewee ngáli “Act” me e ffil ebwe ayoorai mwóghutughutúl “Act’s provisions”, ebwal schuulong weewel me kkapasal “regulated professions” llól aar angaang.

KKAPASAL ME AUTOL: Ppomol Iliiwe rel allégh me mwóghutughut loll 1605 ss. 188-10-1605(g) rebwe sáráguu óbwóssul ngare méél ngare ubwe rinueba lisensia iya e dilikkuenti.

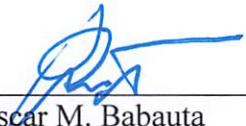
AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Board re tingór kkapas ikka e ssúlngáli ppwommwol liiwe iye Board rebwe bwughi llól eliigh (30) ráál mwiril aal ghommwal akkatééwow me llól Commonwealth Register. Schóó kka re tipáli pappidil ppwommwol liiwe rebwe faingi ghámeme me 664-4808/09 ngáre email li info@cnmilicensing.gov.mp ngáre mweteló bwulasiyo imwu e lo Bldg. No. 1242, Pohnpei Ct, Asúngúl, Seipél. Ischill kkapas wóól liiwe kkaal ebwe mwetelól bwulasiyo ngáre afangaló BPL, P.O. Box 502078, Saipan, MP, 96950.

Isáliyalong:


Esther S. Fleming
Executive Director

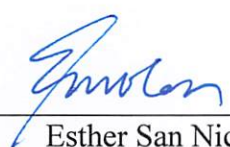

Ráál

Bwughiyal:


Oscar M. Babauta
Special Assistant ngáli Administration


Ráál

Ammwelil:


Esther San Nicolas
Commonwealth Registrar


Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG reel mwóghutughut bwe aa ffil reel fféerúl me ebwe arongowow) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalap me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughutúl).


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap


Ráál



Commonwealth gi Sankattan na Islas Mariānas
HEALTH CARE PROFESSIONS LICENSING BOARI
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**NUTISIA PUT I MANMAPROPONI NA REGULASIÓ GI
HEALTH CARE PROFESSIONS LICENSING BOARD PARA
PATTE 1605 – APAS LISENSIA**

I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Tinilaika, sigun gi manera nu i Ákton Administrative Procedure, 1 CMC § 9104(a). I regulasion siempri umifektibu gi dies (10) dihas dispues di “compliance” yan 1 CMC §§ 9102 yan 9104(a) pat (b) (1 CMC § 9105(b).

ATURIDÁT: I Health Care Professions Licensing Board gai istatua na aturidát para u cho'gui yan na'ifektibu i regulasion siha sigun gi 3 CMC § 2206(b), komu ma'amenda.

I TEMA YAN SUSTÁNSIAN I PALÁBRA SIHA: I Istoria Regulasió: Lai Publiku No. 15-105 ginen mafitma hálum gi lai ginen as Magaláhi Benigno R. Fitial yan umifektibu gi Nubembri 7, 2007, yan mafa'na'an i “Ákton Health Care Professions nu 2007,” 3 CMC §§2201-36. I Ákto fuma'tinas i Health Care Professions Licensing Board, komu independienti na regulatori ahensia, sin mapega gi halum i dipáttamentu. I Kuetpu ma'aturisa para u lisensia i health care professionals gi halum iya Commonwealth, establesi standards para prugrāman edukasion siha, dirihi exams, yan para u madisiplina i manlisensia ni kumuntradikta i Ákto. Lai Publiku No. 15-105 3 CMC § 2206(b), inaturisa i Kuetpu para u adápta i areklamentu yan regulasió siha kunsisti yan i Ákto yan nisissáriu para u kátga huyung i Ákto na tinilaika, ingklusu difina yan diskribi i magubietna na mammeyng yan i prinaktikan-ñiha.

SUHETU YAN ASUNTU NI TINEKKA: Amendasion para esti na regulasion:

1. Patte 1605 §185-10-160(g) – Ma umenta i apas para todo dilinguente na lisensia ni para u fan ma rinueba.


DIREKSIÓN PARA U MAPEGA YAN PUBLIKASIÓ: I Kuetpu mamamaisin upiñon siha put esti i manmaproponi na tinilaika ni debi di u marisibi ni i Kuetpu gi hálum i trenta (30) dihas gi primet na publikasion esti na nutisia gi hálum i Rehistran Commonwealth. I intirisão na petsona siha siña manrikuesta kopian i manmaproponi na tinilaika komu ma'āgang hami gi 664-4808/09 pat email gi info@cnmilicensing.gov.mp pat bisita i ufisinan-māmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. I tinigi' upiñon siha put esti na tinilaika siha debi na u machuli' guatu gi ufisinan-māmi pat na'hãno para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hálum as:


Esther S. Fleming
Eksakatibun Direktot


Fetcha

Rinisibi as:


Oscar M. Babauta
Ispisiât na Ayudânti para i Atministrasiôn


12/20/23
Fetcha

Pine'lu yan
Ninota as:


Esther San Nicolas
Rehistran Commonwealth

12-28-23
Fetcha

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


EDWARD MANIBUSAN
Abugâdu Hinirât

12/21/2023
Fetcha



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) 664-4808/4809 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**NOTICE OF PROPOSED AMENDMENTS TO THE
HEALTH CARE PROFESSIONS LICENSING BOARD FOR
PART 1605 – LICENSE FEES**

INTENDED ACTION TO ADOPT THIS PROPOSED REGULATION: The Health Care Professions Licensing Board (HCPLB) intends to adopt as permanent regulation the attached Proposed Amendment, pursuant to the procedures of the Administrative Procedure Act, 1 CMC § 9104(a). The regulation would become effective 10 days after compliance with 1 CMC §§ 9102 and 9104(a) or (b) (1 CMC § 9105(b)).

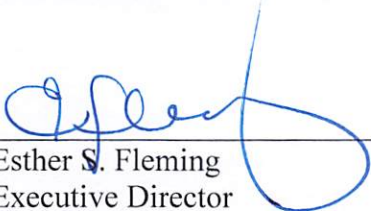
AUTHORITY: The Health Care Professions Licensing Board has statutory power to promulgate and effect regulations pursuant to 4 CMC § 2206(b), as amended.

THE TERMS AND SUBSTANCE: The attached proposed amendment is to amend the regulation for the Health Care Professions Licensing Board Part 1605 – License Fees

THE SUBJECTS AND ISSUES INVOLVED: Amendment to the regulation:

1. Part 1605 §185-10-1605(r)(2) – **Increase fees for all request for a license verification – from \$25.00 to \$50.00**

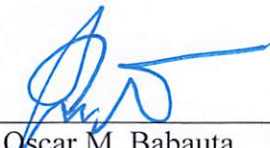
DIRECTIONS FOR FILING AND PUBLICATION: The Board is soliciting comments regarding this proposed amendment which must be received by the Board within thirty (30) days of first publication of this notice in the Commonwealth Register. Interested persons may request copies of the proposed amendment by contacting us at 664-4809 or by email at info@cnmilicensing.gov.mp or by our office located at Bldg. 1242, Pohnpei Ct., Capitol Hill, Saipan. Written comments on these amendments should be dropped off at our office or sent to the HCPLB, P.O. Box 502078, Saipan, MP, 96950.

Submitted By: 

Esther S. Fleming
Executive Director



Date

Received By: 

Oscar M. Babauta
Special Assistant for Administration



Date



STATE OF NEW YORK
IN SENATE
January 11, 1923
REPORT OF THE
COMMISSIONER OF THE
DEPARTMENT OF SOCIAL WELFARE
FOR THE YEAR 1922

ALBANY: J.B. LIPPINCOTT COMPANY, PRINTERS
1923

THE COMMISSIONER OF THE DEPARTMENT OF SOCIAL WELFARE has the honor to acknowledge the receipt of the report of the COMMISSIONER OF THE DEPARTMENT OF SOCIAL WELFARE for the year 1922, and to transmit herewith a copy of the same to the SENATE and the ASSEMBLY.

The report of the COMMISSIONER OF THE DEPARTMENT OF SOCIAL WELFARE for the year 1922, is a valuable contribution to the knowledge of the social conditions of the State, and is a most interesting and instructive document.

The report of the COMMISSIONER OF THE DEPARTMENT OF SOCIAL WELFARE for the year 1922, is a valuable contribution to the knowledge of the social conditions of the State, and is a most interesting and instructive document.

12/10/22

[Signature]

OFFICE OF THE ATTORNEY GENERAL CIVIL DIVISION	
RECEIVED	
BY: <i>[Signature]</i>	DATE: 12/05/23

Filed and Recorded By:



Esther San Nicolas
Commonwealth Registrar

12.15.2023

Date

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



EDWARD MANIBUSAN
Attorney General

12/5/2023

Date

Part 1600 - Fees

§ 185-10-1605 Fees, Initially

The fees shall be in effect initially as follows: The following fees must be paid for the following services.

(a)	Initial Application Fees	\$100.00
(b)	Initial License Fees: Physicians, Dentists, Pharmacists, Optometrists, Psychologists	\$200.00
(c)	License Fees: all other Health Care Professionals	\$100.00
(d)	Temporary License	\$200.00
(e)	Renewal License for Physicians, Dentists, Pharmacists, Optometrists, Psychologists	\$200.00
(f)	Renewal License: all other Health Care Professionals	\$100.00
(g)	Delinquent (each month)	\$25.00
(h)	Replacement/Duplication of License	\$75.00
(i)	Replacement/Duplication of wallet-size card	\$25.00
(j)	Application for Permit to Operate Clinical Laboratory	\$200.00
(k)	Permit to Operate Clinical laboratory	\$300.00
(l)	Application for Permit to Operate Pharmacy	\$200.00
(m)	Permit to Operate Pharmacy	\$300.00
(n)	Renewal Permit for Clinical Laboratory or Pharmacy	\$300.00
(o)	Fees for documents shall be as follows:	
(1)	Photocopies	Less than 10 copies – no charge; 11 or more copies - \$0.50 per page
(2)	Electronic files on CD	\$10.00 for each CD
(3)	Electronic files on DVD	\$20.00 for each DVD
(4)	Copies of meeting minutes on cassette tape	\$15.00 per tape
(5)	If complying with a request for information takes longer than one hour	Labor shall be charged at the rate of \$20.00 per hour
(p)	Annual reports of the Board	Ten dollars/hard copy
(q)	Such other charges and fees may be charged as shall be required for special licensee-related services, as may be performed in-house or through a contract.	
(r)	Other fees and charges to be published by the Board:	
(1)	In forma pauperis waiver	
(2)	All verification of license fees	\$50.00
(3)	Certified copies	
(4)	Research of licensure status	
(5)	Hearing transcripts	
(6)	Preparation of record on appeal	



Commonwealth gi Sankattan na Islas Mariãnas
HEALTH CARE PROFESSIONS LICENSING BOARI
P.O. Box 502078, Bldg., 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950
Tel No: (670) 664-4809 Fax: (670) 664-4814
Email: info@cnmilicensing.gov.mp
Website: www.cnmilicensing.gov.mp



**NUTISIA PUT I MANMAPROPONI NA REGULASIÓ GI
HEALTH CARE PROFESSIONS LICENSING BOARD PARA
PATTE 1605 – APAS LISENSIA**

I AKSION NI MA'INTENSIONA PARA U MA'ADÁPTA ESTI I MANMAPROPONI NA REGULASION SIHA: I Health Care Professions Licensing Board (HCPLB) ha intensiona para u adápta komu petmanienti na regulasion i mañechettun na Manmaproponi na Tinilaika, sigun gi manera nu i Ákton Administrative Procedure, 1 CMC § 9104(a). I regulasion siempre umifektibu gi dies (10) dihas dispues di “compliance” yan 1 CMC §§ 9102 yan 9104(a) pat (b) (1 CMC § 9105(b).

ATURIDÁT: I Health Care Professions Licensing Board gai istatua na aturidát para u cho'gui yan na'ifektibu i regulasion siha sigun gi 3 CMC § 2206(b), komu ma'amenda.

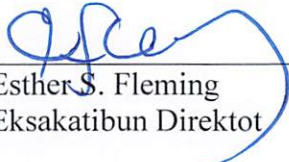
I TEMA YAN SUSTANSIAN I PALÁBRA SIHA: I Istoria Regulasió: Lai Pupbliku No. 15-105 ginen mafitma hálum gi lai ginen as Magaláhi Benigno R. Fitial yan umifektibu gi Nubembri 7, 2007, yan mafa'na'an i “Ákton Health Care Professions nu 2007,” 3 CMC §§2201-36. I Ákto fuma'tinas i Health Care Professions Licensing Board, komu independienti na regulatori ahensia, sin mapega gi halum i dipáttamentu. I Kuetpu ma'aturisa para u lisensia i health care professionals gi halum iya Commonwealth, establesi standards para prugrãman edukasion siha, dirihi exams, yan para u madisiplina i manlisensia ni kumuntradikta i Ákto. Lai Pupbliku No. 15-105 3 CMC § 2206(b), inaturisa i Kuetpu para u adápta i areklamentu yan regulasió siha kunsisti yan i Ákto yan nisissáriu para u kátga huyung i Ákto na tinilaika, ingklusu difina yan diskribi i magubietna na mammeying yan i prinaktikan-ñiha.

SUHETU YAN ASUNTU NI TINEKKA: Amendasion para esti na regulasion:

1. Patte 1605 §185-10-1605(r)(2) – **Ma umentan apas put bandan maprueban lisensia siha – Ginen \$25.00 esta \$50.00.**

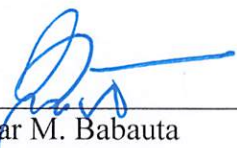
DIREKSIÓN PARA U MAPEGA YAN PUPBLIKASIÓ: I Kuetpu mamamaisin upiñon siha put esti i manmaproponi na tinilaika ni debi di u marisibi ni i Kuetpu gi hálum i trenta (30) dihas gi primet na pupplikasion esti na nutisia gi hálum i Rehistran Commonwealth. I intirisão na petsona siha siña manrikuesta kopian i manmaproponi na tinilaika komu ma'ágang hami gi 664-4808/09 pat email gi info@cnmilicensing.gov.mp pat bisita i ufisinan-mãmi ni gaigi gi Bldg. 1242, Pohnpei Ct., Capito Hill, Saipan. I tinigi' upiñon siha put esti na tinilaika siha debi na u machuli' guatu gi ufisinan-mãmi pat na'hãno para i BPL, P. O. Box 502078, Saipan, MP 96950.

Nina'hálum as:


Esther S. Fleming
Eksakatibun Direktot



Fetcha

Rinisibi as:


Oscar M. Babauta
Ispisiât na Ayudânti para i Atministrasiôn

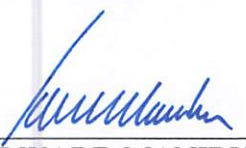
12/05/23
Fetcha

Pine'lu yan
Ninota as:


Esther San Nicolas
Rehistran Commonwealth

12.15.2023
Fetcha

Sigun i 1 CMC § 2153(e) (I Abugâdu Henerât ha aprueba i regulasion siha na para u macho'gui kumu fotma) yan 1 CMC § 9104(a) (3) (hentan inaprueban Abugâdu Henerât) i manmaproponi na Regulasion siha ni mañechettun guini ni manmaribisa yan manma'aprueba kumu fotma yan sufisienti ligât ginin i CNMI Abugâdu Henerât yan debi na u mapupblika, 1 CMC § 2153(f) (pupblikasion i areklamentu yan regulasion siha).


EDWARD MANIBUSAN
Abugâdu Hinirât

12/5/2023
Fetcha



Commonwealth Téel Falúw kka Efáng Ilól Marianas
HEALTH CARE PROFESSIONS LICENSING BOARD

P.O. Box 502078, Bldg. No. 1242 Pohnpei Court
Capitol Hill, Saipan, MP 96950

Tel No: (670) 664-4808/09 Fax: (670) 664-4814

Email: info@cnmilicensing.gov.mp

Website: www.cnmilicensing.gov.mp



**ARONGORONGOL TOULAP REEL PPWOMMWOL LIIWEL NGÁLI
HEALTH CARE PROFESSIONS LICENSING BOARD NGÁLI
PATTE 1605 – LICENSE FEES**

MÁNGEMÁNGIL MWÓGHUT REEL REBWE ADÓPTÁÁLI PPWOMMWOL MWÓGHUTUGHUT KKAAL: Health Care Professions Licensing Board (HCPLB) re mángemángil rebwe adóptááli PPwommwol Liiwel ikka e appasch bwe ebwe lléghló, sáangi mwóghutughutúl Administrative Procedure Act, 1 CMC § 9104(a). Ebwe bwunguló mwóghutughut seigh ráál (10) mwiril aal angúungú fengál me 1 CMC §§ 9102 me 9104(a) ngáre (b) (1 CMC § 9105(b)).

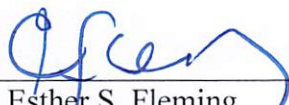
BWÁNGIL: Eyoor bwángil Health Care Professions Licensing Board rebwe aronga me isiisiwow mwóghut sáangi 3 CMC § 2206(b), igha e liiwe.

KKAPAS ME WEEWEE: Uruwowul Mwóghutughut: Alléghúl Toulap No. 15-105 iye e ghikkilong llól allégh sáangi Soulemelem Benigno R. Fitial me ebwe bwunguló wóól Aremwoy 7, 2007, me e toowow bwe “Health Care Professions Act of 2007,” 3 CMC §§2201-36. Act e ayoora eew Health Care Professions Licensing Board, bwe eew “independent regulatory agency”, nge rese isáli llól eew bwulasiyo. Eyoor bwángil Board reel rebwe ayoora “license health care professionals” me llól Commonwealth, ebwe ghikkil “standards” ngáre progróomal rághefish, isiisiwow “exams”, me ayoorai ammwelil “licensees” ngáli “violation of the Act”. Alléghúl Toulap No. 15-105 3 CMC § 2206(b), e ayoorai bwángil Board rebwe adóptááli allégh me mwóghutughut ikka e weewee ngáli “Act” me e ffil ebwe ayoorai mwóghutughutúl “Act’s provisions”, ewal schuulong weewel me kkapasal “regulated professions” llól aar angaang.

KKAPASAL ME AUTOL: E ffé ppwommwol allégh me mwóghutughut ngáli yááyáál **allátá óbwóssul ngare méél rel ubwe allela lisensisa - \$25.00 ngali \$50.00.**


AFAL REEL AMMWELIL ME AKKATÉÉWOWUL: Board re tingór kkapas ikka e ssúlngáli ppwommwol liiwe iye Board rebwe bwughi llól eliigh (30) ráál mwiril aal ghommwal akkatééwow me llól Commonwealth Register. Schóo kka re tipáli pappidil ppwommwol liiwe rebwe faingi ghámem me 664-4808/09 ngáre email li info@cnmilicensing.gov.mp ngáre mweteló bwulasiyo imwu e lo Bldg. No. 1242, Pohnpei Ct, Asúngúl, Seipél. Ischill kkapas wóól liiwe kkaal ebwe mwetelól bwulasiyo ngáre afangaló BPL, P.O. Box 502078, Saipan, MP, 96950.

Isáliyalong:


Esther S. Fleming
Executive Director



Ráál

Bwughiyal:


Oscar M. Babauta
Special Assistant ngáli Administration

12/05/23
Ráál

Ammwelil:


Esther San Nicolas
Commonwealth Registrar

12.15.2023
Ráál

Sáangi 1 CMC § 2153(e) (sáangi átirowal AG reel mwóghutughut bwe aa ffil reel fféerúl me ebwe arongowow) me 1 CMC § 9104(a) (3) (sáangi átirowal AG) reel ppwommwol mwóghutughut ikka e appasch bwe ra takkal amwuri fischiiy me átirowa bwe aa lléghló reel fféerúl me legal sufficiency sáangi Soulemelemil Allégh Lapalap me ebwe akkatééwow, 1 CMC § 2153(f) (akkatééwowul allégh me mwóghutughutúl).


EDWARD MANIBUSAN
Soulemelemil Allégh Lapalap

12/5/2023
Ráál



**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION**

BLDG., #1341, Asencion Ct., Capitol Hill
P.O. BOX 500135 Saipan, MP 96950
Email: compliance.cnmicc@gmail.com
Phone: (670) 488-0420
www.cnmicc.com



NOTICE OF TEMPORARY SUSPENSION FOR MARIJUANA PRODUCER LICENSE

THIS IS TO INFORM THE PUBLIC THAT THE COMMONWEALTH CANNABIS COMMISSION (THE "COMMISSION") HAS IMPLEMENTED A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW MARIJUANA PRODUCER LICENSES FOR SAIPAN.

THE TEMPORARY MORATORIUM APPLIES TO ALL ACTIVE MARIJUANA PRODUCTION PREMISES EXPANSIONS RELATED TO THE LICENSED MARIJUANA PRODUCTION AREA(S).

DURING THE TEMPORARY MORATORIUM THE COMMISSION WILL CONDUCT A COMPREHENSIVE REVIEW OF THE CURRENT STATE OF THE CANNABIS INDUSTRY, ASSESS CURRENT MARKET CONDITIONS, AND WORK TO DEVELOP STRATEGIES THAT ALIGN WITH THE COMMISSION'S OBJECTIVES.

WE ENCOURAGE EXISTING MARIJUANA PRODUCER LICENSEES TO CONTINUE OPERATING IN FULL COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THE MORATORIUM DOES NOT AFFECT THEIR EXISTING LICENSES, AND THEY SHOULD CONTINUE TO FOLLOW THE ESTABLISHED LEGAL FRAMEWORK FOR THE PRODUCTION AND DISTRIBUTION OF CANNABIS PRODUCTS.

FURTHER UPDATES AND ANY CHANGES TO THE MORATORIUM WILL BE COMMUNICATED.

JUAN T. IGUEL
Acting Chairman, CNMI Cannabis Commission



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
CANNABIS COMMISSION



BLDG., #1341, Asencion Ct., Capitol Hill
P.O. BOX 500135 Saipan, MP 96950
Email: compliance.cnmicc@gmail.com
Phone: (670) 488-0420
www.cnmicc.com

ORDER NO. 23-002

Subject: Temporary Moratorium on Issuing Marijuana Producer Licenses for the Municipality of Saipan (Saipan)

In consideration of the growing concerns surrounding the potential oversupply of marijuana products and its potential implications on public safety, health, and the risk of promoting illicit cannabis markets, the CNMI Cannabis Commission, HEREBY ADOPTS AS A RULE, the attached "Moratorium" pursuant to the procedures of the Administrative Procedures Act, 1 CMC §§ 9101.

Authority: Pursuant to the authority conferred upon the Commonwealth of the Northern Mariana Islands Cannabis Commission ("Commission") under 4 CMC § 53008 (b) (3)–(4) and otherwise, the Commission takes the following actions:

Background: The CNMI government recognizes the importance of regulating the marijuana industry to ensure the responsible production, distribution, and consumption of cannabis products. Over the past years, the CNMI has experienced a significant increase in the number of licensed Marijuana Producers in Saipan. While the Commission remains committed to promoting a legal and regulated cannabis industry, we must address the concerns related to oversupply.

Objectives: The primary objectives of this temporary moratorium are:

1. **Preventing Oversupply:** To ensure that the marijuana market remains stable and avoids oversaturation, which could lead to adverse effects on public health and safety.
2. **Preventing Black Market Activities:** To discourage the growth of illicit cannabis markets by preventing overproduction, which can lead to excess cannabis products circulating outside of the legal regulatory framework.
3. **Assessing Regulatory Measures:** To review and assess existing regulatory measures and licensing processes to better align them with the evolving needs of the marijuana industry.

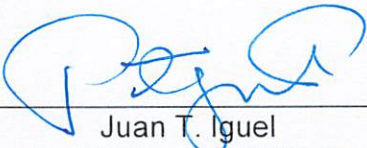
Directions for filing and publication: The Moratorium shall be published in the Commonwealth Register pursuant to 1 CMC § 9102 (a).

The Managing Director will take appropriate measures to make this Rule known to the persons who may be affected by them.

Temporary Moratorium Effective Date: Pursuant to 1 CMC § 9105 (b) and applicable regulations, this adopted Rule is effective 10 days after compliance with 1 CMC §§ 9102, 9105 and publication in the Commonwealth Register.

I, Juan T. Iguel, Acting Chairman of the CNMI Cannabis Commission, hereby approve the above-noted Moratorium, and further certify that the temporary suspension of issuing new Marijuana Producers for the Municipality of Saipan, is true as adopted by the CNMI Cannabis Commission.

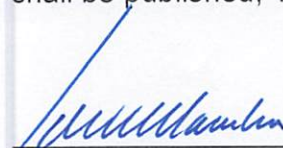
Submitted by: _____



Juan T. Iguel
Acting Chairman, CNMI Cannabis Commission

12/29/2023
Date

Pursuant to 1 CMC §2153(e) and 1 CMC § 9102(c), the rule attached hereto has been reviewed and approved as to form and legal sufficiency by the Attorney General and shall be published, 1 CMC § 2153(f) (publication of rules and regulations).



Edward Manibusan
Attorney General

1/4/2024
Date



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) **Labor Case No. 23-012**
Rubel,)
Complainant,) **DISMISSAL ORDER PURSUANT TO**
v.) **SETTLEMENT**
Asia Pacific, Inc.,)
Respondent.)

In accordance with the matters discussed during the November 29, 2023 status conference, Respondent filed a proposed settlement agreement, payment, and motion to dismiss for Complainant's review and concurrence. Subsequently, Complainant signed the aforesaid documents and received payment.

Upon review, the undersigned finds that the terms of the Settlement Agreement are fair under the circumstances and the parties have knowingly and voluntarily agreed to it. Therefore, the Settlement Agreement is approved and accepted for the purposes of dismissal. The terms of the Settlement Agreement are hereby incorporated into this Order. This case has no other pending issues or claims. Accordingly, the case is hereby **DISMISSED** with prejudice, pursuant to NMIAC § 8020.1-485(b)¹.

So ordered this 5th day of December, 2023.

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer

¹ "A complaint may be dismissed upon...settlement by the party or parties who filed it." NMIAC § 80-20.1-485(b).



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) Labor Case No. 23-020
)
Md Sabuz Mollah,)
)
Complainant,) ADMINISTRATIVE DECISION
) DISMISSING COMPLAINT FOR LACK
v.) OF JURISDICTION
)
Brother & Sister Corporation,)
)
Respondent.)

I. INTRODUCTION

Upon review of the pleadings, Complainant was ordered to show cause why the complaint should not be dismissed.

II. APPLICABLE LAW

Pursuant to 3 CMC § 4947(a), "the hearing office may, after notice and an opportunity to be heard is provided to the parties, dismiss *sua sponte* a complaint that the hearing officer finds to be without merit." Pursuant to NMIAC § 80-20.2-130(c), dismissal is warranted on the following grounds: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) insufficiency of process; (4) insufficiency of service of process; and (5) failure to state a claim upon which relief can be granted. *See also* NMIAC § 80-20.1-485(b).

III. BACKGROUND

On August 18, 2023, Complainant initiated a labor case against Respondent for unpaid wages. On August 22, 2023, Respondent filed an answer. On August 23, 2023, the case was referred to Enforcement for further investigation. On November 7, 2023, Enforcement filed a Determination to report their findings and recommend dismissal for lack of jurisdiction. Specifically, Enforcement determined: (1) Respondent does not have a service contract agreement with Asia

1 Pacific Inc., Complainant's employer of record; and (2) Complainant does not have legal
2 authorization to work for Respondent.

3 Upon review, the undersigned found: (1) Complainant failed to establish jurisdiction by
4 showing that he was legally authorized to work in the CNMI for the named Respondent; and (2)
5 Complainant failed to state a claim in which relief can be granted because some matters alleged
6 are outside the six-month statute of limitation and the alleged fees that Complainant is trying to
7 recover are separate transactions unrelated to wages. Accordingly, Complainant was ordered to
8 show cause why the case should not be dismissed for lack of jurisdiction and failure to state a
9 claim in which relief can be granted.

10 IV. DISCUSSION

11 As stated above, Complainant was ordered to show cause why the complaint should not be
12 dismissed for lack of jurisdiction and failure to state a claim. On December 7, 2023, Complainant
13 filed a response to the Order to Show Cause. The response does not fully address or adequately
14 respond to the legal deficiencies noted in the Order to Show Cause.

15 Generally, the Administrative Hearing Office has jurisdiction over "*all actions* involving
16 alleged violations of the labor and wage laws of the Commonwealth...." 3 CMC § 4942 (emphasis
17 added); *see also* NMIAC § 80-20.1-450(b). However, "[t]he Administrative Hearing Office does
18 not have jurisdiction with respect to claims of tourists. Those claims are pursuant in the
19 Commonwealth Superior Court." NMIAC § 80-20.1-450(e); *see also* PL 15-108, § 2 ("It is the
20 intent of the Legislature that this Act shall not apply to persons admitted to the Commonwealth
21 as tourists, or to persons employed illegally...").

22 Ultimately, there is no showing that Complainant entered the CNMI with any type of visa
23 or work authorization. Further, upon inquiry, Complainant fails to show he was lawfully
24 authorized to work for Respondent during the alleged time period. For that reason, this Office
25 does not have jurisdiction for Complainant's claim for unpaid wages. Since jurisdiction cannot
26 be established, all other issues are moot.

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V. CONCLUSION

Based on the foregoing, Complainant failed to show cause why the claims against Respondent should not be dismissed for lack of jurisdiction. Accordingly, this matter is hereby **DISMISSED.**

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.

So ordered this 13th day of December, 2023



JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE
HEARING OFFICE

In Re Matter of:) PUA Case No. 22-0220
)
Erica Cabrera,)
)
Appellant,)
) ADMINISTRATIVE ORDER
v.)
)
CNMI Department of Labor,)
Division of Employment Services-PUA,)
Appellee.)

This matter came before the undersigned for an in-person Administrative Hearing on November 30, 2023 at approximately 9:00 a.m. at the Administrative Hearing Office, Saipan. Appellant Erica Cabrera ("Appellant") was present and self-represented. Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance Program ("Department") was present and self-represented by PUA Coordinator Kristian Parulan and PUA Program Team Leader Emelda Camacho. No other witnesses or parties appeared. Documents admitted into evidence are listed and described at the end of this Order.

For the reasons stated below, the Department's Disqualifying Determination dated August 9, 2022 is **AFFIRMED**. Appellant is not eligible for benefits for the period of December 27, 2020 to September 4, 2021.

I. 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")¹ and Federal Pandemic Unemployment Compensation ("FPUC").² 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, 2021.³ On March 11, 2021, the American

¹ See Section 2102 of the CARES Act of 2020, Public Law 116-136.

² See *id.*

³ See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A ("Continued Assistance for

1 Rescue Plan Act of 2021 ("ARPA") extended the programs to September 6, 2021. The
2 Department is charged with the responsibility in administering the above-mentioned programs
3 in the CNMI in accordance with applicable law.⁴ The Department's Administrative Hearing
4 Office has been designated to preside over appeals of agency decisions.

5 Upon review of the records, Appellant's appeal is timely. Accordingly, jurisdiction is
6 established.

7 II. PROCEDURAL HISTORY & ISSUES

8 On June 15, 2022, Appellant filed a claim for unemployment benefits under the PUA and
9 FPUC programs. Upon review of Appellant's application and supporting documents, the
10 Department issued two Disqualifying Determinations dated August 9, 2022. On August 15,
11 2022, Appellant filed the present appeal of both Determinations and the matter was scheduled
12 for an Administrative Hearing.

13 As stated in the Notice of Hearing, the issues on appeal are: (1) whether Appellant is eligible
14 for benefits; and (2) whether an overpayment occurred and funds should be returned.

15 III. FINDINGS OF FACT

16 In consideration of the evidence provided and credibility of witnesses' testimony, the
17 undersigned issues the following findings of fact:

- 18 1. Prior to the COVID-19 pandemic, Appellant, a U.S. citizen, was employed full-time as a
19 Clerk-Edit and Search/Match for the CNMI Government 2020 CNMI Census
20 ("Employer") from November 25, 2019.⁵ Appellant's employment was expected to last
21 only until January 2, 2021.⁶ Appellant was paid \$13.46 hourly.⁷
- 22 2. It is uncontested that because of the COVID-19 pandemic the CNMI Public School
23 System closed and instructions for enrolled students went online for parts of the 2020-
24 2021 and 2021-2022 school years. Face-to-face instructions for the CNMI Public School
25 System resumed on November 29, 2021.⁸
3. Appellant had two minor children enrolled with the CNMI Public School System during
the 2020-2021 and 2021-2022 school years.⁹

Unemployed Workers Act of 2020" or "Continued Assistance Act").

⁴ 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.

⁵ Exhibit 4.

⁶ See Exhibit 6.

⁷ Exhibits 4 and 6.

⁸ Exhibit 11.

- 1 4. On or about December 18, 2020, Appellant submitted her resignation letter.¹⁰ Based on
2 Appellant's testimony and supporting documents, Appellant resigned because schools
3 were closed due to the COVID-19 pandemic, she struggled to get sitters, and her minor
4 children were attending online classes.¹¹
- 5 5. Appellant worked for Employer and/or was on paid leave¹² until January 2, 2021.¹³
- 6 6. On June 15, 2022, Appellant applied for PUA and FPUC benefits.¹⁴ In her application,¹⁵
7 Appellant self-certified under penalty of perjury that the following were true:
 - 8 a. Her employment was affected as a direct result of COVID-19 because she had a
9 child or other person in her household for which she has primary caregiving
10 responsibility is unable to attend school or another facility that is closed as a
11 direct result of the COVID-19 public health emergency and such school or
12 facility care is required for her to work; and
 - 13 b. Her employment was affected since January 2, 2021.
- 14 7. On August 9, 2022, the Department issued two Disqualifying Determinations.¹⁶
 - 15 a. One Determination disqualified Appellant effective December 27, 2020 to March
16 13, 2021 because Appellant's employment was not affected due to the COVID-
17 19 pandemic.¹⁷
 - 18 b. The other Determination disqualified Appellant effective March 14, 2021 to
19 September 4, 2021 because Appellant filed her claims on June 15, 2022 and this
20 is after the filing deadline of December 27, 2020.¹⁸
- 21 8. Appellant filed her appeal of the two Determinations on August 15, 2022.¹⁹ Upon
22 Appellant filing her appeal, on August 15, 2022, the Administrative Hearing Office
23 issued a Notice of Hearing scheduling the matter for a hearing as to the issues on appeal.
- 24 9. During the Administrative Hearing, the Department withdrew and rescinded the
25 Determination disqualifying Appellant from benefits effective March 14, 2021 to
September 4, 2021.

⁹ See Exhibits 10.

¹⁰ See Exhibits 5 and 8.

¹¹ See Exhibits 5 and 7.

¹² See Exhibit 9.

¹³ Exhibit 4.

¹⁴ See Exhibit 1.

¹⁵ *Id.*

¹⁶ See Exhibit 2.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Exhibit 3.

10. While this appeal was pending, the Department's Benefit Payment Control Unit confirmed no overpayment of benefits to the Appellant.²⁰

IV. 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;²¹ (2) self-certifies²² that the individual is unemployed, partially unemployed, or unable or unavailable to work²³ as a direct result²⁴ 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.²⁵

With respect to condition (2) listed above, Section 2102 (a)(3)(A)(ii)(I) of the CARES Act specifically identifies the COVID-19 qualifying reasons²⁶ as:

(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;

²⁰ See Exhibit 14.

²¹ 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.

²² The PUA program utilizes initial and weekly applications where claimants self-certify and report under penalty of perjury.

²³ 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.

²⁴ 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.

²⁵ Section 241 of the Continued Assistance Act requires that an individual must provide documentation substantiating employment or self-employment, or the planned commencement of employment or self-employment, if he or she files a new application for PUA on or after January 31, 2021, or, if the individual applied for PUA before January 31, 2021 and receives PUA benefits on or after December 27, 2020. Failure to supply said documents, and any other relevant, requested documents is a justifiable basis to deny benefits under HAR § 12-5-81(j).

²⁶ These reasons are further defined or illustrated in UIPL 16-20, Change 4.

- 1 (cc) The individual is providing care for a family member or a
2 member of the individual's household who has been diagnosed
3 with COVID-19;
- 4 (dd) A child or other person in the household for which the individual
5 has primary caregiving responsibility is unable to attend school
6 or another facility that is closed as a direct result of the COVID-
19 public health emergency and such school or facility care is
7 required for the individual to work;
- 8 (ee) The individual is unable to reach the place of employment
9 because of a quarantine imposed as a direct result of the COVID-
10 19 public health emergency;
- 11 (ff) The individual is unable to reach the place of employment
12 because the individual has been advised by a health care provider
13 to quarantine due to concerns related to COVID-19;
- 14 (gg) The individual was scheduled to commence employment and
15 does not have a job or is unable to reach the job as a direct result
16 of the COVID-19 public health emergency;
- 17 (hh) The individual has become the breadwinner or major support for
18 a household because the head of the household has died as a
19 direct result of COVID-19;
- 20 (ii) The individual has to quit his or her job as a direct result of
COVID-19;
- 21 (jj) The individual's place of employment is closed as a direct result
of the COVID-19 public health emergency; or
- 22 (kk) The individual meets any additional criteria established by the
US Secretary of Labor for unemployment assistance under PUA.

23 Additional criteria established by the US Secretary of Labor under item (kk)²⁷, above, includes:

- 24 (1) The individual is an independent contractor who is unemployed
25 (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;

²⁷ See Unemployment Insurance Program Letter 16-20 and 16-20, Change 5.

- (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 she had a child or other person in her household for which she 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 her to work, and her employment was affected since January 2, 2021.

First, the undersigned notes that eligibility for PUA and FPUC unemployment assistance benefits is strictly limited to the COVID-19 qualifying reasons stated above. Second, the undersigned recognizes that due to the COVID-19 pandemic, the CNMI Public School System closed and provided instructions and education for enrolled students online, including for Appellant's minor children. The undersigned also recognizes that the school closure and online instructions affected Appellant's minor children. However, based on the evidence and testimony provided, the undersigned finds that Appellant's employment with the CNMI Government 2020 CNMI Census was not affected by the school closures and online instructions. Appellant's contract and employment was effective only until January 2, 2021, and Appellant continued her work and/or was on paid leave up to the end of her contract and expectation of bona fide

1 employment. As such, Appellant's employment was uninterrupted and she does not qualify
2 under reason (dd) above. Based on applicable law and evidence provided at the Administrative
3 Hearing, the undersigned finds that Appellant does not meet any of the COVID-19 qualifying
4 reasons. Accordingly, Appellant's employment was not affected as a direct result of COVID-19
5 and Appellant is not eligible to receive PUA and FPUC benefits from December 27, 2020 to
September 4, 2021.

6 V. DECISION


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

- 8 1. The CNMI Department of Labor's Disqualifying Determination dated August 9, 2022 is
AFFIRMED; and
- 9 2. The Appellant is NOT ELIGIBLE to receive PUA and FPUC benefits for the period of
December 27, 2020 to September 4, 2021.

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

15 In the event a request to reopen the decision is granted, the matter shall be scheduled for a
16 subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant
17 still disagrees with a subsequent decision, the Appellant may seek judicial review with the
18 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.

19 So ordered this 6th day of December, 2023.

20 
21 Catherine J. Cachero
Pro Tem Administrative Hearing Officer

22 Documents Admitted into Evidence

- 23 1. Exhibit 1: Copy of Appellant's Application Snapshot, dated June 15, 2022;
- 24 2. Exhibit 2: Copies of Disqualifying Determinations, dated August 9, 2022;

3. Exhibit 3: Copy of Appellant's Request to File an Appeal and supporting documents filed August 15, 2022
4. Exhibit 4: Copy of Employment Certification from CNMI Government 2020 CNMI Census, dated August 9, 2022;
5. Exhibit 5: Copy of Certification from Augustin Litulumar, Assistant Manager of Operations for CNMI Census 2020;
6. Exhibit 6: Copy of Notice of Personnel Action from CNMI Office of Personnel Management, effective date January 2, 2021;
7. Exhibit 7: Copy of Appellant's Resignation Email, dated December 21, 2020;
8. Exhibit 8: Copy of Appellant's Resignation Letter, dated December 18, 2020;
9. Exhibit 9: Copy of Appellant's Leave Form and Doctor's Note;
10. Exhibit 10: Copies of Appellant's Minor Children's School's Certifications and/or Enrollment Verifications for school years from 2020 to 2022;
11. Exhibit 11: Copy of CNMI Public School System Memorandum, dated November 26, 2021;
12. Exhibit 12: Copies of Department's Case Notes, dated August 9, 2022, January 27, 2023, and March 8, 2023;
13. Exhibit 13: Copies of Email Correspondences between Department and Employer, dated March 6, 7, and 9, 2023; and
14. Exhibit 14: Copy of Department's Benefit Payment Control Unit's Email Communication, dated April 24, 2023.



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:)	PUA Case No. 23-0235
)	
Eliana Igisaia,)	
)	
Appellant,)	ADMINISTRATIVE DECISION
)	AFFIRMING THE DEPARTMENT'S
v.)	DISQUALIFYING DETERMINATION
)	
CNMI Department of Labor,)	
Division of Employment Services-PUA,)	
)	
Appellee.)	

I. INTRODUCTION

This matter came for an Administrative Hearing on December 5, 2023 at approximately 9:00 a.m. at the Administrative Hearing Office in Saipan. Appellant Eliana Igisaia (“Appellant”) failed to appear at the hearing.¹ Appellee CNMI Department of Labor Division of Employment Services – Pandemic Unemployment Assistance Program (“Appellee” or “Department”) was present and represented by PUA Program Team Leader Rosalinda Ulloa and PUA Supervisor Joseph Pangelinan. There were no other witnesses that provided testimony at the hearing.

For the reasons stated below, the Department’s Determination dated March 28, 2022 is **AFFIRMED**. Appellant is not eligible for benefits for the period of August 1, 2021 to August 28, 2021.

¹ Upon review of the filings, a notice of hearing was issued on November 8, 2023 – providing approximately one-month advance notice of the scheduled hearing. The notice was served to Appellant on the same day by postal mail and online at the contact information provided with the appeal. Accordingly, Appellant had adequate notice of the hearing and service of process was proper.

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”)² and Federal Pandemic Unemployment Compensation (“FPUC”).³ 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, 2021.⁴ 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 these programs in the CNMI in accordance with applicable law.⁵ The Department’s Administrative Hearing Office has been designated to preside over appeals of agency decisions.

Upon review of the records, Appellant’s appeal is not timely. Accordingly, jurisdiction is not 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 dated March 28, 2022. On March 14, 2023, Appellant filed the present appeal, and the matter was subsequently 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.

///

² See Section 2102 of the CARES Act of 2020, Public Law 116-136.

³ See Section 2104 of the CARES Act of 2020, Public Law 116-136.

⁴ See Consolidated Appropriations Act, 2021, Division N, Title II, Subtitled A (“Continued Assistance for Unemployed Workers Act of 2020” or “Continued Assistance Act”).

⁵ 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.

IV. FINDINGS OF FACT

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

1. On or around August 18, 2020, Appellant applied for unemployment assistance under the PUA and FPUC programs administered by the Department.⁶
2. On January 28, 2022, the Department issued a Disqualifying Determination.⁷ Pursuant to HAR § 12-3-35(c),⁸ Appellant was ineligible for PUA benefits from August 1, 2021 to September 4, 2021 for failure to make a minimum of three work search contacts each week.⁹
3. On March 28, 2022, the Department issued a second Disqualifying Determination.¹⁰ This Determination disqualified Appellant from PUA benefits from August 1, 2021 to August 28, 2021 for the same reason. The March 28th Determination superseded the Department's prior decision by requalifying Appellant for benefits from August 29, 2021 to September 4, 2021.¹¹
 - a. The Department served this Determination to Appellant through the online portal—Appellant's preferred¹² notification method—on March 28, 2022.
 - b. The Department is unaware of any reason that would prevent Appellant from retrieving the Determination on her portal.
4. Appellant had constructive notice of when and how to file an appeal.

⁶ Exhibit 1

⁷ Exhibit 4

⁸ Effective August 1, 2021 through September 4, 2021, claimants are required to make a minimum of three work search contacts each week to demonstrate availability, unless exempted. HAR § 12-5-35(c)(1); HAR § 12-5-35(c)(4). The claimant is required to maintain a record of all work search contacts and submit it to the Department upon request. HAR § 12-5-35(c)(2).

⁹ Exhibit 2

¹⁰ Exhibit 5

¹¹ Exhibit 3

¹² See Exhibit 1

1 a. The Determination informed Appellant of the deadline to file an appeal.
2 Specifically, it states that the appeal “must be received or postmarked by
3 4/07/2022.”¹³

4 b. Instructions on how to file an appeal were included in the determination,¹⁴ various
5 news articles widely circulated in the CNMI,¹⁵ and the published Benefit Rights
6 Information Handbook.¹⁶

7 5. Appellant filed the appeal¹⁷ on March 14, 2023 – approximately one year after the
8 deadline.

9 a. The appeal states that it was filed late “because I only found out recently that I
10 could appeal.”¹⁸

11 b. The Department is unaware of any other reason preventing Appellant from filing
12 the appeal on time.

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 not timely filed.

17 Generally, an appeal should be filed within ten (10) days after the Notice of Determination
18 was issued and delivered to the claimant.¹⁹ However, the Department may extend the period to
19 thirty (30) days by a showing of good cause.²⁰ Good cause means: (1) illness or disability; (2)
20 keeping an appointment for a job interview; (3) attending a funeral of a family member; and (4)
21 any other reason which would prevent a reasonable person from complying as directed.²¹
22

23
24 ¹³ Exhibit 5

25 ¹⁴ Exhibit 5

26 ¹⁵ Exhibits 6-7

27 ¹⁶ Exhibit 8

28 ¹⁷ Exhibit 9

¹⁸ Exhibit 10

¹⁹ HI. Rev. Statute § 383-38(a).

²⁰ HI. Rev. Statute § 383-38(a).

²¹ HAR § 12-5-81(j).

1 On March 28, 2022, the Department issued a Disqualifying Determination. Therein, the
2 Department found that Appellant failed to meet the minimum job search requirement. The
3 Determination stated that Appellant has 10 calendar days to file an appeal and stated that the
4 appeal “**must be received or postmarked by 04/07/2022.**” The Appellant filed her appeal on
5 March 14, 2023 approximately a year after the determination was issued.

6 Appellant fails to show good cause for why the appeal was filed late. In the filing, Appellant
7 states that it was filed late because she just found out that she could file an appeal. Appellant’s
8 reason is unpersuasive. First, the Department published appeal instructions in the PUA Benefit
9 Rights Information Handbook – which each claimant is responsible for reading. Second, the
10 Department issued a number of news articles specifically regarding reconsideration and appeals.
11 And third, the deadline to appeal and instructions were included on the Determination.

12 Ultimately, Appellant’s appeal is untimely and Appellant fails to demonstrate good cause for
13 filing late. Considering that the Appellant’s appeal is untimely, the Department’s Determination
14 is final.
15

16 VI. DECISION

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

- 18 1. The CNMI Department of Labor’s Disqualifying Determination, dated March 28, 2022,
19 is **AFFIRMED**; and
- 20 2. The Appellant is **NOT ELIGIBLE** to receive PUA benefits for the period of August 1,
21 2021 to August 28, 2021.

22
23 So ordered this 7th day of December, 2023.

24 

25 **Jacqueline A. Nicolas**
26 Chief Administrative Hearing Officer
27
28

LIST OF ADMITTED EXHIBITS

1. Exhibit 1: Copy of Appellant's Application Snapshot filed August 18, 2020;
2. Exhibit 2: Copy of Appellant's Record of Contacts made for Work;
3. Exhibit 3: Copy of Department's Case Notes
4. Exhibit 4: Copy of Department's Disqualifying Determinations dated January 28, 2022;
5. Exhibit 5: Copy of Department's Disqualifying Determination dated March 28, 2022;
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; and
8. Exhibit 8: Copy of Department's Benefits Rights Information Handbook;
9. Exhibit 9: Copy of Appellant's Appeal, filed March 14, 2023; and
10. Exhibit 10: Notice of Hearing and Proof of Service, dated November 8, 2023.

SECOND LEVEL APPEAL RIGHTS

If a party is aggrieved by this Order and would like to contest the decision, he or she must submit a written request to reopen the decision pursuant to Hawaii Admin. Rule § 12-5-93. The written request should be supported by legal, factual, or evidentiary reasons to reopen the decision. The written request must be submitted to the Administrative Hearing Office, either in person at 1357 Mednilla Avenue, Capitol Hill Saipan MP 96950 or via email at hearing@dol.gov.mp. In the event a request to reopen the decision is granted, the matter shall be scheduled for a subsequent hearing. In the event a request to reopen the decision is denied, or if the Appellant still disagrees with a subsequent decision, the Appellant may seek judicial review with the CNMI Superior Court under the local Administrative Procedures Act. See 1 CMC § 9112. All forms, filings fees, and filing deadlines for judicial review will be as established by the applicable law and court rule.



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0241
)
Sungye Jung,)
)
Appellant,) ADMINISTRATIVE ORDER GRANTING
) PARTIES' JOINT MOTION TO DISMISS
v.)
)
CNMI Department of Labor,)
Division of Employment Services-PUA)
)
Appellee.)

On December 14, 2023, the parties' filed a Stipulated Motion to Dismiss. The Department has rescinded the denial and issued a Requalifying Determination finding Appellant eligible for PUA benefits from March 1, 2020 to November 7, 2020 and ineligible from November 8, 2020 to December 5, 2020. Appellant received payment and all issues have been resolved. Based on the parties' Stipulated Motion to Dismiss, the undersigned finds that dismissal is appropriate. Accordingly, this matter is hereby **DISMISSED**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **15th** day of December, 2023.

JACQUELINE A. NICOLAS

Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0243
)
Eddie Joe Pangelinan,)
)
Appellant,) ADMINISTRATIVE ORDER GRANTING
) APPELLANT'S REQUEST FOR
v.) DISMISSAL
)
CNMI Department of Labor,)
Division of Employment Services-PUA,)
Appellee.)

On November 14, 2023, the parties were ordered to clarify the pending request for dismissal. Based on the joint statement filed, the undersigned finds:

1. Appellant was requalified for PUA benefits beginning December 27, 2020 to March 6, 2021;
2. Appellant no longer opposes the determination; and
3. Appellant has no overpayment issue.

In consideration of the foregoing, the undersigned finds dismissal is appropriate. Accordingly, this appeal is **DISMISSED**. The Department's Disqualifying Determination, dated June 12, 2023 is hereby **FINAL**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **28th** day of November, 2023.

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE


In Re Matter of:) PUA Case No. 23-0249
John Lauritzen,)
Appellant,) ADMINISTRATIVE ORDER GRANTING
v.) APPELLANT'S REQUEST FOR
CNMI Department of Labor,) DISMISSAL
Division of Employment Services-PUA,)
Appellee.)

On December 13, 2023, the parties were ordered to clarify the pending request for dismissal. Based on the joint statement filed, the undersigned finds:

1. Appellant no longer opposes the determination; and
2. There are no unresolved overpayment issues.

In consideration of the foregoing, the undersigned finds dismissal is appropriate. Accordingly, this appeal is **DISMISSED**. The Department's Disqualifying Determination, dated July 17, 2023 is hereby **FINAL**. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **13th** day of December, 2023.


JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer



CNMI DEPARTMENT OF LABOR

ADMINISTRATIVE HEARING OFFICE

In Re Matter of:) PUA Case No. 23-0255
)
Abbie Jane Battung,)
)
Appellant,) ADMINISTRATIVE DECISION
) GRANTING APPELLANT'S REQUEST
v.) FOR DISMISSAL
)
CNMI Department of Labor,)
Division of Employment Services-PUA,)
Appellee.)

On August 30, 2023, the Department issued a Determination disqualifying Appellant for benefits from March 8, 2020 to March 13, 2021. On September 5, 2023, Appellant filed a timely appeal. On November 21, 2023, Appellant filed a written request to withdraw her appeal because Appellant has reached an agreement with the Department. On the same day, the Department filed a response clarifying that Appellant no longer contests the eligibility issue and all overpayment issues have been resolved. The Department does not contest the dismissal.

In consideration of the above, the undersigned finds that there are no pending issues to resolve and dismissal is appropriate. Accordingly, this appeal is hereby **DISMISSED**. The Department's Disqualifying Determination, dated August 30, 2023 is hereby **FINAL**. Appellant is not eligible for benefits from March 8, 2020 to March 13, 2021. In the event that the Appellant disagrees with a subsequent determination or notice, Appellant may file a new appeal.

So ordered this **21st** day of November, 2023.

JACQUELINE A. NICOLAS
Chief Administrative Hearing Officer