

TITLE 140: COMMONWEALTH HEALTHCARE CORPORATION

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Subchapter Authority: 1 CMC §§ 2603 and 2605; 3 CMC § 2123.

Subchapter History: Amdts Adopted 39 Com. Reg. 39218 (Feb. 28, 2017); Amdts Proposed 36 Com. Reg. 35137 (July 28, 2014); Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003); Adopted 21 Com. Reg. 16446 (Jan. 18, 1999); Proposed 20 Com. Reg. 16163 (Oct. 15, 1998).

Commission Comment: PL 1-8, tit. 1, ch. 12, codified as amended at 1 CMC §§ 2601-2633, created the Department of Public Health and Environmental Services (DPHES) within the Commonwealth government. See 1 CMC § 2601. 1 CMC § 2603(a) grants the Department the power and duty to maintain and improve health and sanitary conditions in the CNMI. 1 CMC § 2605 directs the Department to adopt rules and regulations regarding those matters over which it has jurisdiction.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles, and effected numerous other revisions. According to Executive Order 94-3 § 105:

Section 105. Department of Public Health.

The Department of Public Health and Environmental Services is re-designated the Department of Public Health.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 12-48 (effective Apr. 26, 2001), the “Commonwealth Environmental Health and Sanitation Act of 2000,” codified at 3 CMC §§ 2121-2147, revised the Commonwealth statutes related to environmental health and sanitation. PL 12-48 § 3 repealed former 3 CMC §§ 2121-2126 and enacted new sanitation provisions. 3 CMC § 2122 requires a sanitary permit to operate enumerated establishments. 3 CMC § 2123 directs the Secretary of Public Health to promulgate rules and regulations required to ensure the sanitary operation of listed establishments.

The 1999 Food Handlers Rules and Regulations contained General Provisions applicable to the Bureau of Environmental Health’s Environmental Health and Sanitation Standards codified in this chapter. The 2003 amendments also contained general provisions applicable to this entire chapter. Although the Department of Public Health did not specifically repeal the 1999 General Provisions, the 2003 General Provisions duplicate the definitions included in the 1999 promulgation. The Commission has retained the 1999 “Purpose and Findings” provision. See

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§ 140-20.1-005.

Public Law 16-51 (effective Jan. 15, 2010), the “Commonwealth Healthcare Corporation Act of 2008,” codified at 3 CMC § 2801 et seq., established the Commonwealth Healthcare Corporation, which assumed the duties of the Department of Public Health as of January 15, 2011.

Part 001 - General Provisions

§ 140-20.1-001 Authority

The regulations throughout this chapter implement the provisions of the Commonwealth Environmental Health and Sanitation Act of 2000, PL 12-48 or 3 CMC §§ 2121, et seq. (hereinafter the Act). The Act authorizes the Secretary of the Department of Public Health to establish, propose or adopt rules and regulations governing public health and sanitation practices in the Commonwealth of the Northern Mariana Islands (“CNMI”). In addition, 1 CMC §§ 2603 and 2605 authorize the Secretary to promulgate regulations to protect the health of residents of the CNMI.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-005 Purpose and Findings

(a) The Division of Public Health, Department of Public Health is promulgating the rules and regulations in this chapter in accordance with the provisions of 1 CMC § 2605 and 3 CMC § 2123. The purpose of these rules and regulations is to establish procedures and protocols for the operation of the Bureau of Environmental Health. In particular it provides for health and sanitation standards for businesses handling food for human consumption; health and hygiene standards for clinics, beauty salons, massage parlors and other establishments; safety and sanitation standards for high density living environments such as hotels and apartments; and control of vector of disease. By promulgating these rules and regulations the Division of Public Health intends to establish minimum health standards to protect the life, health, safety, and welfare of the general public in the CNMI.

(b) The Division of Public Health is concerned about the transmission of communicable diseases in the CNMI, which already has high rates of illnesses such as salmonella, shigella, campylobacter, food poisoning, and tuberculosis. Unclean business establishments, unclean living conditions and overcrowding, infected food handlers, and uncontrolled vectors of disease all potentially spread these illnesses in the community. The Division of Public Health has found that infected people who show little outward appearance of being ill transmit many of these diseases. As a result, a wide range of food-borne infections and other communicable diseases may be unknowingly transmitted to customers and the general public. The Division of Public Health has thus concluded that an effective means of controlling the spread of specific diseases is to monitor business establishments and living environments and screen likely carriers of these diseases annually.

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Modified, 1 CMC § 3806(d), (f).

History: Adopted 21 Com. Reg. 16446 (Jan. 18, 1999); Proposed 20 Com. Reg. 16163 (Oct. 15, 1998).

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

The 1999 Food Handlers Rules and Regulations contained General Provisions applicable to the Bureau of Environmental Health's Environmental Health and Sanitation Standards codified in this chapter. The 2003 amendments also contained general provisions applicable to this entire chapter. Although the Department of Public Health did not specifically repeal the 1999 General Provisions, the 2003 General Provisions duplicate the definitions included in the 1999 promulgation. The Commission has retained the 1999 "Purpose and Findings" provision in this section.

§ 140-20.1-010 Purpose

The rules and regulations in this subchapter shall be known as the "Environmental Health and Sanitation Standards" and may be listed as such and will be hereinafter referred to as*

* See Commission Comment.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: *Commonwealth Register volume 25, number 6, pages 20433 and 20434 mistakenly reprint earlier pages in the volume from another regulatory program. As a result, two pages of the regulations codified in this chapter are missing from the Commonwealth Register, including the conclusion of this section. See 25 Com. Reg. at 20433-434 (July 15, 2003).

§ 140-20.1-015 Binding

[Reserved.]*

* See Commission Comment.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: *Commonwealth Register volume 25, number 6, pages 20433 and 20434 mistakenly reprint earlier pages in the volume from another regulatory program. As a result, two pages of the regulations codified in this chapter are missing from the Commonwealth Register, including this section. See 25 Com. Reg. at 20433-434 (July 15, 2003).

§ 140-20.1-020 Definitions

(a) [Reserved.]*

(b) [Reserved.]*

(c) [Reserved.]*

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(d) [Reserved.]*

(e) [Reserved.]*

(f) [Reserved.]*

(g) [Reserved.]*

(h) [Reserved.]*

(i) [Reserved.]*

(j) [Reserved.]*

(k) [Reserved.]*

(l) [Reserved.]*

(m) [Reserved.]*

(n) “Compliance”. Shall mean an act of adherence or compliance with rules, regulations, procedures, or policies established by the regulations in this subchapter.

(o) “Corrosive-resistant Material”. Shall mean materials that maintain their original characteristic under prolonged influence of normal use of cleaning compounds, or contact with sanitizing solutions, and other conditions of use within the establishment that may be reasonably expected during normal use.

(p) “Critical control point” means a fundamental element or process or procedure that must be carried out in a specific controlled manner to ensure that the overall process or procedure does not create an unacceptable health risk or produce any byproduct that creates an unacceptable health risk.

(q) “Delegated Authority”. Shall mean the authority delegated by the Secretary of Public Health to the Deputy Secretary for Public Health to act on his/her behalf enforcing public health and sanitation rules and regulations, and all other policies, procedures, and the provisions of the regulations in this subchapter.

(r) “Dental Clinic”. Shall mean an establishment where the examination, removing, crowning, and filling of teeth are provided.

(s) “Department”. Shall mean the Department of Public Health, Commonwealth of the Northern Mariana Islands.

(t) “Deputy Secretary”. Shall mean the Deputy Secretary for Public Health.

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- (u) “Division”. Shall mean the Division of Public Health, the Department of Public Health, Commonwealth of the Northern Mariana Islands.
- (v) “Duly authorized representative” means the Deputy Secretary for Public Health Administration, the Medical Director of Public Health, the Environmental Health Office, or Environmental Health Inspector, as designated by the Secretary.
- (w) “Easily Cleanable Surfaces”. Shall mean surfaces that are readily accessible and made of such material and so fabricated that food residue and other soil may be effectively removed by normal cleaning methods.
- (x) “Employee”. Shall mean the health permit holder, individuals having supervisory or management duties and any other person working in a food service establishment or any other establishment covered by the regulations in this subchapter.
- (y) “Establishments”. Shall mean any buildings, structures, places, or homes, whether being used for any purpose or not, that are hereby governed by the regulations in this subchapter.
- (z) “Equipment”. Shall mean stoves, ovens, ranges, hoods, slicers, mixers, water heaters, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment, and it shall also mean devices, equipment, or implements used or utilized for handling, preparing, storing of drugs or cosmetics, or any equipment incidental to the handling, preparing, or storing of drugs or cosmetics and shall include those devices, equipment, or implements used in the operations of acupuncture clinic, dental clinic, optical clinic, health clinic, barber & beauty shops, massage parlors and in tattoo shops.
- (aa) “Fair or Public Exhibits”. Shall mean a festival at which articles, products, wares, etc., are displayed for competitive exhibition, advertising, sales or distribution, where foods or drinks are offered for sale, and where amusement of various kinds may be offered.
- (bb) “Food Contact Surfaces”. Shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- (cc) “Food Handler Certificate”. Shall mean a certification by the Secretary of the Department of Public Health or Deputy Secretary for Public Health Administration to an applicant food handler after completing a physical examination and/or health screening for communicable or foodborne diseases and found to be free of these diseases and upon successfully completing a food handlers seminar conducted or sanctioned by the Bureau of Environmental Health.
- (dd) “Food Handler”. Shall mean any person who handles food or drinks in a place where food or drinks are stored, prepared, or sold for public consumption. It also means all persons who are hired to work in homes, hotels, school kitchens, or cafeterias, concession stands, cafeterias, snack bars, restaurants, or any eating and drinking establishments were* the duties require the

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handling of cooking utensils, food, or drinks for public consumption.

* So in original.

(ee) “Food Processing Establishment”. Shall mean a commercial establishment in which food or drinks are processed, manufactured, or packaged for human consumption, such as: soy bean processing units, water and ice processing plants, hot pepper processing plants, bean sprouts processing plants, and other food or drinks processing plants. The term does not include a food service establishment, retail food outlets, or commissary operation.

(ff) “Food Retail/Wholesale Establishment”. Shall mean an establishment where food and drinks are stored, kept, displayed, whether raw or cooked, and sold individually or in bulk commodity.

(gg) “Food Service Establishment”. Shall mean any place where food is prepared and provided in individual servings, regardless whether consumption is on or off the site, and shall also include delicatessen type operation that prepares sandwiches, or other food in individual servings for public consumption. The term does not include private homes or churches or other religious, philanthropic, civic, social, political, or educational nature, which handle food or drinks for distribution to its members without charge.

(hh) “Food Transportation”. Shall mean the use of any conveyance to transport food or drinks from one place to another, and shall include automobiles, truck, carts, and dollies or any means of transporting food or drinks from one place to another. This term does not include mobile food units, such as; hot dog carts, snack trucks, or other similar means of ready-to-eat food delivery vehicles.

(ii) “Food”. Shall mean consumable products that contain vitamins, proteins, or nutrients for the human body including water or beverages, beef, poultry, pork, fish, crustacean, pastries, confectioneries, vegetables and fruits, or any other consumable product or ingredient used or intended for use or for sale in whole or in part for human consumption.

(jj) “Foodborne illness” means an illness resulting from the ingestion of food or drink.

(kk) “Funeral establishment” means any place used for such activities as are incident, convenient, or related to the preparation and arrangements for the funeral, transportation, burial, cremation, or other disposition of dead human bodies.

(ll) “Health Certificate”. Shall mean a certification issued by the Secretary of the Department of Public Health or a licensed physician in private practice to a person who has been found to be free of any parasitic or pathogenic germ and found to be free of any communicable diseases as herein defined in this subchapter.

(mm) “Health clinic” means a building, room, place, or establishment where physical and health examinations, health consultations, or the care or treatment of sick and/or injured people is provided or made available outside a hospital, and shall include optical clinics, acupuncture

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clinics, dental clinics, chiropractic clinics, and any other establishment other than a hospital where health care is provided.

(nn) “Health inspector” or “inspector” means an individual duly authorized by the Secretary of Health to represent the Division of Public Health, Bureau of Environmental Health during a sanitary inspection, investigation, or other public environmental health related duty.

(oo) “Hermetically Sealed Container”. Shall mean a container designed and intended to be secure against the entry of micro-organism and to maintain the commercial sterility of its content.

(pp) “Hotel, motel, or room accommodation” means any structure or any portion of any structure, including any lodging house, rooming house, dormitory, health spa, studio hotel, hotel, motel, or private club containing four or more guest rooms and intended to provide overnight accommodations or accommodations by the hour for pay, whether monetary or in-kind. The term “hotel, motel, or room accommodation” shall not include any penal institution, hospital, clinic, nursing home, school, laboratory, or childcare facility.

(qq) “Imminent health hazard” means a significant threat or danger to the health, safety and welfare of the public that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent harm or injury to persons in the community based on:

- (1) The extent of the potential harm or injury; and
- (2) The nature, severity, and duration of anticipated harm or injury.

(rr) “Kitchenware”. Shall mean all multi-use utensils other than table-wares.

(ss) “Laundry & Dry Cleaning Establishment”. Shall mean an establishment where clothes and linens are laundered and dried, or where laundering and drying machines are provided for commercial use.

(tt) “Management Food Sanitation Training Certificate”. Shall mean a certification issued by the Secretary of the Department of Public Health or his/her authorized representative to management personnel of food or drink establishment after successfully completing management food sanitation examination or a management food sanitation seminar conducted by the Bureau of Environmental Health or other entities, and as sanctioned by the Department of Public Health.

(uu) “Massage parlor” means, any building, room, place, or establishment occupied and used for the purpose of using any method of applying pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external part of the body with the hands or feet, or with the aid of any apparatus or appliance, with or without such supplementary aids such as rubbing alcohol, ointments, liniments, antiseptics, oil, powders, creams, lotions, or similar preparations. “Massage parlor” shall not include a regularly licensed and established hospital, health clinic or dispensary that provides non-medical and non-surgical manipulative exercises practiced upon the human body manually or otherwise by a health care provider with or without the use of therapeutic, electrical, mechanical, or bathing devices.

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(vv) “Mobile Food Unit”. Shall mean a vehicle-mounted food service establishment designed to be readily movable, and/or dispenses food for public consumption and includes ready-to-eat food delivery vehicles, whether private or establishment owned.

(ww) “Optometry Clinic”. Shall mean an establishment where the examination of eyes is provided, or where optical lenses are manufactured or sold.

(xx) “Packaged”. Shall mean bottled, canned, cartooned*, securely wrapped, or vacuum packed, or any food or drink substance that comes in a packaged form.

* So in original.

(yy) “Penal institution” means any jail, detention center, prison, detention camp, juvenile detention home or cottages, or other facility operated by the CNMI government and used as a holding facility, jail, or residential custodial facility. Penal institution shall not include hospitals or childcare facilities.

(zz) “Person” means an individual, association, corporation, partnership, other legal entity, government, or governmental subdivision or agency.

(aaa) “Person in charge” means the individual present in a place of employment who is the apparent supervisor of the business establishment and of the employees at the time of inspection, or in the event no designated supervisor is present, then any employee working at the place of employment.

(bbb) “Potentially Hazardous Food”. Shall mean any food that consists in whole or in part of milk or milk product, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients including synthetic ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organism.

(ccc) “Premises”. Shall mean the areas of any structures, buildings, or appurtenances, whether for private habitation, business or any use of any structures, buildings, or appurtenances, and shall include vacant or abandoned homes, vacant lots, construction sites, junk yards, open fields, utility corridors, storm drains, private and public parks, vessels, and any other areas whether for private or public use.

(ddd) “Provisions”. Shall mean the provisions in this subchapter, or the Act, established or adopted and enforced by the Department of Public Health.

(eee) “Pushcart”. Shall mean a non-self-propelled vehicle limited to serving non-potentially hazardous food or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of hot dogs, sandwiches, and/or beverages.

(fff) “Reconstituted”. Shall mean dehydrated food products recombined with water or other liquids.

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(ggg) “Regulations”. Shall mean the rules and regulations in this subchapter, or other regulations established and enforced in the Commonwealth of the Northern Mariana Islands.

(hhh) “Restroom facility” means a room(s) equipped with a water closet or toilet and/or hand washing facility that meets Department of Public Works Building and Safety Code standards for employee and public usage that is clean, well maintained, in good repair, and adequately stocked with liquid soap and dispensers, toilet tissue and disposable towels or equipped with hot air hand dryer(s).

(iii) “Room Accommodation”. Shall mean a place for resting, sleeping, relaxing, or sheltering in exchange for fee. It also means hotels, motels, apartments, lodging houses, boarding houses, staff houses, or other types of room accommodations where a fee is imposed for sleeping, relaxing, sheltering or resting.

(jjj) “Safe Material”. Shall mean articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristic of any food.

(kkk) “Sanitary Permit”. Shall mean an authorization issued by the Secretary of the Department of Public Health or his duly authorized representative, to any person or persons who has met the requirements of the regulations in this subchapter and is authorized to operate a business establishment as herein defined in these regulations.

(lll) “Sanitation”. Shall mean the practice of maintaining cleanliness.

(mmm) “Sanitization” or “sanitize”. Shall mean the effective bactericidal treatment by a process that provides enough accumulation heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

(nnn) “School” means any establishment, public or private, for the care and education of students from kindergarten through grade twelve and any college or university or educational institution of higher learning.

(ooo) “Sealed”. Shall mean free of cracks or other openings that permit the entry or passage of moisture, water, air, or other elements not commonly found inside of packaged food items.

(ppp) “Secretary” means the Secretary of the Department of Public Health or his/her duly authorized representative.

(qqq) “Single Service Articles”. Shall mean cups, containers, lids, or closures, plates, knives, forks, spoons, straws, peddles, placements, napkins, dollies, wrappings, toothpicks, and all similar items which are wholly or in part made from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials and which are intended by the manufacturers and generally recognized by the public as for one usage only, and then discarded.

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(rrr) “Storage”. Shall mean an enclosed place, area, or room where food or drinks, or equipment are kept or stored.

(sss) “Swimming pool” means any artificial structure, basin or tank constructed of impervious materials used or intended to be used for swimming, diving, wading, recreational bathing, or as a hot tub, whirlpool, or jacuzzi by the general public, whether for a fee or free of charge, or by the customers, clients, guests or employees of any person, including, but not limited to, a commercial pool, community pool, a pool at a hotel, motel, resort, private or public club, private or public school, gymnasium, or health establishment. The term “swimming pool” shall not include private residential swimming pools located on private residential property and under the direct control of the owner or lessee(s), and used only by the owner or lessee(s), their family, and their guests.

(ttt) “Tableware”. Shall mean multi-use eating and drinking utensils.

(uuu) “Tattoo and/or body piercing shop” means any premises where patrons can have the human epidermis punctured and stained with ink or other pigment leaving a permanent design or picture, or pierced for adornment with jewelry or studs.

(vvv) “Temporary food service” means a food establishment that operates for a period of no more than thirty consecutive days in conjunction with a single event or celebration.

(www) “Valid”. Shall mean current, updated, or still enforceable by means of applications of time and date, or period designated to act as valid or current.

(xxx) “Vector” means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mice, or rats.

(yyy) “Vector borne illness” means an illness transmitted through a vector.

(zzz) “Vending Machine”. Shall mean any self-service device which upon insertion of a coin, coins, tokens, or by other similar means, dispenses unit serving of food, either in bulk or in packages, including tobacco products.

(aaaa) “Vendors”. Shall mean the selling of food and/or drinks from stands, machines, pushcarts, or any other means, and shall include road-side vendors, fund-raising activities, or any temporary or permanent food or drinks vending activities.

(bbbb) “Vermin”. Shall mean rodents, flies, cockroaches, mosquitoes, or other insects that may carry diseases.

(cccc) “Vessels”. Shall mean air-going or sea-going means of transportation of commerce, for leisure or for other purposes.

(dddd) “Violation”. Shall mean the act of breaking, disobeying, or not complying with the rules,

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regulations, or policies established in the regulations in this subchapter.

(eeee) “Ware Washing”. Shall mean the cleaning and sanitization of food contact surfaces of all equipment and utensils.

(ffff) “Waterborne illness” means an illness resulting from submersion in, ingestion, or aspiration of contaminated water.

(gggg) “Wholesome”. Shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

Modified, 1 CMC § 3806(d), (e), (f), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: *Commonwealth Register volume 25, number 6, pages 20433 and 20434 mistakenly reprint earlier pages in the volume from another regulatory program. As a result, two pages of the regulations codified in this chapter are missing from the Commonwealth Register, including subsections (a) through (m) of this section. See 25 Com. Reg. at 20433-434 (July 15, 2003).

The Commission inserted quotation marks around terms defined. The Commission inserted commas after the words “crowning” in subsection (r), “preparing” and “parlors” in subsection (z), “prepared,” “restaurants,” and “food” in subsection (dd), “outlets” in section (ee), “carts” and “trucks” in subsection (hh), “convenient” and “cremation” in subsection (kk), “clinics” in subsection (mm), “safety” in subsection (qq), “place” and “mechanical” in subsection (uu), “sandwiches” in subsection (eee), “air” in subsection (ooo), “tokens” in subsection (zzz), “pushcarts” in subsection (aaaa), “disobeying” and “regulations” in subsection (dddd), In subsection (w), the Commission changed “remove” to “removed” and in subsection (oo), the Commission changed “contained” to “container” to correct manifest errors. In subsection (bbb), the Commission changed “consist” to “consists” to correct a manifest error. In subsections (bbb) and (ppp), the Commission inserted the final periods. In subsection (ddd), the Commission changed a colon to a period to maintain consistent punctuation in this section.

The 1999 Food Handlers Rules and Regulations contained General Provisions applicable to the Bureau of Environmental Health’s Environmental Health and Sanitation Standards codified in this chapter. The 2003 amendments also contained general provisions applicable to this entire chapter. Although the Department of Public Health did not specifically repeal the 1999 General Provisions, the 2003 General Provisions duplicate the definitions included in the 1999 promulgation and, therefore, the Commission has not retained the 1999 definitions. See 20 Com. Reg. at 16169- 70 (Oct. 15, 1998).

Part 100 - Sanitary Permits

§ 140-20.1-101 Sanitary Permits Required

It shall be unlawful for any person to operate or open the following business without a valid and current sanitary permit for such establishment or activity:

- (a) Funeral establishments, crematoriums, and cemeteries;
- (b) Any establishment or activity involving food or drink service, temporary food service, food retail, wholesale and transportation operations, pushcarts, caterers, or motor vehicle food vendors;

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- (c) Food manufacturing, processing, packaging, importation, distribution, and warehousing facilities;
- (d) Barber shops and beauty parlors;
- (e) Ice, water, and other beverage bottling plants and distributors thereof;
- (f) Tattoo and/or body piercing shops;
- (g) Massage parlors, bathing houses, spas, and gymnasiums;
- (h) Health-clinics and convalescent homes;
- (i) Schools and other child-care facilities;
- (j) Penal institutions;
- (k) Hotels, motels, and other room accommodations;
- (l) Vector control and sanitation of aircraft, ships, and commercial premises;
- (m) Swimming pools and water parks.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title. The Commission inserted commas after the words “crematoriums” in subsection (a), “spas” in subsection (g), and “ships” in subsection (l) pursuant to 1 CMC § 3806(g).

§ 140-20.1-105 Display of Sanitary Permits

Each establishment’s current sanitary permit shall be displayed at all times in a conspicuous place on the premises so that it may be readily viewed by members of the public.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “establishments” to “establishment’s” to correct a manifest error.

§ 140-20.1-110 Compliance with CNMI and Federal Law

Only persons who comply with the Act and the regulations in this subchapter shall be entitled to receive and retain such permit. Permit issuance and approval by the Secretary does not relieve the applicant from the obligation and responsibility of obtaining all necessary and required

CNMI and/or federal government permits.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-115 Pre-operation Inspections Required

Before any person shall commence to operate or open for business any establishment or activity listed above, where a sanitary permit is required, he or she shall complete an application requesting a pre-operation inspection by a health inspector.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-120 Compliance with Act and Regulations

The health inspector shall inspect the location to determine whether such business or establishment satisfies the sanitation and environmental health standards established by the Act and the regulations in this subchapter. If the application is for a temporary food service establishment, then it shall also include the beginning and ending dates of the proposed operation.

Modified, 1 CMC § 3806(d), (f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-125 Form and Charges for Permit and Annual Renewal

The Secretary shall prescribe the form of the permit. All sanitary permits issued under this Act and regulations promulgated there under shall terminate and be renewable annually on the anniversary of the date of application. No refunds shall be made on the unused portions of the permit or upon applications that have been denied.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-130 Fees

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Fees for the issuance of sanitary permits, the duplication of sanitary permits, inspections, compliance education and consultation, and other activities provided for under this Act are as set forth on the attached Department of Public Health, Bureau of Environmental Health Fee Schedule [Appendix A]. Any other charges shall be established by posting in the offices of the Bureau.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-135 Transfer of Permit Forbidden

It shall be unlawful to transfer a permit to another person or to another location or to post it on or use it in any way in connection with any other premises other than that for which it was issued.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Part 200 - Inspection

§ 140-20.1-201 Pre-operation Inspections

Before a sanitary permit is issued, a health inspector shall conduct one or more pre-operation inspections to verify that:

- (a) The applicant has been issued a business license by the Department of Commerce to conduct the particular business for which the sanitary permit is being requested;
- (b) The applicant has obtained a certificate of occupancy from the Department of Public Works after establishing that the building and equipment, as defined in the Building and Safety Code at 7 CMC § 7122, are in compliance with law; and
- (c) The applicant's establishment is sanitary and complies with the requirements of the Act and the regulations in this subchapter.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In subsection (c), the Commission inserted the final period.

§ 140-20.1-205 Inspection Frequency

- (a) Once a sanitary permit has been granted to an applicant, a health inspector shall conduct an inspection of the establishment at least once every six months thereafter unless otherwise provided below.
- (b) Except as provided under additional inspections below, at such time that an establishment

receives a grade “A” on three consecutive inspections, inspections of the establishment shall be reduced to one per year until such time that the establishment receives a grade “B” or lower on an inspection. After receiving a grade “B” or lower, the establishment shall be subject to inspections once every six months until such time that the establishment again qualifies for the reduced number of inspections under this section.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-210 Inspection for Permit Renewal

The health inspector shall inspect an establishment before issuing an annual renewal of the sanitary permit.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-215 Additional Inspections

Additional inspections shall be prioritized, and may be conducted more frequently than once every six months based on consideration of the following:

- (a) Past performance on an inspection, which uncovered adverse public health conditions and nonconformance with critical control points;
- (b) The risk of potential hazards unique to the specific type of business conducted, including the extent of potential hazard to the public;
- (c) The number of people who may be affected should an imminent health hazard occur, and whether the population served is a highly susceptible population to the potential hazard; and
- (d) Complaints received by the Secretary concerning the establishments operation or sanitary condition that may present an unacceptable health risk.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-220 Access to Premises and Due Notice

After the health inspector presents official credentials and provides notice of intent to inspect the establishment or premises during the hours of operation or other reasonable time, the person in charge shall permit the health inspector access, either in the company of an employee or

otherwise, to all persons employed by, and to all parts of the establishment or premises, and shall permit examination and copying of any and all records, to insure compliance with this Act and the regulations promulgated there under.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-225 Denial of Access

If the person in charge denies access to the health inspector, the health inspector shall inform the person in charge that:

- (a) The holder of a sanitary permit is required to allow access to health inspectors as specified under the Act; and
- (b) Access to the establishment or premises is a condition of maintaining a sanitary permit to operate an establishment.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-230 Suspension of Sanitary Permit

If, after the health inspector presents this information, the person in charge is still unwilling to grant access to the establishment or premises, the health inspector shall schedule a hearing within ten working days to suspend the sanitary permit on the basis of being unable to conduct an inspection. The health inspector shall note in the inspection report the details surrounding the person in charge's refusal to grant access to the establishment or premises.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

Part 300 - Inspection Reports; Demerit Values; Demerit Scores

§ 140-20.1-301 Inspection Reports

Whenever the health inspector makes an inspection and discovers that any provision of the Act or regulations has been violated, he shall record his findings on an inspection report form for the permit holder or person in charge.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section titles in part 300.

§ 140-20.1-305 Demerit Values

For each violation of a critical control point, a demerit value shall be assigned. Upon completion of an inspection, the health inspector shall total the demerit point values for all requirements in violation, such total becoming the grade for the establishment.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-310 Demerit Scores; Grades

Grades shall be based on the following demerit scores:

- (a) Grade A - An establishment having a score of not more than ten demerits.
- (b) Grade B - An establishment having a score of more than ten, but not more than twenty.
- (c) Grade C - An establishment having a score of more than twenty, but not more than thirty.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-315 Failing Grade; Imminent Health Hazard

An establishment with a score of more than thirty demerits shall be considered an imminent health hazard and shall not be granted a sanitary permit, or in the case of a renewal, shall be subject to immediate suspension and closure.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-320 Closure Notice

Immediately following such a grading during an inspection, the health inspector shall post a closure notice placard in an obvious location at the front door of the establishment to alert the

public. Anyone other than the Secretary or a health inspector is prohibited from removing this placard.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Part 400 - Inspection Reports

§ 140-20.1-401 Content of Inspection Reports

Whenever a health inspector makes an inspection, he shall notify the permit holder or person in charge of such violations by means of an inspection report. In such notification, the health inspector shall:

- (a) Set forth the specific violations found, together with the demerit score of the establishment;
- (b) Establish a specific and reasonable period of time for correction of the violations found;
- (c) State that failure to correct any deficiencies in accordance with the provisions of any applicable laws, rules, or regulations may result in suspension of the permit;
- (d) State that an opportunity for appeal from any inspection findings will be provided if a written request for a hearing is filed with the Secretary within the period of time established for notice of corrections; and
- (e) Request that the person in charge sign an acknowledgment of receipt of the inspection report. However, failure or refusal to sign receipt of the inspection report shall not relieve the permit holder or person in charge from the obligation to correct the violations noted in the inspection report within the specified time frame.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In subsection (b), the Commission changed the final period to a semi-colon to ensure consistent punctuation. The Commission inserted a comma after the word “rules” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 140-20.1-405 Service of Inspection Reports

Inspection reports provided for under this Act shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such inspection report has been sent by registered or certified mail return receipt requested, to the last known address of the permit holder. The permit

holder or person in charge shall be required to maintain copies of the inspection report forms at the establishment for a period of seven years. The Secretary shall also maintain files of the inspection report and proof of service.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Part 500 - Timely Correction of Violations of Critical Control Points

§ 140-20.1-501 Corrective Actions

A permit holder who has received a demerit score of more than ten points shall correct a violation of a critical control point and implement corrective actions within a reasonable time period as specified in the inspection report, or as provided below.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-505 Time Allowed for Corrective Action

Considering the nature of the potential health risk involved and the complexity of the corrective action needed, a permit holder may avoid suspension of the sanitary permit, if the permit holder can make corrections or repairs within the following time frames and the deficiencies do not constitute an imminent health hazard which would require immediate suspension and closure:

- (a) Five working days for deficiencies that involve general cleaning and easily resolvable critical control point violations;
- (b) Fifteen working days for deficiencies or violations that require more man-hours due to the scope of work, including but not limited to minor building repairs and the purchase of necessary equipment;
- (c) Thirty working days for deficiencies requiring the purchase of equipment or materials necessary for remodeling that may not be found on island, but must be requested from an off-island supplier or contractor.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-510 Extensions of Compliance Period

The Secretary may but is not required to agree to an extension of the compliance period if:

- (a) The permit holder provides in writing sufficient evidence that the specified time frame with which to comply is not feasible due to insurmountable circumstances and agrees to an alternative date;
- (b) No imminent health hazard would result from the delay; and
- (c) The reasons are deemed justified by the Secretary. However, a second request for an extension will be cause for suspension of the sanitary permit.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-515 Re-grading After Corrective Action

The applicant or person in charge of any establishment or premises that received a low grade may at any time make a written request for an inspection for the purpose of re-grading the establishment after corrective action has been completed. Upon receipt of a written request, which includes a signed statement from the person in charge that the initial inspection report's corrective actions have been carried out, a health inspector will schedule an inspection, for a fee, within ten working days of receipt at the Bureau of Environmental Health Office.

Modified, 1 CMC § 3806(e), (f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-520 Verification and Documentation of Correction

- (a) At the next inspection, after a health inspector advised an establishment or person to make a correction of a violation of a critical control point or deviation, the health inspector shall enter the specifics about the previous violation and information about the corrective action on the inspection report.
- (b) After receiving notification that the permit holder has corrected a violation of a critical control point, or at the end of the specified period of time for correction, the health inspector shall verify correction of the violation through inspection, document the information on an inspection report, and enter the report in Bureau of Environmental Health records.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Part 600 - Suspension and Revocation of Permit

§ 140-20.1-601 Imminent Health Hazard; Suspension and Closure

The Secretary may suspend a sanitary permit without prior hearing thereby immediately closing the establishment if a violation is of a nature so as to constitute an imminent health hazard. Suspension without prior hearing may be imposed for such time until the violation is corrected, or may be imposed pending a hearing. Notice of suspension and closure shall be provided to the permit holder or person in charge prior to the suspension and closure taking effect. Hearings requested following the suspension of a permit without prior hearing should be scheduled as soon as possible, but not later than five business days from the date of closure. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “Procedures” to “Procedure” to correct a manifest error. The Commission created the section title.

§ 140-20.1-605 Suspension; Notice and Hearing

A sanitary permit may be suspended by the Secretary upon a finding that the permit holder or a person in his employ or under his suspension or control has continuously violated the requirements of this Act or the regulations promulgated there under, although such violations do not constitute an imminent health hazard; or if the establishment has failed to pay fees assessed against it for violations of the Act or the regulations promulgated there under; or if the establishment has in any way continuously disregarded the Secretary’s efforts to satisfy the requirements of the Act or the regulations in this subchapter. The Secretary shall provide notice of intent to suspend a sanitary permit by giving written notice thereof to the holder, in which case, the permit holder shall have ten calendar days within which to request a hearing. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violations, in which case, it shall not exceed six months. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

Modified, 1 CMC § 3806(d), (e), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “Procedures” to “Procedure” to correct a manifest error. The Commission created the section title.

§ 140-20.1-610 Revocation; Notice and Hearing

Revocation of a permit may occur after a permit holder has had his permit suspended on two separate occasions, but continues to violate the requirements of the Act or the regulations promulgated there under, or if the establishment has resumed operations after being closed by the Secretary. The Secretary shall provide notice of intent to revoke a sanitary permit by giving written notice thereof to the permit holder, in which case the permit holder shall have ten calendar days within which to request a hearing. A hearing for revocation of the sanitary permit shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “Procedures” to “Procedure” to correct a manifest error. The Commission created the section title.

§ 140-20.1-615 Judicial Review of Decisions

Following a hearing, a judicial review of the Secretary’s decision may be held in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.]. Pending final determination upon such judicial review, it shall be discretionary with the court to stay the enforcement of the order of suspension or revocation upon the furnishing of adequate bond.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “Procedures” to “Procedure” to correct a manifest error. The Commission created the section title.

§ 140-20.1-620 Reinstatement of Permit

When the holder of a permit believes he has corrected a condition upon his premises or some other violation for which his permit has been suspended, he may write a letter to the Secretary for reinstatement of the permit. The Secretary, upon receipt of such letter, shall schedule an inspection of the premises within five working days. If the findings of this inspection show that the violation has been corrected, the Secretary shall reinstate the permit where suspension was imposed until such time that the violations were corrected. If suspension of the permit was imposed for reasons other than the need to take corrective action, the suspension will remain in effect through the period specified for suspension.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-625 Revoked Permit May Not Be Reinstated

A permit is no longer valid and may not be reinstated when it has been revoked, except upon order of the court.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-630 No New Permit

No person whose permit has been revoked shall be eligible to obtain a new permit for a period of one year.

Modified, 1 CMC § 3806(e).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-635 Closing

The Secretary shall effect the closing of any establishment or activity whose permit has been suspended or revoked. Upon the request of the Secretary, the Commissioner of the Department of Public Safety shall provide police personnel to enforce such closing.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-640 Notification of Commissioner of Public Safety

The Secretary shall notify the Commissioner of Public Safety of any suspension or revocation of a permit and the Commissioner of Public Safety shall assure that the suspended or revoked permit holder shall not resume operation until reinstated by the Secretary.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-645 Notice Posted of Closure

Whenever any establishment requiring a permit is closed by the Secretary, the health inspector shall post a notice, easily visible to the public, stating that said establishment is closed by order of the Secretary for violations of this Act or the regulations promulgated there under. No person other than the Secretary or the health inspector shall remove, deface, destroy, or conceal such notice.

Modified, 1 CMC § 3806(f).

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History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission inserted a comma after the word “destroy” pursuant to 1 CMC § 3806(g).

§ 140-20.1-650 Inspection Report Public Information

The inspection report shall be considered a public document and the Secretary shall make it available for inspection and copying as provided by law.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Part 700 - Penalties and Fines for Violations

§ 140-20.1-701 Penalties

Those permit holders found violating the requirements of the Act or the regulations in this subchapter shall, upon issuance of notice to the permit holder or person in charge by the Secretary, be fined and penalized in the following manner:

- (a) First Offense: The permit holder shall receive a warning letter.
- (b) Second Offense: A fine of up to \$500.00.
- (c) Subsequent Offenses: The permit holder shall be subject to a fine of up to \$1,000.00 for each subsequent offense.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-705 Hearings on Fines

A permit holder who has received notice of imposition of a fine shall have ten calendar days from the date of service of the notice to request a hearing. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act [1 CMC §§ 9101, et seq.].

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “Procedures” to “Procedure” to correct a manifest error. The Commission created the section title.

Part 800 - Ceasing Operations and Reporting

§ 140-20.1-801 Notification of Imminent Health Hazard

A permit holder shall immediately discontinue operations and notify a health inspector if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food borne, waterborne, vector borne illness or communicable disease outbreak, gross unsanitary occurrence or condition, or other circumstance that may endanger public health.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-805 Unaffected Areas

A permit holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission created the section title.

§ 140-20.1-810 Resumption of Operations

If operations are discontinued as specified above or otherwise according to law, the permit holder shall obtain approval from a health inspector before resuming operations.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Part 900 - Infectious Disease Control

§ 140-20.1-901 Employees Carrying Communicable Diseases

No person managing an establishment identified above, that due to the nature of the services offered, poses a direct mode for disease transmission to the general public, shall permit an employee to work knowing or having reason to know that such employee has a communicable disease or is a carrier of such disease that would readily spread to the patrons of the establishment and the general public.

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History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: With the exception of § 140-20.1-920, the Commission created the section titles in part 900.

§ 140-20.1-905 Employees with Other Health Problems

No person managing an establishment identified above shall allow an employee or employee applicant with any form of head or body lice, scabies, or infected with an active viral disease, such as chicken pox, measles, mumps, or tuberculosis, or afflicted with an unprotected pustular lesion on the hands, wrists, or exposed portions of the body, to work in their establishment. No employee or employee applicant shall work in such establishment knowing himself to have or having reason to believe that he has any of the diseases set forth above or is a carrier of any such disease.

Modified, 1 CMC § 3806(f).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-910 Employees with Food or Water Borne Illness

No person managing any food or drink service, or handling, establishment shall permit an employee or employee applicant to work in an area of the establishment where there would be a danger of disease transmission, knowing or having reason to know that such employee has a food borne or waterborne illness or is a carrier of such illness. No employee shall work in such an area of an establishment knowing him to have or having reason to believe that he has a food borne or waterborne illness or is a carrier of any such illness. If the manager or a person in charge suspects that any employee has a food borne or waterborne illness or is a carrier of such illness, he shall notify the Secretary immediately.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-915 Tattoo or Body Piercing Shops; Employees with Blood Borne Illnesses

No person managing a tattoo and/or body piercing shop shall permit a tattoo or body piercing artist or applicant to work in an area of the establishment where there would be danger of disease transmission, knowing or having reason to know that such employee has a blood borne illness or is a carrier of such illness. No tattoo or body piercing artist or applicant shall work in such an area of an establishment knowing himself to have or having reason to believe that he has a blood borne illness or is a carrier of any such illness. If the manager or a person in charge suspects that any employee has a blood borne illness or is a carrier of such illness, he shall notify the Secretary immediately.

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

§ 140-20.1-920 Procedures When Infection Is Suspected

When suspicion arises as to the possibility of transmission of infection from an employee or employee applicant, the Secretary is authorized to require:

- (a) The immediate exclusion of the employee from all activity within the specific establishment for which transmission of a food borne, waterborne, or blood borne illness or communicable disease is possible due to the nature of the services offered;
- (b) The immediate closing of the establishment until no further danger of illness or communicable disease outbreak exists;
- (c) Medical examination of the employee and/or his fellow employees, with such laboratory examinations as may be indicated.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: In subsection (a), the Commission changed the final period to a semi-colon to ensure consistent punctuation.

Part 1000 - Miscellaneous Provisions

§ 140-20.1-1001 Severability

If any provision of the regulations in this subchapter or the application of any provision of these regulations to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of these regulations or the application of its provisions to person or circumstances other than those to which it is held invalid shall not be affected hereby.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

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**Appendix A
Department of Public Health
Bureau of Environmental Health Fee Schedule**

Section	Category	Description	Rate
101	Immunization Program Certificates & Fees		
101.1	School Health Certificate		\$5
101.2	Immunization Summary		\$5
101.3	Immunization Shot Card		\$5
101.4	Health Evaluation		\$5
102	Snack Bar, Restaurant, Night Club, Employee Cafeteria	Fixed establishment vending food/drink or transporter, or entertainment establishment, beauty, room rentals, etc...	
102.1	Restaurant / Fast Food		\$90
102.2	Snack Bars		\$90
102.3	Café / Coffee		\$90
102.4	Canteen		\$90
102.5	Kitchenette		\$140
102.6	Cafeteria (Employee)		\$140
102.7	Bars / Tavern		\$120
102.8	Karaoke Lounge		\$120
102.9	Night Club		\$120
103	Retail Outlets	Fixed establishment dispensing directly to customer	
103.1	Mom & Pop Store	Establishment no larger than 190 sq. feet in size	\$90
103.2	Mini Marts	Between 190 and 240 sq. ft.	\$90
103.3	Super Market	Larger than 240 sq. ft.	\$140
103.4	Convenient Store	Larger than 240 sq. ft.	\$140
103.5	Sale of Cosmetics (Gift Shop)	Specialty establishment vending beauty products	\$90
104		Fixed or mobile roadside or temporary event sale	
104.1	Outdoor BBQ Stand	Stand-alone structure, equipped with waste disposal, running water, refrigeration, and preparation area	\$90
104.2	Sale of Refreshment	Sale of processed prepackaged food, soup, salad, and beverages	\$90
104.3	Produce Vendors	Sale of raw vegetables	\$90
104.4	Fish Vendors	Sale of freshly caught seafood	\$90
104.5	Fish & Produce Vendors	Sale of fresh (within 24 hrs. harvest) vegetable & seafood	\$90
104.6	Delivery Vehicle	Transport food/drink vehicle	\$90

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104.7	Snack Mobile	Mobile snack vehicle vending processed, prepackaged food directly to customer	\$90
105	Sheltering	Room accommodation ranges from house rental (single room) to large hotel operation	
105.1	Hotels-Small	1–50 rooms	\$140
105.2	Hotels-Medium	51–100 rooms	\$150
105.3	Hotels-Large	101+ rooms	\$220
105.4	Motel	1–40 rooms	\$140
105.5	Staff Housing-Small	1–10 rooms	\$140
105.6	Staff Housing-Medium	11–20 rooms	\$150
105.7	Staff Housing-Large	21+ rooms	\$220
105.8	Dormitory-Boarding House	Per building	\$140
105.9	House Room Rental	Each single rental unit/house	\$140
106	Bulk Storage / Processing Plant		
106.1	Meat or other Food Processing Plant	Meat processing / manufacture of food	\$140
106.2	Water Botting Plant	Water / ice processing plant	\$140
106.3	Bakery	Other manufactured food (bakery)	\$140
106.4	Retail / Wholesale Storage	Storage warehouse separated location from the vending site	\$140
106.5	Wholesale-Storage Facility	Dry/cold	\$140
107	Beautification Shop	Bodily services provided from fixed building	
107.1	Barber Shop		\$90
107.2	Beauty Shop		\$90
107.3	Barber Shop / Beauty Shop		\$90
107.4	Massage Parlor		\$90
107.5	Sauna / Spa / Swimming Pool		\$90
107.6	Facial / Manicure / Pedicure		\$90
108	School, Health Centers, Pharmaceutical Drugs, and Devices Outlets & Public Facility		
108.1	Schools	Private or public operated pre, grade, middle, high, and post highschool	\$220
108.2	Daycare Center	Pre-school center	\$220
108.3	Sanitariums		
108.4	Health Clinic	Private and public operated health centers	\$140
108.5	Dental Clinic		\$140
108.6	Pharmaceutical & Devices Outlet	Outlets dispensing over the counter and prescription drugs and/or medical devices	\$140
108.7	Optical Clinic		\$140
109	Other BEH Permits,	Issuance of new, renew, duplicate, or	

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	Certificates Issuance and Penalties	temporary permits or certificates	
109.1	Food Handlers Certificate	Completes PE & FST	\$35
109.2	Temporary Food Handlers Certificate	Completes FST and awaiting PE results	\$35
109.3	Duplicate Food Handlers Certificate	New replacement certificate	\$15
109.4	Duplicate Sanitary Permit	50% of permit fee	
109.5	Onsite Food Handlers Training	Minimum of 10 participants @ \$250, additional participants @ \$25 per person	\$250
109.6	Verification of Unwholesome Food Disposal	Required requestor to submit to BEH office inventory listing of proposed disposal	\$90 per hour
109.7	Ship Clearance	Commercial cargo vessel	\$150
109.8	Deratting Certificate	Inspection of potential vector on vessel	\$190
109.9	Cruise Ship Clearance	1 or 4 food/drink outlets for guest with employee cafeteria	\$595
109.10	Cruise Ship	Cruise ship with <4 or more food/drink outlets, each outlet would pay additional \$30 per outlet	\$30
109.11	Noncompliant Establishment	Resuming ceased operation	\$560
110	New Fees and Enforcement Penalties	New promulgated fees for existing service	
110.1	Translation	Language interpreter (non-English speaker) contracted by BEH office to moderate/facilitate 1 time communication/training. Minimum of 10 participants.	\$30
110.2	Expired Sanitary Permit	50% (half price) plus the cost of permit for the 1 st month (after 10 days grace period); subsequent months will be full price of permit per month.	
110.3	Follow-up Inspection	Establishment management request re-inspection to validate corrective actions taken	\$90
110.4	BEH Administrative Research or Fieldwork Verification	Administrative cost to validate and authenticate request information from key CHCC offices, from files, or fieldwork verification	\$50

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 39 Com. Reg. 39218 (Feb. 28, 2017); Amdts Proposed 36 Com. Reg. 35137 (July 28, 2014); Amdts Adopted 25 Com. Reg. 21051 (Aug. 22, 2003); Amdts Proposed 25 Com. Reg. 20427 (July 15, 2003).

Commission Comment: The Commission changed “directing” to “directly” in line 103 and “Wholesome” to “Wholesale” in line 106.4 pursuant to 1 CMC § 3806(g).

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A similar table is found at Part 400 of subsection 140-10.8. It is unclear whether the Department intended this table to replace the the one located in 140-10.8.