§ 2701. Definitions.

(a) The term "adulterated" for the purposes of this chapter shall have the following meanings:

(1) If a food bears or contains any poisonous or deleterious substance which may render it injurious to health; unless the substance is not an added substance, but rather a naturally occurring substance the quantity of which does not ordinarily render it injurious to health; or

(2) If a food, drug, cosmetic, or device consists in whole or in part of any filthy, putrid, or decomposed substance, or in the case of food, if it is otherwise unfit for food; or

(3) If a food, drug, cosmetic, or device has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or

(4) If a food is in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter at a facility licensed by the CNMI.

(b) The term "advertisement" includes any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any foods, drugs, cosmetics, and devices.

(c) The term "Commonwealth" means the Commonwealth of the Northern Mariana Islands ("CNMI").

(d) The term "cosmetic" means articles intended to be rubbed, poured, sprinkled, or spayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of any such articles.

(e) The term "Department" means the Department of Public Health.

(f) The term "device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory which is;

(1) Recognized in an official compendium as defined in this chapter, or any supplement to them; or

(2) Intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in man or other animals, or

(3) Intended to affect the structure or any function of the body of man or other animals.

(g) The term "drug" means an article recognized in an official compendium as defined in this chapter or any supplements to any of them; and includes any substance or mixture of substances manufactured, sold or represented for use in:

(1) The diagnosis, cure treatment, mitigation or prevention of a disease, disorder or abnormal physical or mental state, or its symptoms, in human beings or animals,

(2) Restoring, correcting or modifying organic functions in human beings or animals, or

(3) Articles intended for use as a component of any such articles as mentioned above.

This definition does not include any natural substances used as a traditional drug as defined in this chapter.

(h) The term "food" includes any article manufactured, sold or represented for use as food or drink for human beings, chewing gum, and any ingredient that may be mixed with food for any purpose whatsoever.

(i) The term "foreign drug" shall mean a drug prescribed, purchased or manufactured in a jurisdiction other than the Commonwealth, the United States of America, its territories and possessions.

(j) The term "unsanitary conditions" means such conditions or circumstances as might contaminate with dirt or filth, or render injurious to health, a food, drug, cosmetic, or device.

(k) The term "inspector" means any person designated as an inspector for the purpose of the enforcement of this chapter.

(1) The term "label" includes any legend, word or mark attached to, included in, belonging to, in close proximity to, or accompanying any food, drug, cosmetic, device, or package.

(m) The term "official compendium" means the most recent editions, including all errata, supplements, revisions and addenda of the following: Commonwealth Health Center Formulary, official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, and Remington Pharmaceuticals.

(n) The term "package" includes anything in which any food, drug, cosmetic or device is wholly or partially contained, placed or packed.

(o) The term "prescribed" means required by the regulations.

(p) The term "Secretary" means the Secretary of the Department Public Health for the Commonwealth of the Northern Mariana Islands.

(q) The term "sell" includes offer for sale, expose for sale, have in possession for sale and distribution, whether or not the distribution is made for compensation of any kind.

(r) The term "traditional drug" means natural substances used by the Chamorro and Carolinian people, or by any other people who reside in the Commonwealth, in the diagnosis, cure, treatment, mitigation or prevention of disease, disorder or abnormal physical and mental state, or its symptoms, in human beings or animals.

Source: PL 11-40, § 2 (§ 101), modified.

Commission Comment: PL 11-40 took effect September 22, 1998. PL 11-40 contained title, severability, and savings clauses as follows:

> Section 1. Title. This act shall be cited as the "Pure Food, Drug and Cosmetic Device Act of 1998".

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Section 3. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

In subsection (d) of this section, after the words ". . . articles intended for use" the word "as" has been added to correct a manifest clerical or typographical error.