

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FOURTH SPECIAL SESSION, 2003

PUBLIC LAW NO. 13-58
H. B. NO. 13-295, HD3

AN ACT

To appropriate all monies deposited in the Tobacco Control Fund from Public Law 13-38; and for other purposes.

**BE IT ENACTED BY THE THIRTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

Section 1. Short Title. This Act may be cited as the "CNMI Health Improvement Act of 2003"

Section 2. Findings. The Legislature finds that the Commonwealth is prepared to proceed with the funding of its critical health preventive programs authorized by Public Law 13-38.

Section 3. Appropriation. There is hereby appropriated all monies deposited into the Tobacco Control Fund as provided in this section to implement programs and services and to achieve the goals stated in Section 3 of Public Law 13-38 as follows:

(a) \$955,000 to the Department of Public Health, under the expenditure authority of the Secretary of Public Health and which shall be further distributed as follows:

- (1) \$200,000 to the CNMI Comprehensive State-Based Tobacco Control Program (inclusive of tobacco 'cessation program and referral services for Maternal Child Health);
- (2) \$435,000 for the CNMI Chronic Disease-Diabetes Control Program;
- (3) \$100,000 for the establishment of the CNMI Cancer Registry;
- (4) \$170,000 to the Breast and Cervical Cancer Program; and
- (5) \$50,000 to Bureau of Environmental Health for the Enforcement of Local Tobacco Control Regulations;

~~(b) — \$165,000 to the CNMI Public School System under the expenditure authority of the Commissioner of Education for the purposes of developing, implementing and maintaining a CNMI School-Based Tobacco-Free Program;~~

~~(c) — \$175,000 shall be equally distributed to all duly chartered and organized Youth Learning Centers in Precinct 1, 2, 3, and 4 of the Third Senatorial District, under the expenditure authority of the principal head of the chartered youth learning centers for the purpose of administering and implementing youth tobacco-free programs and other youth related programs at all villages including the Tanapag Youth Learning Center, Gualo Rai Children Park and Youth Center, Dandan Youth Center, House of Manhoben in Chalan Kanoa, San Antonio Man Hoben Center, Kagman Community Center, and the Garapan Learning Center;~~

(d) \$105,000 to the CNMI Office of the Attorney General under the expenditure authority of the Attorney General for the purposes of overseeing the terms and conditions under the Master Settlement Agreement and any future litigation that may impact the CNMI's share of the Tobacco Settlement Agreement;

(e) \$30,000 to the Rota Health Center and \$20,000 for the Rota youth organization and other youth related programs, under the expenditure authority of the Mayor of Rota for the purposes of implementing Section 3 of Public Law 13-38 in the First Senatorial District; and

(f) \$40,000 to the Tinian Health Center and \$10,000 for the Tinian youth organization and other youth related programs, under the expenditure authority of the Mayor of Tinian for the purpose of implementing Section 3 of Public Law 13-38 in the Second Senatorial District.

~~In the event a new appropriation for FY 2004 is not enacted prior to the beginning of the fiscal year, the appropriation under this section shall continue as provided herein subject to the quarterly allocation procedures and restriction under 1 CMC § 7204(d).~~

Section 4. Priority. Up to \$435,000 of the funds now available in the Tobacco Control Fund shall be appropriated in its entirety to the Department of Public Health, Division of Public Health's Chronic Disease and Diabetes Control Program notwithstanding Section 3 herein or any law to the contrary.

Section 5. Amendment. Section 102(0(2) of PL 13-38 is amended by adding the following provision at the end of paragraph 3:

“The Secretary shall prescribe reasonable regulations to Implement the enforcement of this section ~~including establishing standards for exempting facilities, building or places from the requirements under subsection (b) of this section.~~ The Secretary may also establish by regulation the issuance of citations, hearing procedures based on the Administrative Procedure Act, and assessment of reasonable civil fines on any person found in violation of subsection (b) no to exceed \$500 for the first violation and not to exceed \$1000 for any subsequent violation. The fines collected shall be segregated by the Department of Finance and used by the Secretary solely to fund costs of enforcing this section.”

Section 6. 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 7. 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 the 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.

Section 8. Effective Date. This Act shall take effect upon its approval by the Governor, or becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

/s/ _____

HEINZ S. HOFSCHEIDER
SPEAKER OF THE HOUSE

EVELYN C. FLEMING
HOUSE CLERK

Approved this 14th day of August, 2003

/s/ _____

JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

~~THE GOVERNOR VETOES STRIKETHROUGH ITEMS**~~**