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Volume 11 No. 9

TABLE OF CONTENTS

EMERGENCY REGULATIONS

PROPOSED REGULATIONS

ADOPTED REGULATIONS

NOTICE OF ADOPTION
OF
EMERGENCY REGULATIONS

EMERGENCY: The Medical Profession Licensing Board ("MPLB") hereby finds under 1 CMC §9105 that to adequately protect the public health and safety. The public interest requires the adopting of emergency regulations. Therefore, MPLB must adopt emergency regulations to establish procedures for licensure of health care professionals and health facilities. The MPLB finds that the interest requires the proposed regulations to be effective, as emergency regulations, upon filing this notice and the regulations with the Registrar of Corporations. These regulations shall remain in effect for a period not to exceed 120 days.

CONTENTS: The regulations establish requirements and procedures for the licensure of health care professionals and health care facilities in the CNMI.

PUBLIC COMMENTS: Comments on the content of these regulations may be sent to Dr. Manuel Sablan, Chairman, Medical Profession Licensing Board, Department of Public Health and Environmental Services, Saipan, MP 96950. A public hearing may be requested by government agencies. All comments will be carefully considered.

AUTHORITY: The MPLB is authorized to promulgate regulations under 3 CMC, Chapter 2.

Certified By:

DR. MANUEL Q. SABLAN
Chairman
Medical Profession Licensing Board

8/28/89
Date

Concurred By:

PEDRO P. TENORIO
Governor

8/29/89
Date

REGISTRAR OF CORPORATIONS

8/30/89
Date

NOTISIAN I MA'ADAPTAN

REGULASION SIHA PUT GOTPE NA NISISIDAT

GOTPE NA NISISIDAT:

I Medical Profession Licensing Board (MPLB), sigun gi 1 CMC papa' seksiona 9105, ha sodaa' na komu para u prutehi kabales i hinemlo' yan i siguridat pupbliku; i enteres pupbliku ha mamanda i ma'adaptan regulasion siha put gotpe na nisisidat. Ayu mina' debi i MPLB na u adapta regulasion siha ni para u establesi i areklamenton manlisensian prufesionat yan fasilidat inadahen hinemlo'. Ha sodaa' lokkue' i MPLB na ginagagao nu i enteres pupbliku na ayu i manmapropuponi siha na regulasion u fanefektibu komu regulasion gotpe na nesisidat, ensigidas despues di masatmiti este na nutisia yan i manmapropuponi siha na regulasion siha guato gi Rehistradot Kotporasion. Este siha na regulasion u konsige manefektibu gi halom i tetminu ni ti u mas ki 120 dias.

FONDAMENTO:

I fondamenton i manmaprooponi na regulasion ayu i ma'establesin kondision yan areklamento siha put manlisensian prufesionat yan fasilidat inadahen hinemlo' siha gi halom i CNMI.

UPINION PUPBLIKU:

Rekomendasion siha put i fondamenton i manmaprupoponi na regulasion siña manmasatminiti guatu gi as Dr. Manuel Sablan, Chairman i Medical Profession Licensing Board, Department of Public Health and Environmental Services, Saipan, MP 96950. Inekungok pupbliku siña ha' marikuosta ni maseha hafa na attension gubietnamento. Todu upinion pat osino' rekomendasion siha siempre u fanmakonsidera gi kabales na manera.

ATORIDAT:

I MPLB ma'atorisa manlaknos regulasion siha gi papa' i 3 CMC Kapitulu 2.

Masettifiku nu as:

DR. MANUEL Q. SABLAN
Chairman
Medical Profession Licensing Board

8/28/89
Fecha

Makonfotmi nu as:

PEDRO P. TENORIO
Governor

8/29/89
Fecha

REGISTRAR OF CORPORATIONS

8/30/89
Fecha

ARONGORONG REEL IGHA EBWE YOOR
ALLEGHÚL EMERGENCY

EMERGENCY: Schóól Medical Profession Licensing Board ("MPLB") re schuungi mellól 1 CMC 9105 bwe reel ebwe ghi ghatch ilighil aramas bwe rete sumwaay me filiwós nge e fisch bwe ebwe yoor allégh yeel. Iwe MPLB e ayoora allégh yeel reel ebwe faisúl mwóghutughutul ebwe yoor aar dokkto me ngere schóókka re afállúir malesumwaay me espitóód lisensiya. MPLB e schuungi bwe reel mwushchál yeel, nge ebwe ghi aléghélegh ngere alleghúl emergency (filiwós), toolonghol llól Registrar of Corporations. Allégh kkal nge ebwe ghi aléghélégh llól ebwughiu ruweigh rál (120) nge essóbw luuló.

OWUTOL ALLÉGH: Allégh yeel nge re ayoora reel mwóghutughutul lisensia reer schóól safey me imwal safey mellól CNMI.

TIPEER ARAMAS TOWULAP: Tipeer aramas towulap me ngere mwaliyeer reel allégh kkal nge emmwel rebwe bwughiiló ngere afangangali Dr. Manuel Q. Sablan, Chairman, Medical Profession Licensing Board, Bwulasiyool Public Health me Environmental Services, Saipan, MP 96950. Ebwe yoor arongorong ngáliir towulap (public hearing) ngere akkaau bwulasiyool Gobenno re tingór. Alongal kkepas kka e isissilong nge rebwe ghi mángiiy fischiiy.

BWÁNG (AUTHORITY): Emmwel ngáliir schóól MPLB bwe rebwe arongaar aramas reel allégh kkal reel 3 CMC, Chapter 2.

Aprebaliiyal:

DR. MANUEL Q. SABLAN
Chairman
Medical Profession Licensing Board

8/23/89
Rál

Alughulughuyal:

PEDRO P. TENORIO
Samwool

8/29/89
Rál

REGISTRAR OF CORPORATIONS

8/30/89
Rál

PUBLIC NOTICE OF PROPSOED REGULATIONS OF
MEDICAL PROFESSION LICENSING BOARD

The Medical Profession Licensing Board ("MPLB"), pursuant to the authority provided under 3 CMC, Chapter 2 and the Administrative Procedures Act, 1 CMC § 9101 et seq. hereby notifies the public of its intention to adopt new rules and regulations.

The proposed regulations will generally govern licensure of health care professionals and health care facilities. The proposed rules and regulations are published herewith as emergency regulations.

Copies of the proposed regulations are available from the MPLB, Department of Public Health and Environmental Services, Saipan.

The MPLB urges the public to submit written comments and recommendations regarding the proposed regulations within 30 days after the first publication in the Commonwealth Register to the following address:

Dr. Manuel Q. Sablan, Chairman
Medical Profession Licensing Board
Department of Public Health & Environmental Services
Saipan, MP 96950

Dated this 15th day of August, 1989.

Dr. MANUEL Q. SABLAN
Chairman
Medical Profession Licensing Board

NOTICIA PARA I PUBLIKU
POT I MA PROPOPONI NA REGULASION POT I
MEDICAL PROFESSION LICENSING BOARD

I Medical Profession Licensing Board ("MPLB"), segun gi authoridad ni guaha gi papa 3 CMC, Chapter 2 yan i Administrative Procedures Act, 1 CMC § 9101 et seq. ha notifiika i publiku ni intension para ma-adopta i nuebue na areklu yan regulasion siha.

I ma propoponi na regulasion siha una henerat gumobietna i licensure i inadahen hinemlo profesot yan inadahen hinemlo facilidat. I esta ma propone na reaklu ayn regulasion siha ma publika guene komo emergencia na regulasion.

Kopia siha ni ma propopone na regulasion guaha ginen i MPLB, Departtamento i Public Health yan Environmental Services, Saipan.

I MPLB ha insisiste i publiku para uma satmite tinege na opinion yan rekomendasion pot este i ma propoponi na regulastion siha gi halom 30 dias despues de i mapublika gi Commonwealth Register gi segente na direksion:

Dr. Manuel Q. Sablan, Chairman
Medical Profession Licensing Board
Department of Public Health and
Environmental Services
Saipan, MP 96950

Mafecha este na dia 15 gi Augusto, 1989.

DR. MANUEL Q. SABLAN
Chairman
Medical Profession Licensing Board

TABLE OF CONTENTS

MEDICAL PROFESSION LICENSING BOARD

Regulations for Licensing of Health Care Professionals

CHAPTER I

GENERAL PROVISIONS

1-1. Definitions. As used in these regulations unless the context otherwise requires, the words and terms defined in each Chapter have the meanings ascribed to them in those Chapters. In addition, the following definitions apply:

1-2. "Applicant" means a person who is applying or petitioning for any rights, license, or authority from the Board.

1-3. "Board" means the Commonwealth of the Northern Marianas Medical Profession Licensing Board.

1-4. "Gross Malpractice" means malpractice where the failure to exercise the requisite degree of care, diligence, or skill consists of ministering to a patient while the health professional is under the influence of alcohol or any controlled substance.

1-5. "Malpractice" means failure on the part of a health professional to exercise the degree of care, diligence, and skill ordinarily exercised by health professionals in good standing in the community in which they practice.

1-6. "Unprofessional Conduct" means:

1. Obtaining a license under fraudulent credentials, or gross misrepresentation.
2. Procuring, aiding, or abetting in procuring, criminal abortion.
3. Obtaining a fee on assurance that a manifestly incurable disease can be permanently cured.
4. Advertising health care business in which grossly improbable statements are made, advertising in any manner that will tend to deceive, defraud, or mislead the public, or preparation, causing to be prepared, using or participating in the use of any form of public communication that contains professionally self-laudatory statements calculated to attract lay patients. As used in this paragraph, public communication includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills, or other printed matter. Nothing contained in this paragraph prohibits the direct mailing of informational documents to former or current patients.

5. Willful disobedience of the law, or of these regulations.

6. Conviction of any offense involving moral turpitude or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.

7. Conviction or violation of any federal or Commonwealth law regulating possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.

8. Habitual intemperance or excessive use of alcohol or alcoholic beverages, or any controlled substance as defined herein.

9. Conduct unbecoming a person or agency licensed to practice in or serve as a health profession function, or detrimental to the best interests of the public.

10. Violating or attempting to violate, directly or indirectly, or assisting in abetting the violation of, or conspiring to violate, any provision of these regulations.

11. Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted.

12. Repeated claims of malpractice settled against a practitioner.

LICENSES

1-7. Examinations for License to Practice: Specification.

1. All applicants for license to practice in the Commonwealth must be examined by the Board. Examinations shall be held at such places within the Commonwealth and at such times as are fixed by the Board.

2. The examinations may be any combination of written, oral, practical or demonstrative.

3. The Board may license an applicant who holds a current and valid license or certificate issued to him by the medical examining board of the jurisdiction where he is currently licensed, or a certificate as diplomate of the National Board of Medical Examiners of the United States, provided:

   a. That the legal requirements of such medical examining board were, at the time of issuance of the license or certificate in no degree or particular less than those of the CNMI at the time of issuing such license;

   b. That the applicant may be required to pass an oral examination; and

   c. That the applicant shall furnish to the Board such other proof of qualifications, professional or moral, as the Board may require.

1-8. Verified Applications for Examination: Contents: Time for Filing.

1. An applicant for examination must file an application not less than 60 days before the date of an examination.

2. Applications must be filed with the Board on forms to be furnished by the Board.

3. Each applicant for examination must agree to a background investigation which may include fingerprint, if requested by the Board.

4. Applications must be verified and must state the following:

   a. When and where the applicant was born and the various places of his residence.

   b. The name, age, gender, and place of residence of the applicant.

   c. The names and addresses of all persons or agencies by whom the applicant has been employed for the five year period immediately preceding the making of the application.

   d. Whether or not the applicant has ever applied for a license to practice the profession or function in any other state or territory; if so, when, where, and the results thereof.

   e. How long the applicant has resided in the CNMI; whether the applicant is a bona fide resident of the CNMI, and has immigration status.

   f. Whether or not the applicant has ever been admitted to the practice or function in any other state or territory; if so, and he has been licensed to practice or function in another state or territory, he shall report whether any discharge, dismissal, disciplinary or other proceedings of a like nature have ever been instituted against him. Applicant shall attach a certificate of the Board of the place in which the applicant was last licensed, certifying that the applicant is a member in good standing of the practice or function in that place, and that no proceedings affecting his standing as a health practitioner or agency are pending.

   g. The applicant's general and professional education, including the schools attended, time of attendance at each school, and whether or when graduated from such school or schools.

1-9. Reciprocity. If an applicant for a license has practiced in another state or territory of the U.S., he must include with his application:

1. A certification by the licensing authority of the state or territory where he last practiced that the licensee is in good standing and that no proceedings affecting his standing are pending;

2. A letter from the medical association of the city or county where he last practiced, or if there is no local association, from the state association, certifying to his good moral character;

3. Such other evidence of his good moral character and professional competence as may be required by the Board; and

4. A statement of any claims of professional malpractice against him, including the complete details of the disposition of each claim.

1-10. Records of Issuance or Denial of License. The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. In the records shall be recorded:

1. The names and residences of all applicants.
2. The names of the school granting the diploma to and date of diploma for each.
3. The date of issuance or denial of license.
4. Any other information required by the Board.

1-11. Reapplications. An applicant who is denied a license for a reason other than his failure to pass an examination may not reapply until he requests and receives permission of the Board to do so.

1-12. Demand for Hearing. Any person whose application for a license or permit or whose application for the renewal of a license or permit has been denied by the Board shall be entitled to a hearing, provided that a request for a hearing is filed with the Board within sixty days of the date of mailing of the letter informing the applicant of the denial of his application and informing the applicant of his right to appeal within sixty days.

If a demand for hearing is filed within the time prescribed, the Board shall order a hearing in accordance with procedures determined by the Board.

1-13. Qualifications of Applicant. An applicant must, in addition to the requirements of the specific license for which application is made, furnish satisfactory evidence to the Board that he is of good moral character and, if licensed to practice or function in another state or territory, possesses a good professional reputation.

1-14. Licenses: Signatures of Board Officers. All licenses must be signed by the Board Chairman and Secretary and be attested by the official seal of the Board.

1-15. Licenses: Fees. The licensing fee for each professional area shall be not less than twenty-five dollars ($25.00) and not more than one hundred dollars ($100.00) for a twenty-four (24) month license, as the Board shall determine. The same fee shall apply to initial issuance and to renewal.

1-16. Period of Validiy--Renewal of License.

1. Licenses shall be valid for a period of twenty-four (24) calendar months from date of issue, and shall expire on the last day of the twenty-fourth calendar month after issue or renewal. Licenses must be renewed on or before the last day of the twenty-fourth calendar month after issue, except that if the last day of the period of validity falls on a Saturday, Sunday or legal holiday, the license must be renewed by the close of business of the next following business day.
2. The renewal fee must be paid to the Board in full at the time of application for renewal.
3. In the event of failure to renew before expiration, a license may be reinstated and the license renewed upon payment of the renewal fee plus a penalty of twenty-five dollars ($25.00)

for each month of delinquency, accruing in full on the first day of the month. Renewal shall run from the original date of expiration.

4. Transition to 24 month renewal.

   a. All licenses issued on or after December 31, 1987, and prior to January 1, 1989, shall remain effective through December 31, 1988.

   b. All licenses issued on and after January 1, 1989, shall expire as provided in 1-16.1 above.

1-17. Posting License and Renewal Card. Each holder of a license and/or renewal card shall keep the same posted conspicuously in his office or place of practice at all times.

1-18. Grounds for Initiating Disciplinary Action. The grounds for initiating disciplinary action under these regulations are:

1. Unprofessional conduct.

2. Conviction of:

   a. A violation of any Federal or Commonwealth law regulating the possession, distribution or use of any controlled substance;

   b. A felony; or

   c. Any offense involving moral turpitude.

3. Suspension or revocation of a license to practice by any jurisdiction.

4. Malpractice.

1-19. Filing of Written Complaint against Person Licensed to Practice. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing in the CNMI shall, and any other person who is aware of any, file a written complaint with the Secretary of the Board specifying the relevant facts.

1-20. Complaint to be Considered by Officers of Board: Notice of Hearing: Discussion of Insufficient Complaints by Board.

1. When a complaint is filed with the Secretary of the Board, it must be considered by the Chairman and the Secretary of the Board. If, from the complaint or from other official records, it appears that the complaint may be well founded in fact, the Secretary shall cause written notice of the charges in the complaint to be served upon the person charged at least by personal service or registered mail 20 days before the date fixed for the hearing.

2. If the complaint is not deemed by the Chairman and the Secretary to be of sufficient importance or well sufficiently founded to merit bringing proceedings against the person charged, the complaint shall be presented to the Board and the Board shall decide on the sufficiency of the complaint.

1-21. Hearing: Authorized Disciplinary Actions: Disposition of Fines.

1. The person charged is entitled to a hearing before the Board,

but the failure of the person charged to attend his hearing or his failure to defend himself shall not delay or void the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds the person charged has violated 3 CMC Secs. 2201-2272, or these regulations, it may:

   a. Place the person on probation for a specific period or until further order of the Board.

   b. Administer to the person a public or private reprimand.

   c. Limit the practice of the person, by the exclusion of or to, one or more specified branches of his profession.

   d. Suspend the license of the person to practice for a specified period or until further order of the Board.

   e. Revoke the license of the person to practice.

   f. Impose a fine of not more than $500.00.

   g. Impose any sanction provided in 3 CMC 2252 (e).

1-22. Disciplinary Action by Hearing Officer or Panel: Procedural Requirements: Powers and Duties of Officer or Panel; Appeals.

1. Any disciplinary action taken by a hearing officer or panel designated by the Board is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of a fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel may appeal that decision to the Board.

1-23. Subpoenas. For the purposes of this Chapter, the Secretary or Chairman of the Board may issue subpoenas to compel the attendance of witnesses and the production of records and documents.

1-24. Judicial Review; Effective Date of Order; Limitation on Stay of Order.

1. Any person who has been by action of the Board, placed on probation or whose license has been limited, suspended or revoked, or who is otherwise aggrieved by Board action is entitled to judicial review of the Board's order.

2. Every order of the Board which limits practice or revokes a license is effective from the date the Board certifies the order, until the order is modified or reversed by the Board or an order of the court.

1-25. Application for Removal of Limitation or Restoration of License.

1. Any person:

   a. Whose practice has been limited; or

   b. Whose license to practice has been suspended until further order or revoked by an order of the Board may apply to the

Board after a reasonable period for removal of the limitation or restoration of his license.

2. In hearing the application, the Board:

   a. May require the person to submit to a mental or physical examination by physicians or other appropriate persons whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

   b. Shall determine whether under all the circumstances the time of the application is reasonable;

   c. May deny the application or modify or rescind its order as it deems the evidence and the public safety warrant.

1-26. Board May Enjoin Unlicensed Practice.

1. In addition to any other remedy provided by Law, the Board, through its Chairman, Secretary or its Attorney, or the Attorney General, may apply to any court of competent jurisdiction to enjoin any unlicensed person from practicing or representing himself to be a health care professional.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes.

1-27. Records of Proceedings Relating to Licensing and Disciplinary Action; Confidentiality of Information:

1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. These records must be open to public inspection at all reasonable times and must contain the name, place of business and residence, and the date and number of the license of every person or agency licensed under this Chapter. The Board may keep such other records as it deems desirable.

2. Except as provided in this subsection, all information pertaining to the personal background, medical history or financial affairs of an applicant or licensee which the Board requires to be furnished to it under this Chapter, or which it otherwise obtains, is confidential and may be disclosed in whole or in part only as necessary in the course of administering this Chapter or upon the order of a court of competent jurisdiction. The Board may, under procedures established by regulation, permit the disclosure of this information to any agent of the Federal Government, or another state or territory, or of any political subdivision of the CNMI who is authorized to receive it.

3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the applicant or licensee who is the subject of that information.

EXEMPTIONS

1-28. Persons Exempted. The provisions of these rules and regulations apply to all persons except persons residing in the CNMI who, on and prior to the effective date of these rules and regulations, were and are actively practicing any of the medical

professions covered in Chapters 1 through Chapter 10 of these MPLB regulations. Persons so residing and practicing may, within thirty (30) days following the effective date of these regulations, file an application with the Board for a license to continue to practice in the CNMI in their respective professional area. The Board shall review each such application and consider the applicant's professional reputation and experience. The Board may license such an applicant whose combination of experience, general education and formal training indicate that the applicant is capable of performing the duties and functions of the professional area for which application is filed.

Subsection 1. Application must be filed on forms provided by the Board.

Subsection 2. Application must be accompanied by a recent photograph of the applicant, and the application fee as determined by the Board.

1-29. Facilities Exempted. The provisions of these rules and regulations apply to all medical facilities except medical facilities actively functioning and operated by the CNMI Government on the effective date of these rules and regulations. Such government facilities may within thirty (30) days following the effective date, file an application with the Board, on forms provided by the Board, for a license to continue to engage in and operate the health care professions and functions presently engaged in or carried cut by such facilities, after the effective date of these regulations.

SEVERABILITY

1-30. The provisions contained in Chapters 1 through Chapter X[illegible] of these regulations are hereby declared to be severable and the invalidity of any rule, clause, sentence, paragraph or section shall not affect the validity of the remainder.

CHAPTER II

ACUPUNCTURE REGULATIONS

CHAPTER II

ACUPUNCTURE REGULATIONS

2-1. Definitions.

(A) "Acupuncturist" means a person who is licensed to practice acupuncture in accordance with the provision of this regulation.

(B) "Practice of Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prev prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion.

2-2. License Requirement; Exceptions.

This regulation shall not be construed to prevent the practice of acupuncture by a person licensed as a physician, osteopathic physician, veterinarian, dentist or a podiatrist, within the scope of their respective licenses, if the licensee has received a course of instruction in acupuncture approved by the licensing board having jurisdiction over the licensee, except that the requirement for a course of instruction in acupuncture shall not apply to any licensee of the Commission who has utilized acupuncture in his practice prior to January 1, 1984.

2-3. Authorized Activities.

An acupuncturist's license authorized the holder thereof:

(A) To engage in the practice of acupuncture.

(B) To perform or prescribe the use of oriental massage, breathing techniques, exercise, or nutrition, including the incorporation of drugless substances and herbs as dietary supplement to promote health.

2-4. Qualifications Required.

The Board may issue a licnese to practice acupuncture to any person who

makes application to the Board and meets the following requirements:

(A) Is at least 21 years of age.

(B) Furnishes satisfactory evidence of completion of (1) a course or tutorial program in acupuncture which is acceptable to the Board and furnishes satisfactory evidence of three years of experience performing acupuncture or (2) is licensed to practice acupuncture by a state or territory of the United States.

(C) Is sufficiently proficient in the English language to carry on an appropriate conversation with patients.

2-5. Application for Licensure: Qualifications.

Any person desiring a license to practice acupuncture in the CNMI shall make written application to the Board on application forms provided by the Board. The application shall provide such information and proof as the Board may require by rule. The application shall be accompanied by a fee in the amount established and published by the Board.

CHAPTER III

CHIROPRACTIC REGULATIONS

CHAPTER III

CHIROPRACTIC REGULATIONS

Definitions. As used in this Chapter, the words and terms defined herein have the following meanings:

3-1. "Chiropractic" means the art, science, and practice of palpating and adjusting the articulations of the human body by hand.

3-1.1 "Chiropractor" means one who adjust spinal column and other articulations of the body to prevent disease and correct abnormalities of the human body.

LICENSE

3-2. Examination for license to practice chiropractic:

Specifications. All applicants for license to practice chiropractic in the CNMI must:

1. comply with the Board regulations;

2. satisfactorily complete a written and oral, practical and demonstrative examination of skill in chiropractic technique.

3-3. Practice by applicant waiting to take examination.

1. An applicant for a license to practice chiropractic may perform chiropractic as specified in 3-1, prior to examination if:

a. his completed application is on file with the Board and he meets the requirements of section 3-5.

b. the fee for the application has been paid; and

c. the Board has received a notarized statement from the supervising chiropractic setting forth:

1. the fact of the applicant's employment;

2. the supervisor's acceptance of professional and legal responsibility for the applicant's work; and

3. the work program established for the applicant, which shall not include body manipulation.

2. The employer shall notify the Board if the applicant leaves his employment.

3-4. Admission to practice without written examination.

Any applicant of good moral character may be licensed without written

examination upon the payment of the fee required by this chapter if he passes the required oral and practical examination and holds a certificate from the National Board of Chiropractic Examiners.

3-5. Qualifications of Applicants.

An applicant must, in addition to satisfying the requirements of Chapter I, General Provisions, furnish satisfactory evidence to the Board that he:

1. is a graduate from a college of chiropractic approved by the Board.

2. is and/or was licensed to practice in another jurisdiction, if he has ever been so licensed to practice.

3. is lawfully entitled to remain and work in the CNMI.

3-6. Licenses: Use of term "chiropractic physician".

A license to practice chiropractics authorizes the holder thereof to use the term "chiropractic physician", or "doctor of chiropractic" and the initials "D.C." may be used to follow the name of the chiropractor.

3.7. Renewal of License; fees; educational requirements; reinstatement.

1. Licenses must be renewed on or before the last day of the twenty-fourth calendar month after issue, expect that if the last day of the period of validity falls on a Saturday, Sunday or business of the next following business day. Each person licensed to practice chiropractice may, upon the payment of the fee provided for in this section, be granted a renewal certificate which authorized him to continue to practice for two years.

2. Every person holding a valid license and actively practicing chiropractic in the CNMI, whether on a full- time or part- time basis, must pay a renewal fee as set by the Board.

3. Each renewal fee must be paid to the Board in full at the time of application for renewal.

4. A licensee in active or part-time practice within the CNMI must submit satisfactory proof to the Board that he has attended at least one 2-day continuing education seminar of at least 10 hours, approved or endorsed by the Board, with the exception of a licensee who has reached the age of 70 years, and maintains membership in at least one professional national chiropractic association. The educational requirement of this section may be waived by the Board if the licensee files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee is suffering from serious or disabling illness or physical disability which prevented him from attending the required educational seminar during the 12 months immediately preceding the two year licensing renewal date.

5. If a licensee fails to pay his renewal fee at the time of application for renewal or fails to submit proof of continuing education pursuant to subsection 4, his license is automatically suspended.

3-8. Advertising: Clinics.

No facility other than a facility for student practice which is affiliated with a school offering courses in chiropractic approved by the Board may be advertised as a chiropractic clinic unless it has:

1. a full time staff of three or more licensed chiropractors;

2. x-ray equipment on the premises as prescribed by the Board;

3. a medical laboratory licensed pursuant to these regulations on the premises, or access to such a laboratory by the staff chiropractors;

4. a room specifically and exclusively designated for conference consultation among staff chiropractors; and

5. at least the following orthopedic and neurological equipment: goniometer-flexometer; ophthalmoscope; otoscope; proctoscope; reflex hammer; measuring tape; tuning fork; chemicals for testing olfactory stimulation.

PROHIBITED ACTS: PENALTIES

3-9. Constructruction of Chapter.

Nothing in this chapter shall be construed to permit a chiropractor to practice medicine, osteopathic medicine, dentistry, optometry or podiatry, to administer or prescribe drugs, or to perform surgical techniques.

3-10. Chiropractor prohibited from piercing or severing body tissue; exception.

A chiropractor shall not pierce or sever any body tissue, except to draw blood for diagnostic purposes.

3-11. Unlawful Acts: Penalties.

1. Except as provided in section 3-3, it is unlawful for any person who does not hold a license issued pursuant to this chapter to:

a. practice chiropractics in the CNMI.

b. hold himself out as a chiropractor.

c. use any combination, variation or abbreviation of the terms "Chiropractor" or "Chiropractic Physician" as a professional or commercial representation.

d. use any means which directly or indirectly conveys to another person the impression that he is qualified or licensed to practice chiropractics.

3-11. Penalties.

Except as otherwise specifically provided herein, any person violating any of the provisions of this chapter shall be subject to the sanctions provided in 3 CMC 2271 and 2272.

CHAPTER IV

DENTISTRY REGULATIONS

CHAPTER IV

DENTISTRY REGULATIONS

4-1. Definitions. As used in this Chapter, the words and terms defined herein have the following meanings:

4-2. "Dental Assistant" means any person who assists a dentist in carrying out the basic functions and duties of a dental office.

4-3. "Dental hygiene" means the performance of education, preventive and therapeutic periodontal treatment including scaling, curettage and planing of roots and any related and required extraoral procedures that a dentist is authorized to assign to a dental hygienist, dental assistant, or dental nurse he employs or supervises.

4-4. "Dental Hygienist" means a person trained in the techniques of removing plaques from teeth and other dental preventive treatments.

4-5. "Dental Nurse" means a person who has completed a school or college program in dental nursing approved by the Board, and who is professionally recognized as being competent and trained to render certain dental care without the direct supervision of a licensed dentist based on specialized education and training in dentistry and dental nursing.

4-6. "Dentist" means a person who practices or represents oneself as being able to advise on, administer, supervise or perform professional and scientific work in the prevention, diagnosis and treatment of disease, injuries and deformities of the teeth, the jaws, organs of the mouth, to operate or prescribe for any disease, pain, injury, deformity or physical condition of the human teeth, alveolar process, gums, or jaw, or who offers or undertakes by any means or methods to diagnose, treat or operate for any disease, deficiency or condition of the same, or to take impressions of the teeth or jaws; or who owns, maintains, or operates an office of dentistry; or who engages in any of the practices included in the curricula of Board approved dental schools.

4-7. "Dentisty" means that part of health care concerned with the prevention, diagnosis ant treatment of diseases, injuries and deformities of the teeth, jaws, organs of the mouth, and other structures and connective tissues associated with the oral cavity and the masticatory system including the restoration of

defective or missing teeth.

LICENSE

4-8. Persons deemed to be practicing dentistry.

1. Any person shall be deemed to be practicing dentistry who:

a. uses any letters, words or title in connection with his name which in any way represents him as engaged in the practice of dentistry, or any branch thereof;

b. advertises or permits to be advertised by any medium that he can or will attempt to perform dental operations of any kind;

c. diagnoses, professes to diagnose or treats or professes to treat any of the disease or lesions of the oral cavity, teeth, gums or maxillary and mandibular bones;

d. extracts teeth;

e. corrects malpositions of the teeth or jaws;

f. takes impressions of the teeth, mouth or gums other than as authorized by the regulations of the Board;

g. examines a person for, or supplies artificial teeth as substitutes for natural teeth;

h. places in the mouth and adjusts or alters artificial teeth;

i. does any practice included in the dental clinical curricula of accredited dental colleges or a residency program for those colleges;

j. administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral disease; or

k. uses x-ray radiation for dental treatment or dental diagnostic purposes.

2. A person who uses any dental degree, or designation, or any card, device, directory, poster, sign, or other media whereby he represents himself to be a dentist, shall be deemed to be engaged in the practice of dentistry.

3. Exemptions. Nothing in this section prevents or prohibits:

a. The performance of mechanical work on inanimate objects by any person employed in or operating a dental laboratory, upon the written work authorization of a licensed dentist.

b. Students from performing dental procedures that are part of the curricula of an accredited dental school or an accredited school of dental hygiene, dental assisting, or dental nursing.

c. A licensed dentist or dental hygienist from another state, territory, or country from appearing as a clinician for demonstrating certain methods

of technical procedures before a dental society, organization or convention in the CNMI.

d. The manufacturing of artificial teeth upon receipt of a written authorization from a dentist licensed in the CNMI, if the manufacturing does not require direct contact with the patient.

e. The rendering of dental relief in emergency cases in the practice of one's profession by a physician or surgeon, licensed in the CNMI, unless one undertakes to reproduce or reproduces lost parts of the human teeth in the mouth or to restore or replace in the human mouth lost or missing teeth.

f. The practice of dentistry in the discharge of their official duties by persons employed by the United States Government or other health agency designated by the Board.

g. A dental assistant, dental hygienist, dental nurse or x-ray technician from making radiograms or x-ray exposures for diagnostic purposes, under supervision of a licensed dentist.

4-9. Practice without license prohibited; Exemptions:

a. No person shall practice dentistry or dental surgery in the CNMI, either gratuitously or for pay, or shall offer to so practice or shall advertise, announce or otherwise hold himself out, either publicly or privately, as prepaid or qualified to so practice; or append the letters "D.D.S.", "L.D.S.", or any other degree to one's name with intent thereby to imply that he is a practitioner of dentistry or a dental surgeon without having a valid, unrevoked license from the Board.

b. Based on public need and necessity, the Board may permit a person licensed in another jurisdiction, to temporarily practice in the CNMI when it is shown to the satisfaction of the Board that a sufficient number of duly licensed dentists are or will not be available in the CNMI to meet the medical needs of the public or to provide basic government dental services, such temporary permit shall not exceed sixty (60) days but may be renewed as deemed necessary by the Board.

c. Dentists, dental hygenists, dental nurses and other providers of medical services who are called into the Commonwealth by the Commonwealth Government to provide such services in consultation with or in assistance to a dentist or physician licensed in the CNMI, and who are duly licensed and legally qualified to practice in another jurisdiction, may be granted a temporary permit to practice not exceeding three months after the date of issuance and may be renewed

by the Board for good cause.

4-10. Applications for license and examination. Every applicant for a license to practice dentistry, dental hygiene or dental nursing in the CNMI shall:

1. File an application with the Board at least 60 days prior to the date on which the examination is to be given.

2. Accompany such application with a recent photograph of himself/herself together with the required examination fee.

4-11. Qualifications of applicants for license to practice dentistry.

1. Any person is eligible to take an examination for a license to practice dentistry in the CNMI upon submission and approval by the Board of the following proof and documentation:

a. Proof of graduation from an accredited dental school or college, or proof of licensure and practice of dentistry in another state, territory, or jurisdiction of the U.S.;

b. Proof of good moral character;

c. Three professional references.

4-12. Examinations for dentistry license.

1. Any person desiring to obtain a license to practice dentistry in the CNMI, after having complied with the rules and regulations of the Board, shall be entitled to take the dentistry examination, which examination shall be both theoretical and practical.

2. The theoretical examination may be written or verbal upon such relevant subjects as the Board may choose.

3. The practical examination may include clinical demonstrations of the applicant's skill in dentistry.

4. The Board may recognize a certificate granted by the National Board of Dental Examiners in lieu of such examination.

5. All persons successfully passing such examination shall be registered as licensed dentists on the Board register, and shall receive a certificate of such registration, which certificate shall be signed by the Chairman and Secretary of the Board.

4-13. Specialists' licenses.

1. The Board may issue a specialty license authorizing a licensed dentist to announce, hold himself out and practice as a specialist in a special area of dentistry.

2. No licensee may announce or hold himself out to be a specialist or practice as a specialist unless he has successfully completed the special education requirements designated by the Board for qualification in the specialty area.

4-14. Limited licenses.

1. The Board may grant without examination a limited license to practice dentistry in the CNMI to any graduate of an accredited dental school, who is otherwise qualified, upon request of an accredited dental school or government body of any accredited hospital for such graduate to serve as dental intern in such institution, with such limited duties as may be defined in such request.

2. No such limited license shall be granted to any person whose license to practice dentistry has been revoked or to whom a license has been refused.

3. Such limited license shall not permit the holder thereof to open an office for private practice or to receive compensation for the practice of dentistry except such salary as may be paid by the CNMI or the institution by which he is employed.

4. Such limited license may be revoked by the Board at any time, and shall expire three months after the date of issuance and may be renewed by the Board for good cause.

4-15. Permit to administer general anesthesia.

1. No licensed dentist may administer or supervise directly the administration of general anesthesia to dental patients unless he has been issued a permit authorizing him to do so by the Board.

2. The Board may issue a permit authorizing a licensed dentist to administer or supervise directly the administration of general anesthesia to dental patients under such standards, conditions and other requriemnts as the Board may prescribe.

4-16. Dental hygienists: Qualifications for applicant for license. A person is eligible to take an examination for a license to practice dental hygiene in the CNMI who:

a. Is of good moral character;

b. Is lawfully entitled to remain and work in the CNMI;

c. Is a graduate of a school of dental hygiene approved by the Board; and

d. Is physically and mentally capable of performing the duties of a hygienist.

4-17. Dental hygienists: Recognition of national certificate.

1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the rules and regulations of the Board under its

authority to determine eligibility, shall be entitled to take an examination by the Board upon such subjects as the Board may deem necessary, and a practical examination in dental hygiene, including but not limited to the removal of deposits from, and the polishing of, the exposed surface of the teeth.

2. The examination may be practical, as in the opinion of the Board, required to test the qualifications of the applicant.

3. In lieu of the written or oral examination or combination of both required by subsection 2, the Board may recognize a certificate from the National Board od Dental Examiners.

4-18. Dental hygienists: Places of practice and supervision. The holder of a license to practice dental hygiene may be employed to practice dental hygiene in the CNMI in the following places:

a. In the office of any licensed dentist.

b. In a clinic or in clinics in the schools of the CNMI as an employee of the health division.

c. In a clinic or in clinics in a CNMI instituion as an employee of the institution.

d. In a clinic established by a hospital approved by the Board, as an employee of the hospital where service is rendered only to patients of the hospital, and under the supervision of a member of the dental staff.

e. In other places as specified and approved by the Board.

4-19. Dental hygienists and Dental assistants: Assignment to perform tasks; supervision.

1. A licensed dentist may assign to a person under his employ and supervision, who is a dental hygienist, or dental assistant only such intraoral tasks as may be permitted by regulation of the Board.

2. No assignment is permitted that requires:

a. Diagnosis, treatment planning, prescribing of drugs or medications, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

b. Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

c. Administration of general anesthetics other than by an anesthetist or anesthiologist licensed in the CNMI.

4-20. Dental nurses: Qualifications for applicants for license. A person is eligible to take an examination for a license to practice as a dental

nurse in the CNMI who:

a. Is of good moral character;

b. Is lawfully entitled to remain and work in the CNMI;

c. Is a graduate of a school or college program, in dental nursing, approved by the Board; and

d. Is physically and mentally capable of performing the duties of a dental nurse.

4-21. Dental nurses: Examination; Exemption.

1. A person qualifying to take an examination for dental nurse shall take an examination in any combination of written and oral, and be examined upon such relevant subjects, procedures and techniques of dental nursing as determined by the Board.

2. Provided however, that the Board may grant a license without examination to an applicant who has and is presently as of the date of adoption of these regulations, practicing and performing the duties of a dental nurse in the CNMI and who is a graduate of a school or college program in dental nursing approved by the Board.

4-22. Dental nurses: Duties.

1. A dental nurse may perform or exercise:

a. chairside supportive procedures;

b. procedures delegated by a licensed dentist when the dentist is physically present and supervises the work;

c. those procedures, tasks and skills, studied and acquired by the dental nurse as a part of his/her college curriculum or training and which are or were usually performed by dental nurses in the Pacific Trust Territory prior to the date of adoption of these regulations.

2. A dental nurse meeting the requirements of section 3-22.1.c. may render care as provided under said subsection (c) without the direct supervision of a dentist.

4-23. Physical facilites and equipment. A dentist's office must meet the following minimum standards with regards to physical facilities and equipment:

1. The operating theater must be large enough to accommodate the patient adequately on a table or in an operating chair and to permit an operating team consisting of at least three persons to move freely about the patient.

2. The operating table or chair must:

a. Permit the patient to be placed in a position such that the operating team can maintain the airway;

b. Allow the operating team to alter the patient's position quickly

in an emergency;

c. Provide a firm platform for the management of cardiopulmonary resuscitation.

3. The lighting system must be adequate to permit an evaluation of the patient's skin and mucosal color. An alternate lighting system should derive its power from batteries and be sufficiently intense of permit completion of any operation underway at the time of general power failure.

4. Suction equipment must be available that permits aspiration of the oral and pharygeal cavities. An alternate suction device must be available.

5. Ancillary equipment must include:

a. A laryngoscope complete with an adequate selection of blades and spare bulbs;

b. Endotracheal tubes and appropriate connectors;

c. A tonsillar or pharyngeal suction tip adaptable to all office suction outlets;

d. Adequate equipment for establishment of an intravenous infusion;

e. A sphygmomanometer and stetchoscope;

f. An endetracheal tube type forcep.

CHAPTER V

MEDICAL LABORATORY REGULATIONS

5-26. Quality Control.

5-27. Procedure Manuals.

SPECIMENS: COLLECTION, EXAMINATION, REFERRALS

5-28. No person other than a licensed physician.

5-29. Needles and syringes.

5-30. A specimen.

5-31. If the laboratory.

5-32. Specimen Records.

5-33. Examination Requests.

5-34. If the patient.

5-35. If only a specimen is received.

5-36. Verbal requests.

5-37 Laboratory reports to the requesting source.

5-38. Facilities and Safety.

MEDICAL LABORATORY TECHNOLOGIST

5-39. License to practice.

5-40. Qualifications.

MEDICAL LABORATORY DIRECTOR

5-41. Qualifications.

PRIVATE LABORATORY OPERATOR

5-42. Qualifications.

CHAPTER V

MEDICAL LABORATORY REGULATIONS

5-1. Basis for the regulations. These regulations are promulgated pursuant to the authority of 3 CMC Chapter 2.

Definitions. As sued in this Chapter, the words and terms defined herein have the following meanings:

5-2. "Hospital Base Laboratory" is synonymous with "Medical Laboratory", and means any facility which uses microbiological, serological, immunohematological, cytological, histological, chemical, hematological, biophysical, toxicological, or other methods for "in-vitro" examination of tissues, secretions or other human body fluids for the purpose of aiding in diagnosis, prevention or treatment of disease, or for the assessment of a disease or infirmity.

5-3. "Service Laboratory" means a clinical laboratory making service available directly or indirectly to the general medical profession.

5-4. "Private Laboratory" means a clinical laboratory set up for the sole purpose of performing tests on his or her own patients in the private practice of a doctor owner.

5-5. "Proficiency Testing" means a continuous program of internal quality control, daily using substances of known content as well as testing unknown samples provided or approved by the Board in procedures for which the laboratory is licensed.

5-6. "Laboratory Director" means a person responsible for administration of the technical and scientific operation of a clinical laboratory, e.g., a licensed Director or private physician.

5-7. "Medical Laboratory Technologist" is synonymous with "Clinical Laboratory Technologist" and means one who performs test procedures and has special training in medical laboratory techniquest including physical, chemical, and microscopic analysis of body fluids and tissues.

5-8. "Active Status" means laboratory personnel engaged in clinical laboratory work full time or at least 15 hours per week on a continuing basis.

5-9. "Inactive Status" means laboratory personnel no longer actively engaged in clinical laboratory work.

5-10. "Office Laboratory Assistant" means a certification title of a technical employee working in a private laboratory, if such employee does not meet

the qualification set forth for licensed laboratory personnel.

GENERAL REQUIREMENTS

5-11. No person, corporation, partnership or other form of business entity may operate, conduct, issue a report from, or maintain a clinical laboratory without first meeting the requirements and applying for license from the Board.

5-12. "A Service Laboratory" shall be licensed by the Board and shall have a licensed laboratory director.

5-13. "A Private Laboratory" shall be required, in lieu of license, to possess a certificate of registration.

5-14. "The Board" will make periodic visits to the clinical laboratories to offer consultation on methods, reagents and equipment; to inspect the operation of service for the patient.

LICENSURE AND REGISTRATION

Application of Laboratory

5-15. Application for and issuance of license. Application for license shall be made on forms provided by the Board, giving the complete information requested regarding physical plant, management, personnel, extent of testing service to be provided, and other pertinent matters requested by the Board.

5-16. Fees. Such application shall be accompanied by any required fee.

5-17. Site survey. Upon receipt of the application, the laboratory shall be subject to a site survey of the physical plant to determine whether its facilities are adequate and in compliance with Board reglations.

5-18. Review of application. The application and accompanying credentials shall be subject to Board review.

RENEWAL

5-19. Term and renewal of license. A license shall be valid for a period of twenty-four (24) calendar months from date of issue, and shall expire on the last day of the twenty-fourth calendar month after issue or renewal. It must be renewed on or before the last day of the twenty-fourth calendar month after issue, expect that if the last day of the period of validity falls on a Saturday, Sunday or legal holiday, it must be renewed by the close of business of the next following business day.

5-20. Application for renewal shall made in writing, accompanied by a renewal fee. Also, each laboratory shall provide a current list of its technical staff.

5-21. Failure to reapply for renewal within one month the expiration date, shall result in termination of license.

5-22. Lapse of license for more than three (3) months will require a site

survey before the laboratory can be reinstated and resume its services.

5-23. Upon acceptance of the renewal application, the laboratory shall be provided with a renewal license or seal to be affixed to the license.

DISPLAY OF LICENSE

5-24. Validity, display of license. The license issued pursuant to these regulations shall be valid only for the laboratory and premises for which it is issued; and it shall be prominently displayed in such laboratory. Any such license shall become void 30 days after a change in laboratory location, ownership and/or directorship, except that uninterrupted continuation of such license shall be permitted on reapplication; and approval of the Board.

MINIMUM STANDARDS OF MEDICAL LABORATORIES

Performance Standards

5-25. Proficiency. Each laboratory shall participate in such appropriate proficiency test programs as are provided or approved by the Board for the purpose of monitoring lelvel or accuracy of test performance, such as the College of American Patholgist's quality evaluation program.

5-26. Quality Control. There shall be an adequate quality control program in effect, including the use, reference or control reagents and other biological samples, concurrent calibrating standards, and control charts recordign standard readings.

5-27. Procedure Manuals. Manuals of appropriate, current laboratory methods shall be available at the work stations to which they apply.

SPECIMENS: COLLECTION, EXAMINATION, REFERRALS

5-28. No person other than a licensed physician or dentist may manipulate a patient for collection of specimens, except that qualified technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests, or collect material for slides and cultures, under sanction of the laboratory operator.

5-29. Needles and syringes at blood drawing stations and in trays shall be kept under security at all times, guarded against unauthorized removal.

5-30. A specimen may be accepted by a laboratory and referred to another laboratory for testing. In all cases, the name of the laboratory doing the work shall be shown in an accession record as well as on the report rendered.

5-31. If the laboratory receives reference specimens from another laboratory, it shall report back to the laboratory submitting the specimens.

5-32. Specimen Records. The laboratory shall maintain a daily accession record of specimens, each of which is numbered or otherwise appropriately identified.

5-33. Examination Requests. A laboratory shall examine specimens only at the request of a licensed physician or other person authorized by law to use the findings of laboratory tests and examinations in his practice; and shall report the results of tests only to such persons or their authorized representatives.

5-34. If the patient presents himself at the laboratory for testing, the required lab procedures shall be done only for the purpose or reporting to persons authorized by law to use findings of lab tests.

5-35. If only a specimen is received, it shall be accompanied by an authorized written request. Request form shall contain the following information:

1. Name and other identification of person from whom specimen was taken.
2. Name of licensed physician, other authorized person or laboratory that submitted specimen.
3. Date and time specimen was collected for testing.
4. Type of, or specific test(s) required.

5-36. Verbal requests may be accepted in case of emergency, but only from authorized persons.

5-37. Laboratory reports to the requesting source.

1. Content
   a. Name and address of reporting laboratory.
   b. Date and time specimen received in laboratory.
   c. Condition of specimen, if considered unsatisfactory on receipt, e.g., broken, leaked, hemolyzed, turbid.
   d. Specific type test performed.
   e. Result of laboratory test along with normal ranges, where applicable.
   f. Date of reporting and initials of the technologist or supervisor.
   g. No interpretation of test results, diagnosis, prognosis or suggested treatment may appear on the laboratory report unless the report is made or evaluated by a licensed physician.
2. Distribution
   a. The laboratory report shall be sent promptly to the respective authorized person who requested the test.
   b. No results of lab tests and procedures, or transcripts thereof, shall be divulged to the respective patient or any other party without the consent of the respective physician or authorized agency that requested the tests.
   c. Duplicate copies or a suitable record of all laboratory reports shall be filed in the laboratory in a manner which permits ready identification

and accessibility.

5-38. Facilities and Safety.

1. Equipment shall be maintained in proper working order, routinely checked, precisely calibrated, and records of such surveillance maintained.

2. Work bench space shall be ample, well-lighted and located convenient to sink, water, gas, suction and electrical outlets as necessary.

3. Laboratory shall be adequately ventilated, with temperatures controlled within the requirements of the tests performed.

4. Adequate fire extinguishing equipment shall be present and available.

5. Free from physical, chemical and biological hazards both to the personnel and to the environment.

6. Equipment and materials shall be kept sterilized.

a. Before use. Sterile-disposable type blood letting devices, e.g., syringes, needles, lancets, shall not be reused. Reusable type blood letting devices shall be sterilized prior to each use, and they shall be protected to ensure they remain sterile between uses.

b. After use. All microbial materials and cultures shall be treated so as to assure proper decontamination before discard to a public disposal service. All disposable needles and syringes shall be destroyed and rendered useless before discard.

MEDICAL LABORATORY TECHNOLOGIST

5-39. License to practice. Every person desiring to practice as a medical laboratory technologist or medical laboratory technician shall, before beginning to practice, procure from the Board a license or permit authorizing such practice.

5-40. Qualifications. A license or permit may be issued to any person who:

1. Has successfully completed a full course of study which meets all academic requirements for a bachelor's degree in Medical Technology from an accredited college or university; plus at least 12 months of training at a School of Medical Technology approved by the Board; or,

2. Has successfuly completed three (3) years' academic study (a minimum of 90 semester hours or equivalent) at an accredited college in a pre-Medical Technology curriculum; plus at least 12 months of training at a School of Medical Technology approved by the Board; or,

3. Has successfuly completed a course of study for a bachelor's degree in one of the chemical, physical, or biological sciences at an accredited college, along with additional experience and/or training in Medical Technology, e.g.,

three (3) years documented experience (rotating through all the disciplines) under a qualified person at the doctorate level; or,

Lacking in the required academic background, has at least one (1) year formal training in a school of Medical Technology acceptable to the Board plus at least six (6) years experience in a clinical laboratory, two (2) or more years of which were under the supervision of a person at the doctorate level. Also, he shall have successfully passed all portions of a written oral or performance examination provided or approved by the Board.

MEDICAL LABORATORY DIRECTOR

5-41. Qualifications. Every person applying for a license to practice as as Medical Laboratory Director shall meet at least one of the following requirements:

1. Be a physician certified in anatomical and/or clinical pathology by an accrediting body acceptable to the Board, or possess qualifications equivalent to those required for such certification; or,

2. Be a physician who is certified by an accrediting body such as the American Board of Clinical Chemistry, if acceptable to the Board, and, has had, subsequent to graduation, no less than four years of general clinical laboratory training and experience, at least two (2) years of which were spent acquiring proficiency in one of the medical laboratory specialties with a Director at the doctorate level in a Medical Laboratory of a health department, university or medical research institution; or,

3. Hold an earned doctorate degree from an accredited institution, with chemical, physical or biological science as his major subject, and shall be certified by the American Board of Microbiology, the American Board of Clinical Chemistry, or other certifying body acceptable to the Board; or

4. Be a physician, licensed to practice in the CNMI, whose experience is acceptable to the Board, and/or by examination, is considered as qualified to direct thsoe medical laboratory procedures requestes in his application.

PRIVATE LABORATORY OPERATOR

5-42. Qualifications.

1. All persons applying for a license to practice as a Private Laboratory Operator must be physician(s)-owner(s), licensed to practice in the CNMI as a M.D., D.O., or D.C.

2. A private laboratory must be registered under the physician(s)-owner(s) name(s).

CHAPTER VI

MEDICINE/SURGERY

CHAPTER VI

MEDICINE/SURGERY REGULATIONS

6-1 Definitions. "Board" means the Medical Profession Licensing Board of the CNMI.

6-2. "Physician" means a person who:

1. Is a graduate of an academic program approved by the Board or who has been determined by the Board to be qualified to perform medical services by reason of general education, practical training and experience; and

2. Has received from the Board a license or permit to practice medicine.

6-3. "Practice of medicine" means:

1. To diagnose, treat, correct or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means of instrumentality.

2. To apply principles or techniques of medical science in the diagnose or the prevention of any of the conditions listed in subsection 6-3(1).

3. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 6-3(1) and (2).

4. It is also regarded as practicing medicine within the meaning of this chapter, if a person uses in connection with his name the words or letters "M.D.", or any other title, word, letter, or other designation intended to imply or designate him as a practitioner of medicine in any of its branches.

6-4. Specialization and Titling. Although there is overlapping in the subject-matter content of certain specializations, the criterion for the establishment of these specializations is based on the differences in the requirements of their function. In the main, authorized specializations represent those specialties and titles approved by the American specialty boards as certified by the Council on Medical Education and Hospitals of the American Medical Association or by the Bureau of Professional Education, Advisory Board for Osteopathic Specialists of the American Osteopathic Association. Each applicant and licensee must obtain Board approval to use specialty designations and titles.

6-5. "Professional incompetence" means lack of ability to safely and skillfully to practice medicine, or to practice one or more specified branches of medicine, arising from:

1. Lack of knowledge or training;

2. Impaired physical or mental capability;

3. Indulgence in the use excessively of alcohol or any controlled substance; or

4. Any other sole or contributing cause.

6-6. License as revocable privilege. The purpose of licensing physicians is to protect the public health and safety and the general welfare of the people of the CNMI. Any license issued pursuant to this chapter is a revocable privilege and no holder of such a license acquires thereby any vested right to a license.

6-7. Applicability of chapter.

1. This chapter does not apply to:

a. The practice of dentistry, chiropractic, podiatry, optometry, faith healing, nursing, veterinary medicine or hearing aid fitting.

b. A medical officer of the armed services or a medical officer of any division or department of the United States in the discharge of his official duties.

c. Licensed nurses in the discharge of their duties as nurses.

d. Physicians who are called in by the CNMI Government, other than on a regular basis, for consultation or assistance to a physician licensed in the CNMI, and who are legally qualified to practice in the place where they reside.

2. This chapter does not repeal or affect any statue of the CNMI regulating or affecting any other healing art.

3. This chapter is not applicable to:

a. Gratuitous services rendered by a person in cases of emergency.

b. The domestic and culturally honored (Chamorro, Carolinian, Micronesian) administration of family remedies.

LICENSING

6-8. Practice of medicine unlawful without license or permit. It shall be unlawful for any person to practice medicine in the CNMI without first obtaining a license or permit to do so as provided in this chapter.

6-9. Qualifications of applicants for licenses, permits to practice medicine.

1. Every person desiring to practice medicine shall, before beginning to practice, procure from the Board a license or permit authorizing such practice.

2. A license or permit amy be issued to any person who:

a. Is lawfully entitled to remain and work in the CNMI; and

b. Has completed one (1) year of postgraduate training approved by all

Board.

6-10. Minimum educational requirement.

1. Graduation with degree of Doctor of Medicine from a U.S. or Canadian medical school listed as approved by the Council on Medical Education and Hospitals, American Medical Association in the list published for the year of the applicant's graduation; or

2. Graduation with degree of Doctor of Medicine or equivalent degree from a medical school other than one covered by subsection 6-10-1 above (including foreign schools), provided that the medical education and the medical knowledge acquire therefrom are substantially comparable to that of approved medical schools as provided in subsection 6-10-1 above, as determined by the Board.

6-11. "Comparability" may be evidenced in one of the following ways:

1. Permanent and full and unrestricted license to practice medicine and surgery in a State, the District of Columbia, the Commonwealth of Puerto Rico, a territory of possession of the U.S. or the Pacific Trust Territory of the U.S.; or

2. At least one (1) year as an active duty commissioned medical officer in the Medical Corps of the U.S. military service or the U.S. Public Health Service, and has performed unrestricted duties including the treatment of patients; or

3. Certification in a specialty by an American Specialty Board approved by the Council of Medical Education and Hospitals of the American Medical Association; or

4. a. Certification by the Education Council for Foreign Medical graduates in its American Medical Qualifying Examination: or

b. Having passed the full examination of the National Board of Medical Examiners; or

c. As otherwise required by the Board.

6-12. Applications: Documentary evidence of qualifications.

1. An applicant for a license to practice medicine who is a graduate of a medical school shall submit to the Board:

a. Proof of graduation from a reputable medical school recognized by the Board. The medical school must have been, at the time of graduation, accredited by the Liaison Committee on Medical Examination, or the Committee for the Accreditation of Canadian Medical Schools, or the Council on Medical Education and Hospitals; or the American Medical Association, or another accrediting entity in the place where the applicant is licensed, recognized by the Board.

b. An affidavit that the applicant is the person names in the proof

of graduation and that it was procured without fraud or misrepresentation.

c. A certificate or other document proving a period of one (1) year of postgraduate training, which training must be approved by the Board.

2. In addition to the affidavits or proofs required by subsection 6-12-1, the Board may take such further evidence and require such other documents or proof of qualifications as it deems proper.

6-13. Examinations.

1. Before issuance of a license to practice medicinne, an applicant who is otherwise eligible for licensure in the CNMI and has paid the fee and proivded all required documents shall appear personally and pass satisfactorily a written and/or oral examination as to his qualifications to practice medicine, as required by the Board.

2. The examination shall be fair and impartial, practical in character, and the questions and tasks shall be designed to discover the applicant's knowledge and ability to practice.

3. The Board may employ the services of specialists and other professional consultants or examining services in conducting examinations.

6-14. Reexaminations.

1. If an applicant fails in a first examination, he may be reexamined after not less than six (6) months.

2. If he fails in a second examination, he shall not thereafter be entitled to another examination within less than one (1) year after the date of the second examination, and prior thereto he shall furnish proof satisfactory to the Board of further pertinent study and training following the second examination.

6-15. Applicant's who are graduates of foreign medical schools: Proof of qualifications; examination.

1. An applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board:

a. Proof he is lawfully entitled to remain and work in the CNMI.

b. Proof that he has received the degree of Doctor of Medicine or its equivalent from a medical school recognized by the Educational Commission for Foreign Medical Graduates, or a foreign medical school recognized by the Board.

c. Proof satisfactory to the Board that he has completed one (1) year of postgraduate training.

d. Proof that he has passed, with a grade acceptable to the Board, an examination designated by the Board.

d. Proof that he has passed, with a grade acceptable to the Board, an examination designated by the Board.

e. Provided however that an applicant may apply for and take the examination prior to providing the proof required in subsection 6-15-1(a) herein above in this subsection, and in such cases no license shall be granted until the proof in subsections 5-15-1(a) is provided. The Board may take such further evidence and require such further proof of the professional and moral qualifications of the applicant as it deems proper.

2. Before issuance of a license to practice medicine, the applicant must appear personally before the Board and satisfactorily pass a written or oral examination, or both, as to his qualifications to practice medicine.

6-16. Reciprocity certificates and licenses: Admission with or without examination. The Board may, in its discretion, license an applicant who holds a current and valid license or certificate issued to him by the medical licensing board of the District of Columbia or of any state or territory of the United States, or a certificate as diplomate of the National Board of Medical Examiners of the Unites States, provided:

1. That the legal requirements of such medical examining board were, at the time of issuing such license or certificate, in no degree or particular less than those of the CNMI at the time when such license or certificate was issued;

2. That the applicant is of good moral character and reputation;

3. That, at the discretion of the Board, the applicant may be required to pass an oral examination; and

4. That the applicant shall furnish to the Board such other proof of qualifications, professional or moral, as the Board may require.

6-17. Temporary and special licenses: Purposes; issuance; revocation.

1. The Board may:

a. Issue a temporary license, to be effective not more than three months after issuance, to any physician who is eligible for a permanent license in the CNMi and who also is of good moral character and reputation. The purpose of the temporary license shall be to enable the eligible physican to serve as a substitute for some other physician who is duly licensed to practice medicine in the CNMI and who is absent from his practice for easons deemed sufficient to the Board. A temporary license, issued under the provisions of this subsection, is not renewable and may be revoked at any time for reasons deemed sufficient by the Board.

b. Issue a special license to a duly licensed physician of an adjoining territory to care for or assist in the treatment of his own patients in association with a physician duly licensed in the CNMI who shall have the primary care of the patients. A special license, issued under the provisions of this subsection, may be revoked at any time for reasons deemed sufficient to the Board.

c. Issue a special license to a duly qualified physician of another state to practice medicine in the CNMI for a specified period of time and for specified purposes.

2. Every physician who is licensed under the provisions of subsection 6-17-1 and who accepts the privilege of practicing medicine in the CNMI under the provisions of the license shall be deemed to have given his consent to the revocation of the license at any time, without notice or hearing, for reasons deemed sufficent by the Board.

6-18. Limited licenses for resident physicians in postgraduate programs of clinical training.

1. The Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a postgraduate program of clinical training if:

a. The applicant is a graduate of an accredited medical school in the United States or Cananda or is a graduate of a foreign medical school recognized by the Board and:

1. Has received the standard certificate of the Educational Commission for Foreign Medical Graduates; or

2. Has completed one (1) year of supervised clinical training approved by the Board; and

b. The Board approves the program of clinical training, and provided that the medical school or other institution sponsoring the program provides the Baord with written confirmation that the applicant has been appointed to a position in the program.

2. The Board may issue such a limited license for not more than one (1) year but may renw the license.

3. The holder of such a limited license may practice medicine only in connection with his studies as a resident physician and shall not engage in the private practice of medicine.

4. A limited license granted under the authority of this section may be revoked by the Board at any time for reasons deemed sufficient by the Board.

6-19. Financial Responsibility. Persons licensed under this chapter are required to have insurance or other evidence of financial responsibility to protect against malpractice claims in an amount not less than $250,000.

6-20. Continuing Medical Education. Licensees may be required to comply with continuing medical education requirements. The Board may require physicians and medical officers who are licensed under this chapter to comply with continuing medical education requirements adopted by the Board as a prerequisite to annual registration. As a minimum, persons licensed under this chapter must annually complete 10 hours of Category I credits and 30 hours of credits from Categories I, II, III, IV and/or V as described by the American Medical Association and approved by the Board.

PHYSICIANS' ASSISTANT

6-21. Qualifications of applicants.

1. An applicant for certification as a physician's assistant must:

a. Be graduated from high school, or possess an equivalent educational background;

b. Be able to communicate adequately in the English language;

c. Be of good moral character and reputation; and

d. Have attended and completed a course in training as a physician's assistant approved by the Council on Medical Education of the American Medical Association, or other course approved by the Baord.

6-22. Application for certification.

1. An application for certification as a physician's assistant must be made on a form supplied by the Board. The application must state:

a. The date and place of the applicant's birth, his sex as well as the various places of his residence from the date of graduation from high school.

b. The applicant's education, including his school, schools attended, length of time in attendance at each and whether or not he is a gradute of those schools.

c. Whether or not the applicant has ever applied for a license or certificate as a physician's assistant in another place and, if so, when and where and the results of his application.

d. The applicant's practical training and experience.

e. Whether or not the applicant has ever had a license or certificate as a physician's assistant revoked or suspended or whether proceedings involivng sucha a revocation or suspension have ever been instituted against him.

f. Whether the applicant has ever been convicted of a felony or an offense involving moral turpitude.

g. Whether the applicant has ever beeen addicted to the use of narcotics, controlled substances or alcohol.

h. Whether the applicant has ever been investigated for, charged with or convicted of the use or illegal sale or dispensing of controlled substances.

2. The application must include:

a. The name and address of the supervising physician and his type of practice;

b. The address of any satellite office of the supervising physician;

c. A descritpion of the medical services to be performed by the physician's assistant, including but not limited to those medical services to be performed in the supervising physician's office, in a hospital, and in other settings; and

d. A list of the controlled substances, poisons, dangerous drugs or devices which the supervising physician desires the Baord to authorize the physician's assistant to possess, administer or dispense in or out of the presence of the supervising physician, the kind and amount of those substances, poisons, dangerous drugs or devices and the requested area in which the physician's assistant may possess those substances, poisosn, dangerous drugs and devices.

3. Applicant must submit to the Board proof of:

a. Graduation from high school or proof that he possesses an equivalent educational background.

b. Completion of a training program as a physician's assistant, approved by the Commission on Medical Education of the American Medical Association, or other program approved by the Board.

4. If the applicant has passed the examination given by the National Commission on Certification of Physician's Assistants at the time of making his application, he must submit proof to the Board that he has passed the examination.

5. The Board may take such further evidence and require such other documents or proof of qualifications as it may deem proper.

6. Each application must be signed by the applicant, sworn to before a notary public or other officer authorized to administer oaths, and cosigned by the supervising physician who wishes to employ and supervise the assistant. The

applicant must submit his application to the Secretary of the Board at least 30 days before the meeting of the Board at which consideration of the application is desired.

7. The application must be accompanied by all required fees.

6-23. Training of physician's assistant; temporary certificate.

1. Any person undergoing training as a physician's assistant under a program approved by the Board may be granted a temporary certificate to perform medical services under the supervision of a licensed physician for the duration of the training period, but in no case for more than one (1) year.

2. The application for a temporary certificate must be cosigned by:

a. The physician who employes or supervises the training of the applicant; and

b. The director of the training program.

3. The temporary certificate may be revoked at any time for reasons which are sufficient to the Board.

6-24. Rejection of application.

1. If it appears that:

a. An applicant for certification as a physician's assistant or a physician's assistant in training is not qualified or is not of good moral character or reputation;

b. Any credential submitted is false; or

c. The application is not made in proper form or other deficiencies appear in it, the application may be rejected.

2. The Board will not approve an application by any one supervising physician to employ or supervise more than one physician's assistant at one time.

6-25. Examinations.

1. The applicant will be required to appear before the Board with his supervising physician and take an examination, which may be written, oral, practical or any combination of these.

2. Unless the applicant submits proof with his application that he has passed an examination given by the National Commission on Certification of Physicians' Assistants, he must pass an examination given by the Board.

6-26. Contents of certificate. The certificate issued by the Board will contain the name of the physician's assistant, the supervising physician, the duration of the certificate and the medical services which the physician's assistant is permitted to perform. The certificate will also set forth the

controlled substances, poisons, dangerous drugs and devices, the area in which the physician's assistant may possess controlled substances, poisons, dangerous drugs and devices, and any other limitations or requirements which the Board may prescribe.

6-27. Expiration of certificate; termination of employment.

1. Except as provided in subsection 2, herein below, the certificate of a physician's assistant is valid for one (1) year.

2. The certificate of a physician's assistant automatically expires upon the termination of his employment by the supervising physician. The supervising physician shall immediately notify the Board of the termination of employment, and the physician's assistant shall immediately return to the Secretary of the Board the certificate issued to him. The supervising physician and the physician's assistant shall submit to the Board upon demand a summary of the reasons for and circumstances of the termination of employment.

6-28. Renewal of certificate.

1. The certificate of a physician's assistant may be renewed annually through an application signed by the assistant and cosigned by the supervising physician accompanied by all required fees.

6-29. Performance of medical services.

1. The medical services which the Board will authorize a physician's assistant to perform will be determined from his education, training and experience.

2. The physician's assistant must wear a placard, plate or insignia which identifies him as a physician's assistant at all times when on duty.

3. No physician's assistant may represent himself in any manner which would tend to mislead the general public or the patients of the supervising physician.

6-30. Duties of supervising physician.

1. The supervising physician is responsible for all the medical activities of his physician's assistant. The supervising physician shall ensure that:

a. The physician's assistant is clearly identified to the patients as a physician's assistant;

b. The physician's assistant performs only those medical services:

1. Appropriate to the specific training and experience of the physician's assistant;

2. Approved by the Board; and

3. Set forth in the certificate of the physician's assistant;

and

c. The physician's assistant does not represent himself in any manner which would tend to mislead the general public or the patients of the supervising physician.

2. The supervising physician shall on a regular basis review the patient records of the physician's assistant and initial those records. He shall be available at all times for consultation with his assistant. Those consultations may be indirect as by telephone.

3. The supervising physician must prescribe all drugs and ensure that his physician's assistant does not prescribe any drugs. The supervising physician is responsible for the strict compliance with the provisions of the certificate issued by the Board to his physician's assistant regarding controlled substances, poisons, dangerous drugs or devices.

4. When a physician's assistant is permitted by the Board to practice in a location other than the regular office of his supervising physician, the supervising physician shall:

a. On a daily basis, review the work done by the physician's assistant either directly or by telephone; and

b. At least once weekly spend part of a day physically at the other location to act as consultant to the physician's assistant and to review and initial the medical records of the assistant.

5. The supervising physician shall supervise the performance of his assistant in a hospital or other institution.

6. Whenever the supervising physician is to be absent, it is his responsibility to designate a qualified substitute physician to supervise the assistant. If the absence will exceed 72 hours, the supervising physician must notify the Board of the designated substitute.

6-31. Grounds for revocation of certificate.

1. The certificate of a physician's assistant may be revoked by the Board when, after notice and hearing in accordance with the provisions of these regulations, it finds that:

a. The physician's assistant:

1. Has willfully and intentionally made a false or fraudulent statement or submitted a forged or false document in applying for the certificate;

2. Has held himself out or permitted another to represent him as a licensed physician;

3. Has performed medical services otherwise than at the direction or under the supervision of the supervising physician;

4. Has been delegated authority to perform or has performed medical services beyond his competence or beyond those medical services which he is authorized to perform under the certificate issued by the Board;

5. Has engaged or is engaging in the performance of medical services when he is unable to do so with reasonable skill and safety to patients because of his excessive use of alcohol or any controlled substance or because of any mental or physical condition or illness;

6. Is guilty of gross negligence in the performance of medical services;

7. Is guilty of willful disobedience of any provision in these regulations;

8. Is guilty of administering, dispensing or possessing any controlled substance otherwise than in the course of legitimate medical services or an authorized by law;

9. Has been convicted of a violation of any federal or state law or law of a foreign country, regulating the possession, distribution or use of a controlled substance; or

10. Has been convicted of a felony or any offense involving moral turpitude.

b. The supervising physician's license has been suspended or revoked.

6-32. Notice of charges; hearing; service of notice. Before the Board revokes a certificate, the Board will give to the physician's assistant and to his supervising physician a written notice specifying the charges made against the physician's assistant and stating that the charges willl be heard at the time and place indicated in the notice.

CHAPTER VII

OPTOMETRY REGULATIONS

CHAPTER VII

OPTOMETRY REGULATIONS

7-1. Definitions. As used in this chapter, the words and terms defined herein have the following meaning:

7-2. "Dispensing optician" means an individual or firm that prepares and dispenses lenses, spectacles, eyeglasses, or appurtenances thereto to the intended wearer thereof on written prescription from physicians or optometrists duly licensed to practice in CNMI, and in accordance with the prescription interprets, measures, adapts, fits, and adjust lenses, spectacles, eyeglasses, or appurtenances thereto to the human face for the aid or correction of visual or ocular anomalies of the human eyes.

7-3. "Optometrist" is a person who measures visual acuity and abnormalities of vision, and develops prescritpions for lenses or visual acuity and abnormalities of vision, and develops prescriptions for lenses or visual training, or both, to correct visual defects such as near sightedness and astigmatism, that are not caused by active diseased or pathological conditions.

7-4. "Optometry" means the recognition and analysis of visual dysfunction of the human eye; the employment of trial frame and trial lenses, and any objective for the purpose of determining the refractice powers, visual and muscular anomalies of human eyes; and the prescribing or employment of any lenses, prisms, frames, mountings, or orthoptic exercises for the correction or relief of the visual or muscular insufficiencies of human eyes.

7-5. "Practice of optometry" occurs when any person engages in the prescribing of visual training, with or without the use of scientific instruments to train the visual system or other abnormal condition of the eyes, or holds himself out as being able to do so, and such person shall first secure and hold an unrevoked license and certificate of registration as provided for in this chapter.

7-6. "Prescription" means an order or formula written out in full, given by a licensed physician or optometrist, setting forth refractive powers for the grinding of any lens which has a spherical, cylindrical prismatic power or value or any combination thereof.

7-7. Acts Constituting Optometry Practice. The acts hereinafter enumerated in this section, or any of them, whether done severally, collectively or in combination with other acts not hereinafter enumerated, shall be deemed to constitute practice in optometry within the purview of this chapter.

1. Advertisement or representation as an optometrist.

2. Adapting, or prescribing or dispensing, without prescription by a licensed Commonwealth practitioner of optometry or medicine, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process thereof. The provisions of this subsection shall not be construed to prevent an optical mechanic from doing the mere mechanical work of replacement or duplication of such ophthalmic lens, nor shall the provisions hereof prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing.

3. Examination of the human eyes and appendages thereof; measurement of the powers or range of human vision; determination of the accommodative and refractive states of the ye or the scope of its function in general; or diagnosis of determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of eys, or appendages or visual processes thereof.

4. Prescribing or directing the use of, or using any optical device in connection with ocular exercises, orthoptics or visual training.

5. The prescribing of contact lenses.

6. The measurement, fitting or adaption of contact lenses to the human eye except under the direction and supervision of a physician, surgeon or optometrist licensed in the Commonwealth.

7. The Board may cause appropriate legal action to be taken to secure an injunction or order restraining the unauthorized practice of optometry.

8. Such an injunction or order:

a. Shall not relieve any person from criminal prosecution for practicing without a license.

b. The Attorney General shall represent the Board in all court proceedings.

ADMISSION TO PRACTICE

7-8. Practice Without License and Renewal Certificate Unlawful. No person shall engage in the practice of optometry in the CNMI unless he has theretofore obtained a license therefore, which is then valid, subsisting, unrevoked and unsuspended, and, except for the year in which such license was issued, holds a current renewal certificate, as hereinafter required.

7-9. Steps Necessary to Obtain License Upon Examination. Any person, not heretofore licensed to practice optometry in the CNMI, who desires and intends to commence such practice must comply with the following requirements:

1. File proof of his qualifications.
2. Make application for examination.
3. Take and pass such examination.
4. Pay the prescribed fees.

7-10. Proof of Qualifications. Satisfactory evidence must be filed with the Board showing the following qualifications:

1. Age not less than 21 years.
2. Citizenship.
3. Good moral character.
4. Graduation from an U.S. accredited school of optometry recognized by the Board, maintaining a standard of six college years and including, as a prerequisite to admission to the courses in optometry, at least two academic years of study in a college of arts and sciences.

7-11. Scope of Examination. An examination, other than one conducted solely for reexamination of an examinee who has failed in a previous examination, may consist of test in any or all of the following subjects:

1. General anatomy.
2. General physiology
3. Ocular anatomy
4. Ocular physiology
5. Ocular pathology
6. Geometric optics
7. Physiologic optics
8. Theoretic optometry
9. Practical optometry
10. Retinoscopy
11. Ophthalmoscopy
12. Perimetry
13. Subjective and objective refraction
14. Such other and further subjects as the Board may prescribe.

7-12. Admission Without Examination; Reciprocity:

1. A holder of a valid and subsisting optoemtry license issued by the licensing authority of another jurisdiction upon successful passage of an examination therein, may, obtain a license in the CNMI without examination where it appears that the standard requirements of such out-of-state examinations were at least equivalent to those of the examination prescribed by this jurisdiction.

2. A person seeking a license by reciprocity must comply with the following requirements:

a. File with the Board a certified copy of his license together with satisfactory evidence that he is not less than 21 years of age, evidence of citizenship and good moral character, and that his license is valid and subsisting and has not been revoked or suspended.

b. Make and file with the Board a written application in the form prescribed by the Board.

c. Present his license to the Board for inspection.

d. Pay to the Board the fee prescribed for licensing by reciprocity.

7-13. Issuance of License Upon Payment of Additional Fee. Such license shall be issued and delivered by the Board to the licensee therein names upon payment of the prescribed license issuance fee.

7-14. Effective Duration of License. Unless revoked or suspended in the meantime, such license shall continue in force until the time when the renewal fee becomes delinquent.

REVOCATION OR SUSPENSION OF LICENSE

7-15. Revocation or Suspensio of License Authorized. Any license issued under this act, or any former act relating to the practice of optometry, may be revoked or suspended for a fixed period by the Board for a cause or causes in a manner hereinafter specified.

7-16. Causes for Revocation or Suspension of License. The following acts, conduct, omissions or manual or physical conditions, or any of them, committed, engaged in, omitted or being suffered by a licensee, shall constitute sufficient cause for revoking or suspending his license:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony or a gross misdemeanor involving moral turpitude of which he has been convicted and from which he has been sentenced by a final judgment of a court in this or any other jurisdiction such judgment not having been reversed or vacated by a competent appellate court and such offense not having been pardoned by executive authority.

3. Commission of fraud by or on behalf of the license in obtaining his license or a renewal thereof, or in practicing optometry thereunder.

4. Habitual drunkenness or drug addiction on the part of the licensee.

5. Gross incompetency on the part of the licensee.

6. Affliction of the licensee with any mental or physical disorder or disturbance seriously imparing his competency as an optometrist.

7. Making false or misleading representations, by or on behalf of the licensee, with respect to optometrist materials or services.

8. Practice by the licensee, or attempting or offering so to do, while he is in an intoxicated condition.

9. Perpetration by the licensee of unethical or unprofessional conduct in the practice of optometry.

10. Willfully and repeatedly violating provisions of the rules and regulations adopted and promulgated by the Board.

7-17. Unethical or Unprofessional Conduct. The following acts are deemed to constitute unethical or unprofessional conduct, knowingly:

1. Association as an optometrist with any person, firm or corporation violating this act.

2. Accepting employment directly or indirectly, from a person or persons not licensed to practice optometry in the CNMI for the purposes of assisting him or them in such practice or enabling him or them to engage therein.

3. Making ahouse-to-house canvass, either in person or by another or other persons, for the purpose of advertising, selling or soliciting the sale of eyeglasses, frames, lenses, mountings or optometric examinations or services.

4. Division of fees with another optometrist except for services based on division of service or responsibility.

5. Dvision of fees or any understanding or arrangement with any person not an optoemtrist.

6. Employing any person to solicit house-to-house for the sale of eyeglasses, frames, lenses, mountings or optometric examinations or services.

7. Circulating or publsihing, directly or indirectly, any flase, fraudulent or misleading statement as to his method of practice or skill or the method of practice or skill of any other licensee.

8. Advertising in any manner that will tend to deceive, defraud or mislead the public.

CHAPTER VIII

PHARMACEUTIC REGULATIONS

Part A: Pharmacist

CHAPTER VIII

PHARMACEUTICAL REGULATIONS

Part A: Pharmacists

Definitions

8-1. "Certificate" means a license or registration as a pharmacist in the CNMI.

8-2. "Compound" or "compounding" means to form or make up a composite product by combining two or more different ingredients.

8-3. "Controlled substance" means a drug, substance or immediate precursor controlled pursuant to Federal regulations.

8-4. "Drug and "medication" means:

1. Articales recognized in the official United States Pharmacopoeia, the official Homoeopathic Pharmacopoeia of the United States, or official National Formular, or any supplement to any of them being and label in accordance with the Federal Drugs Administration requirements;
2. Articles and devices intended for use in the diagnosis, cure, mitigation, treatment or prevention of diseases in man or animals;
3. Articles intended for use as a component of any article specified in this section; and
4. Any controlled substance as defined in these regulations.

8-5. "Fill" or "dispense" means the counting, measuring compounding, pouring, packaging and labeling required to prepare a drug for either direct or indirect delivery to a patient when authorized by a valid prescription from a licensed practitioner.

8-6. "Pharmacy" means every location licensed by the Board where prescription drugs are stored or possessed and dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded or dispensed.

1. "Pharmacy" includes:
   a. Pharmacies owned or operated by the CNMI and political subdivisions and municipal corporations therein.
   b. Institutional pharmacies.
   c. Private commercial pharmacies.

8-7. "Pharmacist" means one who:

a. compounds and dispenses medications, following prescriptions issued by a physician, dentist or other authorized medical practitioner;

b. weights, measures, and mixes drugs and other medicinal compounds, and fills bottles or capsules with corrent quantity and composition of preparation;

c. dispenses prescription medication;

d. advises self-diagnosing and self-medicating patients, or provides information on potential drug interactions, potential adverse drug reactions, and elements of patient's history which might bear on prescribing decision when in advisory capacity to a physician;

e. advises patients regarding storage of prescription medication

8-8. "Pharmacist Technician" means one who mixes and dispenses medicines and pharmaceutical preparations under supervision of a pharmacist or a licensed medical practitioner.

8-9. "Pharmacy Helper" means one who:

a. assists a pharmacist by mixing pharmaceutical preparations under direction of a pharmacist,

b. prepares inventory and orders supplies to maintain stock levels,

c. receives and places supplies in stock, labels drugs, chemicals, and other pahrmaceutical preparations as directed by a pharmacist,

d. cleans equipment and work areas in a pharmacy,

e. washes and sterilizes bottles, beakers, and other glassware according to prescribed methods.

8-10. "Practitioner" means:

1. A physician, dentist, veterinarian or podiatrist who holds a valid license to practice his profession in the CNMI.

2. A hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer drugs in the course of professional practice or research in the CNMI.

8-11. "Prescription" means:

1. An order given individually for the person for whom prescribed, directly from a practitioner to a pharmacist or indirectly by

means of an order signed by the practitioner.

2. A chart order written for an inpatient specifying drugs which he is to take home upon discharge.
3. Telephone orders by a licensed physician in a life threatening case.

LICENSING PROCEDURE

8-12. Qualifications of Applicants to become registered pharmacists.

An applicant to become a registered pharmacist in the CNMI must:

1. Be of good moral character.
2. Be a graduate of and have an academic degree from a college of pharmacy or department of pharmacy of a university accredited by the Americal Council on Pharmaceutical Education and/or approved by the Board.
3. Have satisfactorily passed an examination approved by the Board.
4. Is lawfully entitled to remain and work in the CNMI.
5. Have completed one (1) year of practical pharmaceutical experience or pharmacy internship as defined in 8-13.

8-13. Year of Practical Pharmaceutical Experience" Defined.

1. For the purpose of subsection 8-12, a year of practical pharmaceutical experience shall consist of not less than 1,500 hours, of which not more than 500 hours may be obtained in a structured clinical program of an accredited college of pharmcay under the direct and immediate supervision of a pharmacist who is registered.
2. Such experience shall not be accepted unless the applicant has previously successfully completed at least one (1) year in a college or department of pharmacy approved by the American Council on Pharmaceutical Education or the Board.
3. Such experience shall relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by the CNMI and Federal Statutes.
4. The Board may, at its discretion, accept evidence of compliance with the requirements of subsection 8-12 from boards of pharmacy from other jurisdictions in which the experience requirement is deemed by the Board equivalent to requirements

in the CNMI.

8-14. Application; Proof of Qualifications; Period of Validity.

1. An applicant for registration as a pharmacist in the CNMI must submit an application to the Board on forms furnished by the Board and must pay a fee fixed by the Board. The fee must be paid at the time the application is submitted and in non-refundable.
2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board, substantiated by affidavits, records or such other evidence as the Board may require.
3. An application is valid for one year from the date it is received by the Board unless the Board extends its period of validity.

8-15. Registration of Pharmacists not Possessing Formal Educational Requirements.

1. The Board may issue licenses or certificates as pharmacists to those persons who qualify under the provisions of this section, irrespective of the provisions of subsection 2 of 8-12, if the Board has determined by examination, either oral, written, or performance that such applicants are capable and are qualified by education or experience or both, adequately to practice the profession of pharmacy in the CNMI and that they meet the requirements of this section.
2. The applicant:
   a. Must have been registered as a pharmacist in good standing in another jurisdiction prior to the filing of his application.
   b. Must be of good moral character.
3. The fee for the investigation or examination of an applicant for a certificate of registration under provisions of this section shall be fixed by the Board. The fee must accompany the application and is not refundable.
4. The Board may conduct such investigations as may be deemed necessary to establish the moral character of any applicant for license and registration under these provisions.

8-16. Conditions for Registration Without Examination; Reciprocity.

The Board in its descretion may, without an examination, register as a pharmacist any person who:

1. Is registered as a pharmacist in another jurisdiction with the same or similar licensing requirements.
2. Produces evidence satisfactory to the Board of having had the required secondary and professional education and training; and
3. Possesses good morals, as is demanded of applicants for registration and renewal of registration under the provisions of this Chapter..

8-17. Local Medicine Practitioners.

Nothing in these regulations is to be construed to restrict or abridge the cultural rights and practices of persons in the local community who are of local ethnic heritage and who are recognized by local persons as being practioners of local medicine and local healing techniques.

8-18. Intern Pharmacists: Registration and Certification

1. Any person who is not a registered pharmacist, but who is employed in the CNMI for the purpose of fulfilling the requirements to become eligible for registration as a pharmacist, must register with the Baord as an intern pharmacist. An applicant, to be eligible for registration as an intern pharmacist, must have completed a minimum of one (1) year in a college of pharmacy or a department of pharmacy of a university approved by the Board.
2. The Board, upon approval of the application, shall issue a letter certifying the applicant as eligible to undergo practical pharmaceutical training under the direct and immediate supervision of a registered pharmacist. Such certification shall be valid for not more than two (2) years from the date of issue, but may be renewed by the Board, and shall permit the holder thereof to perform the duties set forth in 8-13, but only when acting under the direct and immediate supervision of a registered pharmacist who has indicated a willingness to accept the professional and legal responsibility for training and for all work performed by the appliant for registraion as an intern pharmacist.
3. Any certification issued under the provisions of this section may be suspended, terminated or revoked by the Board, for any reason

set forth in this chapter as grounds for the suspension or revocation of any certificate, license or permit, or for failure of the registered pharmacist to provide adequate training and supervision for the intern pharmacist.

8-19. Display of Certificates, Licenses and Permits.

1. The holder of a certificates of registration or a certificate as an intern pharmacist, shall display such certificate, license or permit, together with the curent renewal receipt thereof, in the pharmacy where he works, or in which he is employed, in a place where it may be clearly read by the public.
2. A registered pharmacist who is employed or who practices in more than one pharmacy shall post his original certificate of registration, and the current renewal receipt thereof, in the pharmacy in which he is primarily employed, in compliance with subsection 1, and shall, in addition, thereto, post a photocopy of his certificate of registration in every other pharmacy in which he practices either part-time or temporary.

8-20. Notice of New Place of Practice.

Every registered pharmacist shall, within 10 days after changing his place of practice notify the Board of such change.

8-21. Issuance and Renewal of Certificates of Registration

1. A certificate as a registered pharmacist shall be issued to each person who is deemed qualified by the Board. The certificate entitles the person to whom it is issued to practice pharmcy in the CNMI.
2. Each person to whom such certificate has been issued may, if his certificate has not been revoked, renew his certificate every two years upon making application and paying the renewal fee fixed by the Board.
3. Application for the renewal of such certificate, together with the renewal fee, shall be deliverd to the Board on or before expiration date.
4. A certificate as a registered pharmacist shall be renewed every two years.

PHARMACEUTIC REGULATIONS

Part B: Pharmacy

8-24. Registered pharmacist to be in charge of pharmacy: exception; managing pharmacists.

1. Each retail pharmacy must be managed by a registered pharmacist. A registered pharmacist must be physically be present when it is open for business.
2. The requirement of subsection 1 does not prohibit the Board from authorizing the absence each day of the registered pharmacist for a total period not to exceed 2 hours if:
   a. The registered pharmacist is on call during his absence;
   b. A sign, as prescribed by regulations of the Board, is posted for public view in the pharmacy indicating the absence of the pharmacist and the hours of his absence;
   c. All prescribed drugs, poisons, chemical and restricted devices are kept safe in manner prescribed by regulations of the Board.
3. A person shall not act as a managing pharmacist for more than one licensed pharmacy. Each managing pharmacist shall be on duty in the pharmacy and active in the management of the pharmacy on a full-time basis.

8-25. Licensing of pharmacies.

1. A pharmacy shall not operate as such or use the word "drug" or "drugs", "prescription" or "pharmacy", or similar words or words os similar import, without first having secured a license so to do from the Board.
2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must show the name of the owner or owners, partners or corporation officers, responsible managing pharmacist, and be displayed on the premises. Any change of partners, corporation officers or responsible managing pharmacist shall be immediately reported to the Board. The original license together with the fee required for reissuance of a license must be submitted to the Board prior to the reissuance of a license.

3. Every person holding a pharmacy license shall:

a. Satisfy the Board that the operation of the pharmacy is conducted according to law.

b. Pay to the Board the license renewal fee.

4. Upon receipt of the license fee, the Board shall register the the pharmacy, store or dispensary and shall furnish the store manager or propriator with a renewal receipt valid for two year from date of issuance.

5. Failure to pay the renewal fee prior to expiration date subjects the licensee to a penaly fixed by the Board for failure to renew. Failure to pay the renewal fee and penalty thereon within 30 days after the delinquent date results in automatic forfeiture of the pharmacy license.

6. The license and renewal receipt may at any time be suspended or revoked upon proof to the satisfaction of the Board, after notice to the licensee and after a hearing at which the licensee may be present, that the licensed premises are being operated in violation of this chapter or in a manner contrary to the public interest.

7. Any unlawful act or violation of any of the provisions of this chapter by a responsible managing pharmacist or by personnel of the pharmacy under the supervision of the responsible managing pharmacist, including record-keeping and inventory violations, is cause for the suspension or evocation of the license of the pharmacy.

8-26. Applications for pharmacy licenses: Contents; issuance of license.

1. An application to conduct a pharmacy shall be made on a form furnished by the Board and shall state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application shall state such information as to each person beneficially interested therein.

2. As used in subsection1, and subject to the provision of sub-section 3, the term "person beneficially interested" means:

a. If the applicant's a partnership or other unincorporated association, each partner or member.

b. If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. In any case where the applicant is a partnership, unincorporated association or corporation and where the number of partners, members or stockholders, as the case may be, exceeds four, the application shall so state,

and shall list each of the four partners, members or stockholders who own the four largest interest in the applicant entity and state their percentages of interest. Upon request of the Board, the applicant shall furnish information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of information.

4. The completed application form shall be returned to the Board with the prescribed fee, nonrefundable.

5. Upon compliance with all the provisions of this section and upon approval of the application by the Board, a license will be issued to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such license shall authorize the holder to conduct a pharmacy and to sell and dispense drugs, hypodermic devices and poisons.

8-27. Limitations on issuance of new pharmacy licenses.

1. The Board shall not issue any new license to conduct a retail pharmacy:

a. To any practitioner;

b. To any partnership, corporation or association in which any such person has any beneficial interest.

2. This section does not:

a. Apply to a hospital pharmacy; or

b. Prohibit ownership of a building in which a pharmacy is located, if space for such pharmacy is rented at the prevailing rate . Such rental may be a flat monthly rental, a percentage of gross receipts, or a combination of these methods.

8-28. Hospital pharmacies: Requirements for operation.

The operation of a pharmacy in conjunction with a hospital shall meet the following requirements:

1. In hospitals with 100 or more beds, the pharmacy shall be under the continuous, full-time supervision of a registered pharmacist during all times it is open for pharmaceutical services.

2. In hospitals with less than 100 beds, the services of a pharmacist may be on less than a full-time basis, depending upon the needs of the hospital, and pursuant to the regulations and recommendations of the Board and those charged with the administration and control of the hospital.

3. In the absence of a pharmacist from the hospital, a nurse designated by the pharmacist may obtain from the pharmacy such necessary quantities of drugs to administer to a patient until the pharmacy reopens as are ordered

by a medical practitioner and needed by a patient in an emergency. Such a nurse may be designated for Tinian and Rota government health facilities on an on-going basis, on terms and conditions required and approved by the Board.

4. The pharmacist in charge of the pharmacy shall initiate procedures to provide for administration and technical guidance in all matters pertaining to the acquiring, stocking, recordkeeping and dispensing of drugs and devices.

8-29. Security of prescription departments.

1. The prescription department of every pharmacy must be separated from the merchandising or public areas of the premises by a barrier extending not less than 5 feet above the floor level and of sufficient width to make dangerous drugs, controlled substances, narcotics, poisons or restricted devices inaccessible to unauthorized persons. The barrier must be constructed of solid material and contain a date or door permitting access by the pharmacist. The gate or door must be secured by a deadbolt lock that can be opened from the outside only by a key.

2. The registered pharmacist on duty:

a. Must possess the key to the prescription department; and

b. Is responsible for securing the prescription department at all times when he is not personally present in the department except when he is in the immediate area and can observe and exercise control over the prescription department, or has specifically delegated the duty of securing the prescription department to another person as provided in subsection 8-28(3).

3. The Board may permit an alternative type of physical security if, in its opinion, the allternative type will be sufficient to make the drugs, controlled substances, narcotics, poisons and restricted devices inaccessible to any unauthorized person.

4. Compliance with the requirements of subsection 1 is a condition precedent to the issuance of a license for a new pharmacy; for a new owner of an existing pharmacy; or for a new location of an existing pharmacy.

8-30 Minimum requirements for work area and equipment.

The prescription department in each license pharmacy must contain the following minimum work area and equipment for the compounding and dispensing of drugs:

1. A prescription counter on which to work with a free working surface of not less than 18 inches in width and not less than 12 square feet in area, with a length of working surface of not less than 8 feet. This working area, with a length of working s

surface must be reserved and be restricted solely to the compounding and dispensing of drugs.

2. A free floor space behind the prescription counter which is not less than 8 feet in length and 3 feet in width.

3. A refrigerator, a sink which is suitable for cleaning the required pharmaceutical equipment and is supplied with hot and cold running water, soap and detergent and a clean and sanitary disposal container for wastes.

PRESCRIPTIONS

8-31. Authorized acts.

The following acts may be performed only by a registered pharmacist or only upon the order and/or supervision of a registered pharmcist, and these acts constitute the compounding, dispensing, filling or furnishing of medication on prescription or the refilling of a prescription:

1. Selecting the drug or drugs from stock;

2. Counting, measuring, mixing, pouring, compounding or preparing the drug or drugs;

3. Placing of the finished product into a proper container;

4. Interpreting the prescription for presentation of the label;

5. Comparing the direction on the label with the directions on the prescription for accuracy;

6. Affixing the label to the container; and

7. Adding to the prescription of the information required by the laws of the CNMI and regulations of the Board.

8-32. Persons authorized to prescribe and write prescriptions.

1. No person other than a practitioner as defined in section 8-10 holding a currently valid license to practice his profession in the CNMI may prescribe or write a prescription, except that a prescription written by a physician not licensd to practice in the CNMI but authorized by the laws of another state or territory to prescribe shall be considered to be a legal prescription.

2. If a prescription, written by a physician not licensed to practice in the CNMI, calls for a Schedule II controlled substance, the registered pharmacist who is to fill the prescription must establish that the prescription is authentic and that a bona fide medico-professional relationship did exist at the time the doctor-patient prescription was written.

8-33. Prescriptions not public records; pharmacist not to divulge contents; exceptions.

1. Prescriptions filed and on file in a pharmacy are not a public record. A pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

a. The patient for whom the origianl prescription was issued;

b. The practitioner who originally issued the prescription;

c. A practitioner who is then treating the patient;

d. A member, inspector or investigator of the Board;

e. An agency of local government charged with the responsibility of providing medical care for the patient;

f. An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information; or

g. Any person duly authorized by a court order.

2. Any copy of a prescription for a controlled substance or a dangerous drug, issued to a person authorized by this section to receive such copy, must contain all of the information appearing on the original prescription and be clearly marked on its face, "Copy, Not Refillable---For Reference Purposes Only"; and such a copy must bear the name or initials of the registered pharmacist who prepared the copy.

3. If a copy of a prescription for any controlled substance or a dangerous drug is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

4. If, at the express request of a customer, a copy of the prescription for any controlled substance or dangeroud drug is furnished to another pharmacist, the original prescription must be voided and notations made thereon showing the date and the name of the pharmacist to whom the copy was furnished. The pharmacist receiving the copy shall call the prescribing practitioner for a new prescription.

PROHIBITED ACTS AND PENALTIES

8-34. False representations.

1. Any person who secures or attempts to secure registration for himself or any other person by making, or causing to be made, any false representation or who fraudulently represents himself to be a registered pharmacist or pharmacy is subject to the sanctions of 3 CMC 2272.

2. Any certificate issued by the Board on information later found to be false or fraudulent shall be automatically cancelled by the Board.

8-35. False representation as practitioner, agent; unauthorized transmission of order for prescription by agent.

1. It is unlawful for any person falsely to represent himself as a practitioner entitled to write prescriptions in the CNMI or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription.

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in the CNMI willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

8-36. Fraudulent, excessive charge or claim under public assistance program; penalty.

Any pharmacist who knowingly submits to the CNMI or any of its political subdivisions or any agent thereof, a charge or claim for drugs or medical supplies furnished to or for any person receiving medical care under any program of public assistance, which is false or which is in excess of any amount duly established by law or regulations promulgated by the Board or by the governing body of any political subdivision, as the price or fee for the furnishing of such drug or medical supplies, shall be subject to disciplinary action.

8-37. Unlawful possession, sale of certain pharmaceutical preparations, drugs, chemicals; destruction.

1. It is unlawful for any person to have in his possession, or under his control, for the purpose of resale, or to sell or offer to sell or dispense or give away, any pharmaceutical preparation, drug or chemical which:

a. Has been dispensed pursuant to a prescription or chart order and has left the control of a registered pharmacist;

b. Has been damaged or subjected to damage by heat, smoke, fire or water, or other cause which might reasonably render it unfit to human or animal use;

c. Has been obtained through bankruptcy or foreclosure proceedings, or other court action, auction or other legal or administrative proceedings, except when the pharmaceutical preparation, drug or chemical is in the original sealed container;

d. Is no longer safe or effective for use, as indicated by the expiration date appearing on the label thereof; or

e. Has not been properly store or refrigerated as required by the label thereof.

2. The provisions of subsection 1 do not apply if the person in whose possession the pharmaceutical preparation, drug or chemical is found also has in his possession a valid and acceptable certification of analysis attesting to the purity and strength of the pharmaceutical preparation, drug or chemical and attesting to the fact that it can be safely and effectively used by humans or animals. No such preparation, drug or chemical may be sold or otherwise disposed of until the certification above referred to has been presented to and approved by the Board.

3. In the absence of conclusive proof that the preparation, drug chemical can be used safely and effectively by humans or animals, it must be destroyed under the direct supervision of a member or inspector of the Board.

8-38. Unlawful dispensing, sales.

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, shall be subject to the sanctions of 3 CMC 2271 and 2272.

2. Is not a registered pharmacist or is not under the order or supervision of a registered pharmacist, and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter, shall be subject to the sanctions of 3 CMC 2271 and 2272.

8-39. Unlawful to manufacture, compound, sell or dispense drug, poison, medicine or chemical; exceptions; permits.

1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacturer, compound, sell, dispense or permit to be manufactured, compounded, sold or dispensed any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, or a registered pharmacist under the provisions of this chapter.

2. Sales representatives or manufactureres or wholesalers selling only in wholesale lots and not to the general public and compounders and sellers of medical gases need not be registered pharmacist under the provisions of this chapter, but no person may act as a manufacturer or wholesaler unless he has

obtained a permit from the Board.

3. Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers controlled substances as defined, which are intended, designed and labelled "For Veterinary Use Only" is subject to the provisions of this chapter, and such person shall not furnish, sell or offer to sell such substances until he has obtained permit from the Board.

4. Each application for such a permit must be made on a form furnished by the Board and no application may be considered by the Board until all the information required thereon has been completed. Upon approval thereof by the Board and the payment of the required fee, the Board shall issue a permit to the applicant. Each permit must be issued to a specific person for a specific location, and renewed annually.

CHAPTER IX

RADIOLOGY LABORATORY REGULATIONS

CHAPTER IX

RADIOLOGY LABORATORY REGULATIONS

Scope. This article establishes requirements, binding upon registrants, for use of X-ray equipment by or under the supervision of a person authorized by and licensed under Commonwealth laws to engage in the healing arts or veterinary medicine. The provisions of this article are in addition to other applicable provisions of these regulations.

9-1. License to practice.

All persons desiring to practice in the CNMI as a radiologic technologist or radiologic technician, shall, before beginning to practice, procure from the Board a license authorizing such practice.

9-2. Qualifications.

A license may be issued to any person who:

1. Has completed a two (2) years training course in diagnostic radiologic technology or radiotherapeutic technology which has been approved by the Board, the American Register of Radiologic Technologist, or the American Medical Association.

2. Shows evidence acceptable to the Board of possessing knowledge of such subjects as: radiation protection standards and practices; basic human anatomy and physicology; basic physics including concepts of energy, electric power and circuits, and the properties of X-rays; radiographic exposure techniques; histology.

3. Has one year of experience in one or more combination of types of experience such as:

a. Training and experience as a radiologic technologist, nuclear medicine technician, diagnostic ultrasound technician, radiologic technician.

b. Training and experience as a practical nurse, nurses aid, nurses assistant, student nurse, or registered nurse. A medical aid, medical technician, laboratory technician, laboratory assistant, or similar type of position in a medical, clinical, college or industrial laboratory.

c. A radiology technician in a non-medical capacity.

4. Shows service; education and training in the armed forces medical corps as an X-ray technician.

CHAPTER X

CLINICAL PSYCHOLOGY REGULATIONS

CHAPTER X

CLINICAL PSYCHOLOGY REGULATIONS

10-1. Definitions.

As used in these regulations.

(A) "Clinical Psychology" means a sub-specialty in psycholoty which is primarily concerned with assessing and alleviating emotional, ental, and behavioral disorders in a hospital, institution, or other clinicl setting.

(B) "Practice of Clinical Psychology".

1. A person represents himself to be a clinical psychologist when he holds himself out to the public by any title or description of services incorporating the worls "clinical psychology," "clinical psychologist," and/or offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise.

2. The practice of clinical psychology within the meaning of thse regulations is defined as rendering individuals, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and inter-personal relationships; the methods and procedures of interviewing, counseling, and psychotherapy; of constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristic emotion, and motivation, and of assessing public opinion.

3. The application of said principles and methods includes, but is not restricted to: diagnosis, prevention, and amelioration of adjustment problems and emotional and mental disorders of individuals and groups; hypnosis; eduational and vocational counselling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market reserach; and the resolution of inter-personal and social conflicts.

4. Psychotherapy within the meaning of these regulations means the use of learning, conditioning methods, and emotional reactions, in a professional relationship, to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally mal-adjustive or ineffectual;

5. "Fee" means any charge, monetary or otherwise, whether paid directly or on a prepaid capitation basis by a third party, or a charge assessed by a facility for services rendered.

6. "Clinical Psychologist" means a person who has received training in clinical psychology from an accredited school in the U.S. and has completed the internship requirements.

a. "Training" means doctoral level training in clinical psychology at an accredited institution of higher learning in the U.S.

Doctoral level training shall require each student to demonstrate competence in all of the following areas:

1. Biological basis of behavior, physiological and comparative psychology, neuropsychology, sensation and perception, and psychopharmacology.

2. Cognitive-affective basis of behavior, learning, thinking, motivation and emotion.

3. Social basis of behavior, social psychology, group process, organizational and systems theories.

4. Research design and methodology, statistics and psychometrics.

b. "Accredited" means that the college or the university has met the standards as established either by the Middle States Association of Colleges and Secondary Schools, or by the New England Association of Colleges and Secondary Schools, or by the North Central Association of Schools and Colleges, or by other accrediting agencies using similar standards.

c. "Internship" means a training program of one year that is supervised by a doctoral level clinical psychologist or approved by the Americal Psychological Association, and can be demonstrated to be of high quality.

C. "License" means that the person has been found qualified to engage in the practice of clinical psychology by the CNMI Board of Professionanl Licensing and, thereby, has been given license by the CNMI Department of Commerce and Labor upon application to practice clinical psychology.

10-2. Clinical Psychology Associate.

(A) A person other than a licensed clinical psychologist may be employed by a licensed clinical psychologist or licensed psychiatrist, or by a clinic which provides mental health services, or by a clinical corporation perform limited psychological functions, provided that:

1. Such erson is designated as a "Clinical Psychology Associate."

2. Such person has a master's degree in psychology or a closely related field such a Behavioral Science, Educational Psychology, and Guidance and Counselling from an accredited school in the U.S.

3. Such person is at all times under the immediate supervision of a licensed clinical psychologist or licensed psychiatrist who shall be responsible for insuring the extent, kind and quality of psychological services rendered.

4. No one person or clinic or corporation may employ more than 10 such associates at any time.

(B) Clinical Psychology Associates shall comply with regulations that the CNMI Board of Professiona Licensing may, from time to time, duly adopt relating to the fulfillment of requirements in education and the delivery of services.

10~~0~~3. License Without Written Examination.

At the present time, as the CNMI Board of Professional Licesning is not equipped to administer examinations, the requiements for examination will be waived for the duration of one year from the effective date of these regulations.

A license jwithout written examination may be issued by the Medical Profession Licensing Board to a qualified applicant who furnished satisfactory proof that he has a doctor's degree in clinical psychology and has completed the internship requirements; and,

(A) Has for one year prior to filing his application been a practicing clinical psychologist lciensed in a state, territoy or district of the United States having license requirements, at the time that applicant was first licensed, which are substantially similar to these regulations; or

(B) Has within the three years prior to his filing his application successfully completed the examination conducted by a state, territory, or district of the United States. At this discretion, the CNMI Board of Professional Licensing may orally or practically examine any such person applying for licensing under this Section.

10-4. Present Practitoners of Clinical Psychology.

The CNMI Board of Professional Licensing recognizes that there are indiviudals who have been practicing clinical psychology in the Northern Mariana Islands. These individuals may be recommended to practice clinical psychology if they meet the following conditions:

(A) They have a doctor's degree from an accredited school in the U.S. in a program that is primarily psychological in content and that involves doctoral level trainin in most of the above mentioned areas of competency, and have completed a doctoral dissertation that is also psychological in content and methodology;

(B) They have satisfactorily completed at least one year of clinical experience under the supervision of a doctoral level licensed psychologist or licensed psychiatrist, and that the program can be demonstrated to be of high quality;

(C) They have been in practice in the Northern Mariana Islands at least two years prior to the promulgation of these regulations.

10-5. Clinical Psychologists from Foreign Schools.

(A) "FOreign School" means any college or division of a university in a country other than the U.S. that offers the degree of doctor in clinical psychology.

(B) Foreign clinical psychologists who meet all the requirements established in thse regulations and are found to be

qualified may be recommended for issuing licensed to practice clinical psychology, provided that they pass the examination given by the CNMI Board of Professional Licensing.

10-6. License Requirements and Exceptions.

(A) No person may practice clinical psychology in the Northern Mariana Islands who is not a licensed clinical psychologist or been found qualifed to practice clinical psychology by the CNMI Board of Professional Licensing. However, this regulations shall not be construed to prohibit:

1. An employee of the Federal, state or territorial government performing his official duties.

2. A person who is hired by an agency of the Commonwelath Government and is working under the supervision of a licensed licnical psychologist, or by a business corporation which has its own guidelines for hiring staff.

3. A clinical psychologist regularly lciensed in another state or territory of the U.S. consulting with a licensed clinical psychologist in the Northern Mariana Islands.

4. Nothing these regulations shall be contrued to prevent qualified members of other professional groups such as counselling psychology, educational research, marriage and family therapy, or social work, from doing work of a psychological nature consistent with their training and with any code of ethics of their respectice professions, provided, however, that they do not hold themselves out to the publice by any title or description incorporating the words "clinical psychologist" or "clinical psychology."

PUBLIC NOTICE

PROPOSED AMENDMENTS TO IMMIGRATION REGULATIONS

The Attorney General, under the authority vested by Section 5 (b) (1) of Public Law No. 3-105, hereby gives notice to the public of its intention to amend Section 706 A (1) and Section 706 A (2) of the Comprehensive Immigration Regulations governing the Office of Immigration and Naturalization.

The regulations will be amended by the **deletion** of the following sections:

Section 706. Classification of Entry Permits

Section 706 A (1):
Short-term business entry permit - Permits an alien to remain in the CNMI for either one ninety-day stay or multiple visits totalling no more than ninety-days within one twelve month period if the alien has obtained from the Department of Commerce and Labor a license to do business in the CNMI but has not actually commenced business.

An annual permit shall be granted to aliens and their immediate relatives who have been issued foreign investor permits.

Section 706 A (2):

Regular term business entry permit - Permits an alien to remain in the CNMI for the duration of his/her business license if the Chief of Immigration or his designee determines that the alien has actually commenced business.

To grandfather those existing permits, a holder of a current and valid Section 706 A (2) entry permit issued prior to the effective date of these amendments may apply to renew his permit prior to the expiration of the permit (December 31, 1989). The Office of Immigration and Naturalization shall process all applications for renewal of Section 706 A (2) entry permits that were valid on October 15, 1989.

The public may submit written comments regarding the above proposed amendment to the regulations during the thirty (30) days after the date of publication in the Commonwealth Register. Comments may be submitted to the Attorney General at the following address:

OFFICE OF THE ATTORNEY GENERAL
Commonwealth of the Northern Mariana Islands
Administration Building, Second Floor
Saipan, MP 96950

Date: Sept. 14, 1989

Edward Manibusan
EDWARD MANIBUSAN
Acting Attorney General

NUTISIAN PUPBLIKU

I MANMAPROPOPONI SIHA NA AMENDASION GI REGULASION PUT IMIGRASION

I ATTORNEY GENERAL, SIGUN GI ATORIDAT NI PRINIBENI NU I SEKSIONA 5 (b) (1) GI LAI PUPBLIKU NUMIRU 3-105, GINEN ESTE, HA NANA'I NUTISIA I PUPBLIKU PUT I ENTENSION-NA UMAMENDA I SEKSIONA 706 A (1) YAN SEKSIONA 706 A (2) GI AYU I MA'A'AGANG COMPREHENSIVE IMMIGRATION REGULATIONS NI GUMIBIEBIETNA I UFISINAN I IMMIGRATION AND NATURALIZATION.

I REGULASION PARA U MA'AMENDA NU I MANA'SUHAN-NIHA I SIGENTE SIHA NA SEKSION:

SEKSIONA 706. KLASIFIKASION LISENSIAN HUMALOM

SEKSION 706 A (1):
KADADA' NA TETMINON LISENSIAN HUMALOM PUT BISNES - HA ATURIRISA I UN ESTRANGHERU NA U SAGA GI HALOM I CNMI NUBENTA DIAS OSINO' SINA HUMALOM UNOS KUANTOS BIAHI LAO TI U MAS KI NUBENTA DIAS PUT TODU TUTAT SUMAGA-NA GI CNMI GI HALOM I DOSSE MES NA TETMINU YANGGEN I ESTRANGHERU ESTA MANULE' GINEN I DEPATTAMENTON I COMMERCE AND LABOR LISENSIA PARA U GAI BISNES GI HALOM I CNMI YA TI HA TUTUTUHON I BISNES-NA.

SINA HA' LISENSIA GI PUT SAKKAN MANA'I ESTRANGHERU SIHA YAN I FAMILIAN-NIHA YANGGEN ESTA MANMANA'I LISENSIAN FOREIGN INVESTOR.

SEKSIONA 706 A (2):

REGULAT TETMINU PUT BISNES NA LISENSIAN HUMALOM - HA AOTORIRISA UN ESTRANGHERU NA U SAGA GI HALOM I CNMI GI DURANTEN I TETMINON IYO-NA LISENSIAN BISNES YANGGEN I KABESIYON IMMIGRATION OSINO' I TAHGUE-NA HA DETETMINA NA ESTA I ESTRANGHERU HA TUTUHON BUMISNES.

PUT PARA U KUBRE TODU AYU I ESTA MANMALAKNOS SIHA NA LISENSIA, TODU PETSONA NI MANMANGOGO'TE OSINO' MANGAI IYO GI

PRISENTE LALA'LA' HA' NA SEKSIONA 706 A (2) NA KLASIFIKASION LISENSIAN HUMALOM NI MALAKNOS ANTES DI I FECHA NI UMEFEKTIBU ESTE NA AMENDASION SINA HA' MANMANAPLIKA NI PARA U RINUEBA I LISENSIAN-NIHA ANTES DI U MATAI AYU NA LISENSIA SIHA GI DISEMBRE 30, 1989. I UFISINAN I IMMIGRATION AND NATURALIZATION PARA U INA YAN U CHO'GUE TODU APLIKASION PARA RININUEBAN SEKSIONA 706 A (2) NA LISENSIAN HUMALOM NI MANLALA'LA' HA' GI OKTOBRE 15, 1989.

SINA I PUPBLIKU MANA'HALOM TINIGE' REKOMENDASION SIHA PUT I MANMAPROPOPONI NA AMENDASION GI REGULASION I IMMIGRATION AND NATURALIZATION GI HALOM TRENTA (30) DIAS DESPUES DI I FECHA NI MAPUPBLIKA ESTE NA NUTISIA GI HALOM I REHISTRAN COMMONWEALTH. TO DU REKOMENDASION SIHA SINA MANMASATMITI GUATO GI ATTORNEY GENERAL GI SIGENTE NA ADDRESS:

OFFICE OF THE ATTORNEY GENERAL
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
ADMINISTRATION BUILDING, SECOND FLOOR
SAIPAN, MP 96950

FECHA: Sept. 15, 1989

EDWARD MANIBUSAN
ACTING ATTORNEY GENERAL

ÁRONGORONG NGÁLIIR TOWULAP
SSIWELIL AWEEWE MELLÓL IMMIGRATION

Attorney General, e mwuschál ebwe arongaar aramas towulap bweigha eyoor mamaawal sángi Tálil 5 (b) mellól laail Publikko ye No. 3-105 bwe ebwe ssiiwel me awelewel ówutol Tálil 706 A (1) me Tálil ye 706 A (2) mellól aweweel Bwulasiyool Immigration me Naturalizaton.

Ebwe ssiiwel ló aweewe kkaal ngere e amóóló Tálil kka faal:

Tálil 706. Tappal Lisensiyaal Toolong (Entry Permit)

Talil 706 A (1):
Lisensiyaal bisnis ye fitiral schagh.(Short-term business entry permit), nge e atorisaar aramasal lúghúl bwe emmwel ebwe lootiw llól CNMI tiweigh ral me emmwel epwal sefááleto faal fitoow llól eew ráágh, ngere seigh me ruwoow maram nge essóbw luuló tiweigh rál, ngere aramas yeel aa yoor aal lisensiya sángi Commerce and Labor bwe ebwe bisnis llól CNMI nge esáál bwel mwo.

Emmwel rebwe ngalleer aramasal eew falúw lisensiyaal eew ráágh me aar schó ngere aa yoor aar lisensiyaal foreign investor.

Tálil 706 A (2):

Lisensiyaal bisnis kka aa fasúl yoor. (Regular term business entry permit) nge e atorisaar aramasal lúghúl ngere eew falúw bwe rebwe lootiw llól CNMI ngere esáál máálo aal lisensiyaal bisnis ngere samwoolul Immigration me iyo ye eghal liwili e ghuleey bwe aramas we aa bisnis.

Iwe, reel ebwe yoor ipital lisensiya kkewe aa fasul yoor, nge le e schewel yoor aal lisensiya we eweey tappal we llol Talil 706 A (2) iye re ngalleey mmwal igha ebwe yoorotá ssiiwél kkaal nge emmwel repwal amalaawa sefáliiy antis di ebwe máálo wóól (Disembre' 31, 1989). Schóól Bwulasiyool Immigration and Naturalization rebwe féérú alongal application bwe rebwe amalawa sefáliiy lisensiya kka llól Tálil ye 706 A (2) ikkewe e mataw wóól Oktubre 15, 1989.

Emmwel bwe aramas towulap rebwe ischiitiw meta mángemángiir reel ssiiwel kka weiláng llól eliigh rál(30) sángi igha e toowow arongorong yeel mellól Commonwealth Register nge raa afangángali Attorney General reel address ye faal.

OFFICE OF THE ATTORNEY GENERAL
Commonwealth of the Northern Mariana Islands
Administration Building, Second Floor
Saipan, MP 96950

Rál: Sept. 15, 1989

EDWARD MANIBUSAN
Acting Attorney General

PUBLIC NOTICE

NOTICE OF PROPOSED REGULATIONS
SHOOTING GALLERY ACT - PUBLIC LAW NO. 6-22

The Office of the Attorney General of the Commonwealth of the Northern Mariana Islands hereby notifies the general public of its intent to adopt as permanent regulations the Emergency Regulations first published in the Commonwealth Register on May 15, 1989 in Volume 11, No. 5 which set minimum standards and qualifications for shooting gallery licenses. The Attorney General is authorized and required to do so under 6 CMC § 2254 and this adoption is done in accordance with the Administrative Procedures Act, 1 CMC 9101, et.seq.

These regulations provide for the location of the business, its physical structure, rules of operation, types of weapons, record keeping, qualifications of licensees and employees, insurance and indemnity, revocation and application procedure.

Copies of the proposed regulations are available at the office of the Department of Commerce & Labor, Administration Building, Capitol Hill, Saipan, MP 96950.

The Attorney General urges the public to submit written comments and recommendation regarding the adoption of the above mentioned regulations within thirty (30) days after the publication of this notice in the Commonwealth Register. Please submit your comments to the following address:

Office of the Attorney General
Administration Building, 2nd Floor
Capitol Hill
Saipan, MP 96950

Dated this 15th day of September, 1989.

EDWARD MANIBUSAN
Attorney General

NOTISIAN PUBLIKU

NOTISIAN IMA PROPOPOSITU NA REGULASION SIHA
SHOOTING GALLERY ACT - PUBLIC LAW NO. 6-22

I Oficinan Abugadun Henerat gi Commonwealth gi San Katan siha na Islas ha-infofotma i henerat publiku i intension-na para uadopta komo petmanente na regulasion siha komo Emergensia na Regulasion para i shooting gallery na licensia. I Abugadun Henerat inautorisa yan hanesesita para uchogue gi papa 6 CMC § 2254 yan i ma-adoptan este inacompapana ni Administrative Procedures Act, 1 CMC 9101, et.seq.

Este siha na regulasion hana guguaha para lugat i business, i mauleg na estroktura, areklon i maneanti, klasen atmas siha, leblon nota, kualifikasion siha para licensia yan emplehao siha, insurance yan kompensasion, deneroga yan sisteman aplikasion.

Copia siha pot i ma propopositu na regulasion mana guaguaha gi oficinan i Depattamenton i Commerce yan Labor, Administration Building, Capitol Hill, Saipan, MP 96950.

I Abugadun Henerat ha-oblibliga i publiku para umasatmite gi matuge commento siha yan rekomendation pot este i ma-adoptan i sumanhilo ni esta ma mensiona na regulasion gi halom trenta (30) dias despues de i maproblikan este na noticia gi Commonwealth Register. Pot fabot satmite i commenton miyo guato gi oficina gi sigenti:

Ofisinan i Abugadun Henerat
2nd Floor, Administration Building
Capitol Hill
Saipan, MP 96950

Fechan este na haane i dia 15th gi mes de Septembre, 1989.

EDWARD MANIBUSAN
Abugadun Henerat

SHOOTING GALLERY REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Part A - GENERAL

Section 1-101. Purposes.

(1) Interpretation. These regulations shall be construed and applied to promote their underlying purposes and policies and supplement the language and requirements of the Shooting Gallery Act found at 6 CMC § 2251 et seq.

(2) Purposes and Policies. The underlying purposes and policies of these regulations are:

(a) Shooting galleries will provide an additional attraction for the growing tourist industry in the Northern Mariana Islands.

(b) There has been a serious and alarming increase in the number of crimes committed with firearms and steps must be taken to prevent improper access to firearms by unauthorized persons.

(c) Accidents associated with the mishandling of firearms have injured and killed both adults and juveniles in the Commonwealth.

(d) The noise created by shooting firearms if not carefully regulated may create a public nuisance.

(e) Safeguards must be provided in the operation of

galleries to protect the residents of the Commonwealth from accidental or intentional injury from the use of firearms therein.

Section 1-102. Authority.

6 CMC § 2254 requires the Attorney General to promulgate regulations for the licensing and the safe operation of shooting galleries. These regulations are based on 6 CMC § 2251 et seq. as amended by Public Law 6-22.

Section 1-103. Requirement of Good Faith.

These regulations require all parties, including government employees, to act in good faith regarding the awarding of shooting gallery licenses and enforcement of these regulations.

Section 1-104. Severability.

If any provision of these regulations or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these regulations are declared to be severable.

Section 2-102. Application Submittal.

All Applications will be submitted to the Department of Commerce and Labor at the Government Center on Capitol Hill, Saipan.

Section 2-103. Award.

Licenses will be awarded by the Department of Commerce and Labor to applicants who have properly completed the application form and who have proven that they qualify under the criteria set by these regulations.

An applicant must meet the following criteria to qualify for a license:

1. Properly and completely fill out the required application form.

2. Pay the $5,000 fee, or pro rata portion in the first year, to the Department of Revenue and Taxation.

3. Provide proof of having obtained liability insurance in the amount of at least Three Hundred Thousand Dollars ($300,000.00) for the shooting gallery as required under Section 7-101 of these regulations.

4. Sign an agreement as required under Section 7-103 of these regulations to defend all suits and indemnify the Government for losses due to the negligent operation of the shooting gallery.

5. Have a building or premise that qualifies under the

requirements of these regulations as a shooting gallery.

6. Meet all requirements under Article 8 of these regulations.

Section 2-104. Oversight Committee.

No award will be made without prior consultation of the Director of Commerce and Labor with the Attorney General and the Director of the Department of Public Safety. Together, they or their representatives will constitute an oversight committee for the award and renewal of shooting gallery licenses.

Section 2-105. Number of Shooting Galleries.

(1) There shall be a maximum of five (5) shooting galleries on each of the following islands in the Commonwealth:

(a) Rota

(b) Saipan

(c) Tinian

(2) No licenses for shooting galleries shall be issued for any other islands in the Commonwealth.

(3) Under no circumstances shall more than fifteen (15) shooting gallery licenses total be issued.

(4) Shareholders, directors and officers of one shooting gallery shall have no legal interest in any other shooting gallery.

Section 2-106. Eligibility.

Licenses may be granted only to interim U.S. citizens, U.S. citizens, or permanent residents as defined by Public Law No. 5-11.

Section 2-107. Fee.

A license fee of Five Thousand Dollars ($5,000.00) is due on January 2 of each year. For the first year the fee shall be apportioned to reflect the number of days remaining in the calendar year. The fee must be paid to the Department of Revenue and Taxation at the Civic Center Office in Susupe, Saipan, prior to applying for a shooting gallery license.

ARTICLE 3. LOCATION OF SHOOTING GALLERY

Section 3-101. Location.

A shooting gallery shall be located in an uninhabited or sparsely populated area so that the safety and tranquility of other persons may be preserved. In determining whether to award or renew a shooting gallery license, the Oversight Committee defined above under Section 2-104 will utilize as an overriding principle that a location will be deemed unacceptable if it poses a threat of physical harm to any person in its proposed location or the noise created would constitute a public nuisance.

ARTICLE 4. SHOOTING GALLERY PREMISES

Section 4-101. Buildings.

An inside shooting gallery shall be comprised only of one building and shall meet the requirements of the Model Code for Gallery Shooting Ranges. (Attached hereto as Exhibit "A")

Section 4-102. Ranges.

Outdoor shooting ranges must meet the minimum standards set by the National Rifle Association and must be enclosed by berms.

Section 4-103. Range Rules.

Each shooting gallery must adopt range rules approved by the National Rifle Association.

Section 4-104. Emergency Power.

There shall be emergency lights to cover all shooting positions, each doorway, the entrance and the armory that will turn on automatically should there be any power failure.

Section 4-105. Restrictions of Visibility.

(1) No shooting activity shall be visible to the public outside of the shooting gallery.

(2) No guns or ammunition shall be visible to the public outside of the shooting gallery.

Section 4-106. Sign Restrictions.

(1) All signs on the premises must be visible to the public. The minimum acceptable size of lettering on signs is three (3) inches in height.

(2) All signs posted must be in English, Chamorro and Carolinian.

Section 4-107. Parking Areas.

All parking areas adjacent to the shooting gallery shall be kept clean of trash and other debris.

Section 4-108. Alcoholic Beverages.

(1) No person who appears to be under the influence of intoxicating liquor or narcotic drug shall be allowed in the shooting gallery section of the building.

(2) No alcoholic beverages may be sold, given away, brought into or upon or consumed within the shooting gallery or range.

Section 4-109. Food and Beverages.

No eating or drinking will be allowed in the booths or on the firing range.

Section 4-110. Entrance.

There shall be at least one entrance and one exit to the shooting gallery. The business must post a security guard, who

shall possess a valid weapons identification card as required in 6 CMC §2204, at the entrance of the shooting gallery section of the building to ensure that:

(1) sections 4-108 and 4-109 are observed,

(2) no one under the age of 21 years is admitted, and

(3) no weapons or ammunition of any type may be brought in without prior approval of the management and then only as permitted by law and these regulations.

Section 4-111. Waiting Area.

The waiting area shall be located in a safe area and constructed in a manner that ensures the safety of the persons located therein. The security guard shall ensure that no persons are allowed to loiter in the waiting area without any legitimate purpose.

Section 4-112. Booths, number.

No shooting gallery shall have more than seven (7) shooting booths.

Section 4-113. Hours of Operation.

The shooting gallery shall be opened to the public no earlier than 8:00 a.m. and shall close by 10:00 p.m.

Section 4-114. Age Limit.

No person under the age of twenty-one (21) years shall be admitted to the shooting gallery area. A sign warning of this restriction shall be conspicuously posted at the entrance.

ARTICLE 5. WEAPONS

Section 5-101. Type.

The shooting gallery may not use nor may the owners, employees or patrons possess any handgun, automatic weapon or rifle larger than .22 caliber and .410 gauge shotgun. The weapons and ammunition that may be utilized within the shooting gallery are those firearms permitted under Chapter 2 of Title 6 of the Commonwealth Code. Firearms training of CNMI law enforcement officers is exempted from this provision.

Section 5-102. Number of Weapons.

No business may possess more than seven (7) principal rifles/-shotguns and seven (7) replacement rifles/shotguns unless good cause is shown for a greater number.

Section 5-103. Inspection.

All weapons being utilized at the shooting gallery must be certified in writing to be in a safe and operable condition by a certified National Rifle Association instructor or licensed gunsmith every thirty (30) days.

Section 5-104. Identification.

The business operating the shooting gallery shall submit the manufacturer's serial number of each firearm to the Office of the Attorney General.

Section 5-105. Storage.

All weapons and ammunition must be safely stored on the premises in a fireproof safe which is set in concrete. Weapons shall be taken from the safe only to be inventoried, cleaned, repaired, fired by a patron or an employee in the shooting gallery, certified to be in good condition, or inspected by a representative of the Attorney General or the Department of Public Safety.

Section 5-106. Inventory.

An inventory of all weapons by manufacturer's serial number and of all ammunition shall be completed and signed at the end of each day. The Attorney General or designee is authorized to inspect these records at any time. A monthly inventory report shall be submitted to the Department of Public Safety and a copy thereof shall be provided to the Attorney General's Office.

Section 5-107. Lost Weapons.

If any weapon or ammunition is lost, the Department of Public Safety shall be notified within a reasonable time which under no circumstances shall exceed twenty-four (24) hours from the time of discovery.

Section 5-108. Personal Weapon.

No personal weapon may be used within the shooting gallery, except by CNMI law enforcement officers authorized to do so by the Director of the Department of Public Safety at a time when no private patrons are using the shooting gallery.

ARTICLE 6. SAFETY

Section 6-101. Targets.

Targets must be fixed and located in an area where there is sufficiently strong backdrop to ensure no penetration and no ricochet.

Section 6-102. Earmuffs.

Patrons and employees must wear earmuffs while on the firing line.

Section 6-103. Range Master.

There shall be a training range master qualified by the National Rifle Association on the firing line at all times to ensure that firing is conducted in an orderly and safe manner.

Section 6-104. Supervision of Day-to-Day Operations.

There must be employed a rangemaster or basic firearms instructor certified by the National Rifle Association to supervise

the day-to-day operations of the shooting gallery. This person must be on the premises of the gallery continually during business hours. This employee must maintain the inventory previously described in Section 5-106 above.

ARTICLE 7. INSURANCE

Section 7-101. Insurance.

Each shooting gallery applicant, prior to applying for a license, must obtain liability insurance in an amount of at least Three Hundred Thousand Dollars ($300,000.00) to cover the acts and omissions of its employees, owners, agents, patrons, and the Commonwealth Government. This insurance must be kept in effect at all times after a shooting gallery license is issued. Termination of this insurance coverage will result in immedite revocation of the shooting gallery license.

Section 7-102. Hold Harmless.

No patron shall be allowed to use the shooting gallery without first signing a proper legal agreement written in either English, Chamorro, or Carolinian which waives all claims of liability against the gallery and the government that may arise out of use of the gallery. The waiver must be translated into the language of the patron.

Section 7-103. Defense of Suits and Indemnity.

The licensee shall sign an agreement to defend all suits against the Government at his or her own expense and shall indemnify the Government for all loss it sustains as a result of negligence in conducting his or her business. No license shall be granted without this agreement in writing.

ARTICLE 8. QUALIFICATIONS

Section 8-101. Qualifications.

All operators and employees of a licensed shooting gallery must:

(1) receive special permission from the Office of the Attorney General to possess and otherwise use firearms/ammunition owned by the gallery;

(2) possess no felony criminal convictions;

(3) be a U.S. citizen, interim U.S. citizen or a Public Law No. 5-11 permanent resident; and

(4) possess at least fifty (50) hours of training in the safety, use and handling of firearms and ammunition. The training must be conducted by an instructor certified by the National Rifle Association.

ARTICLE 9. RECORDS

Section 9-101. Patrons.

The management of a shooting gallery is required to maintain a list of the names of people who use the weapons, expend ammunition and the date and time of such use. These reports shall be filed with the Office of the Attorney General every thirty (30) days.

Section 9-102. Shift Reports.

All security guards must write a shift report for each shift detailing their activities and any incident during their shifts.

Sectin 9-103. Training Reports.

A report on the training of each employee shall be kept in his or her personnel file.

Section 9-104. Financial Audit.

A financial audit shall be done annually by a professional accounting firm to standards set by the Public Auditor on costs, gross receipts and net profits.

ARTICLE 10. SANCTIONS

Section 10-101. License Revocation.

Each license is good for only one year. A license may be revoked before that time for a violation of anv law or regulation:

provided, however, that such revocation shall only be had after a hearing is conducted. A shooting gallery license will be revoked if any firearms are missing or unaccounted for through the negligence of the licensee or any gallery employee.

Section 10-102. Additional Penalties.

In addition to the revocation of the shooting gallery license there will be a civil penalty of Five Thousand Dollars ($5,000) assessed against the licensee by the Attorney Gneeral if any firearms are missing or unaccounted for through the negligence of the licensee or any gallery employee. This penalty shall be paid by the licensee within ten (10) days of its assessment.

ARTICLE 11. ADVERTISING

Section 11-101. Restrictions on Advertising.

Advertising indicating that firearms which are illegal under the Commonwealth Weapons Control Act or the Shooting Gallery Act are in use in a shooting gallery is strictly prohibited.

ARTICLE 12. MISCELLANEOUS

Section 12-101. Annual Review.

The Department of Commerce and Labor shall report on or before December 15 of each year to the Legislature on the safety and

commercial viability of each shooting gallery on an annual basis prior to renewal of the license.

(1) The licensee must provide the financial audit report referred to in Section 9-104 above to the Department of Commerce and Labor in regards to the commercial viability of the shooting gallery. Failure to do so will result in non-renewal of the business license.

(2) The Department of Public Safety must certify that the shooting gallery passed a safety inspection prior to the report to the Legislature.

Section 12-102. Emergency.

Upon request of the Attorney General in an emergency, the shooting gallery shall promptly close until allowed to re-open.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
BOARD OF EDUCATION
PUBLIC SCHOOL SYSTEM
P.O. BOX 1370 CK
SAIPAN, MP 96950

TEL: 322-9311/9827/9457

PUBLIC NOTICE

Proposed Adoption of Public School System Policies

The Board of Education of the Northern Mariana Islands, in accordance with Public Law 6-10, is proposing to adopt school policies:

The proposed rules and regulations include the following subject areas:

1. Housing Policy
2. Graduation Policy
3. Drug-Free Policy
4. PSPS Rules & Regulations Amendment

Copies of the proposed regulations may be reviewed by contacting Elizabeth D. Rechebei, BOE Special Assistant, Public School System, Lower Base, Saipan, MP 96950.

Anyone interested in commenting on the proposed policies may do so by submitting comments in writing to the Chairman, Board of Education, P.O. Box 1370, Saipan, MP 96950, within thirty (30) days from the date this notice is published in the Commonwealth Register.

8/8/89
Date

Juan B. Tudela, Chairman, Board of Education

NOTISIAN PUBLIKU

Maadopta na arekglamentu para i CNMI Public School System

I Northern Marianas Board of Education, segun i Public Law 6-10, maadopta para i CNMI Public School System i man sigiente siha:

1. Arekglamentun Guma
2. Arekglamentun Graduation
3. Drug-Free na arekglamentu siha
4. Arekglamentu yan maamenda siha gi PSPS na arekglamentu siha.

I maadopta na arekglamentu siha yan amendasion, ma publika gi Agusto dia kinse (August 15, 1989), Volume XI, No. 8 gi Commonwealth Register. Taya tinilaika machogue.

Este siha na areklu ni man maadopta para u efektibu gi Septembre dia bente sinko (September 25, 1989).

13 Sept. '89

for JUAN B. TUDELA, Chairman, B.O.E.

Proposed **Graduation Policy**

A. Graduation Requirements

Elementary Level

A minimum of 10 credits will be required for graduation from the 8th grade. Subject areas are as follows: English (2), Math (2), Social Studies (2), Science (2), Voc. Ed. (1) and PE (1).

High School Level

Academic:

A minimum of 21 credits will be required for graduation from the 12th grade. Subject areas are: English (4), Soc. studies (3), Math (3), Science (3), PE (2), electives (7).

Marianas History , basic algebra and general science or biology are among the required courses.

Vocational:

A minimum of 21 credits will be required for graduation from the 12 grade in the vocational track. Subject areas are: English (4), Soc. Studies (2), Math (3), Science (2), PE (2), Voc. Areas (8) and Electives (1).

Required courses are Marianas History, General Science or Biology and 4 years of English. 8 credits of vocational courses would be in the areas of construction, business, mechanics, home economics, agriculture, cabinet making and electrical trades or electronics.

B. Graduation Ceremonies

Graduation Ceremonies will be conducted after completion of all requirements for:

1. Headstart Program
2. 8th Grade
3. 12 Grade

Special award days may be held to honor and recognize students who meet exit requirements for Kindergarten, 7th grade, 9th grade and any other grades as needed.

C. Graduation Awards

Graduation awards shall be limited to the following:

1. High School

a. PSS Highest Achievers' Award
This award goes to the Valedictorian and the Salutatorian who meet the following criteria:

1. Student enrolled in the same high school for 4 years.
2. Student achieved high grade point averages in all the required courses for graduation as computed in percentages.
3. Student never took a remedial course or repeated a course.

The PSS Highest Achievers' Awards recipients shall deliver the valeditory and salutatory speeches.

b. Top Ten

These 10 awards include the two PSS Highest Achievers' and the next 8 students with the highest grade point averages as computed in percentage and who meet the required 4 years attendance in the respective high school. Students who are in the top ten never took remedial courses or repeated any course.

The following advance courses must be considered in computing the gpas for the top ten awards. Math: advance math/pre-calculus, geometry, trigonometry/algebra II, calculus and linear albebra. Science: physics, chemistry and physical/chemical science. Social Studies: U.S. Govt, psychology and sociology. English: literature.

c. Honorable Mention

Students who maintained high grade point averages but have not met the school attendance requirement of 4 years shall be accorded honorable mention during the graduation ceremony awards may be presented as appropriate.

d. Presidential Academic Fitness Awards (PAFA)

These awards shall be presented based on the requirements as stipulated in the PAFA.

e. Departmental Awards

Departmental awards shall be presented to the two highest achievers for each academic department and the highest in each vocational education department in terms of grade point average as computed in percentage.

g. Outstanding Female Graduate (OFEGRA)

This award shall be presented to a graduating student based on the criteria established by the Office of Womens' Affairs, the school principals, teachers and counselors.

h. School Leadership Award

This award shall be given to a graduating student who exhibits the highest leadership qualities in the student council as determined by the Principal, Counselor and teaching staff.

i. Parents/Teachers Association Awards

These awards shall be presented to graduating students who meet the criteria established by the PTA.

j. Governor's Award

This award shall be given to a graduating student who exhibits the highest leadership qualities in the student council and in the community as determined by the Principal, Counselor and teaching staff.

2. 8th Grade Awards

a. Valedictorian and Salutatorian awards

These awards go to the two highest grade point average holders as computed in percentage. These students must be enrolled in the respective school in the 7th and 8th grade.

b. Top Ten

These awards are for the valedictorian, salutatorian and the next 8 highest gpa holders. Students in the top ten must be enrolled in their respective schools during the 7th and 8th grade. Students must not have taken any remedial course nor repeated any course.

c. PAFA

These awards are determined by the PAFA requirements.

d. Subject Awards

Students who maintained a high grade point average in the respective subject areas as computed in percentage for the last two years, 7th and 8th grades.

e. School Leadership Award

A leadership award shall be presented to the student who exhibits leadership qualities as determined by the Principal, counselor and teaching staff.

f. Honorable Mention

This recognition shall be given to those students who maintained a high gpa but who did not attend the respective school for more than a year during either the 7th or the 8th grade.

POLICY ON DRUGS AND ALCOHOL AND SMOKING

PHILOSOPHY

The CNMI Board of Education recognizes that student use of drugs and or alcohol is a growing problem of utmost concern in our schools, home and community. The use of such substances often leads to chemical dependency which is an illness. Chemical dependency is a life threatening illness that affects individuals in all areas of their lives: intellectual, emotional, social, physical and spiritual. Drugs and alcohol use is detrimental to a state of well-being and undermines the aim of education which is to enable individuals to develop to their full potential. The Public School System seeks to ensure a high standard of learning in the classroom and recognizes that use of drugs and alcohol, interferes with the learning environment.

> Therefore, it is the policy of the CNMI Public School System to prevent and prohibit the possession, use, sale, distribution and or intent to distribute any illegal or controlled mood-altering chemical, medication or abused chemical or alcohol or other intoxicants on school property, at school-sponsored events and on school buses. Individuals under the school-sponsored events and on school buses shall be in violation of this policy.

The Commonwealth of the Northern Mariana Islands Board of Education also recognizes the risk to health and safety posed by smoking.

> Therefore, it is the policy of the Commonwealth of the Northern Mariana Islands Board of Education to prohibit smoking on school property and on school buses at all times.

The Public School System will provide a comprehensive program which presents information and activities to encourage students to abstain from the use of drugs and alcohol; creates a caring, nurturing environment in which clear institutional limits are set; and establishes an appropriate intervention program for students at risk. The success of this comprehensive program depends upon mutual involvement and cooperative relationships among parents, community, law enforcement and the schools.

1. School Personnel Responsibilities:

The goal will be to create a positive environment which enhances student self-esteem. The Public School System recognizes and affirms that "what children learn and what they become depend largely upon how they feel about themselves." Therefore, the CNMI Board of Education accepts the dual responsibility of establishing discipline policies and procedures in relation to student drug and alcohol use/abuse and assisting in the development of other alternatives for helping students and their families through education, prevention and intervention.

2. Parental and Community Involvement:

Every effort will be made to conduct two seminars per year for parents at each school site. The seminars may include the following components: Signs and symptoms of alcohol and drugs; adolescent development as affected by alcohol and drugs; explanation of school policy and program.

The Public School System will network with the community to create an awareness for prevention and will cooperate in programs that have demonstrated effectiveness in prevention. Memos of agreement for working together will be developed and in place prior to program implementation.

3. Prevention Curriculum K - 12:

The CNMI Board of Education will mandate alcohol and drug prevention education in grades K - 12. The purpose of the Alcohol and Drug Prevention Curriculum of CNMI is to make students knowledgeable about the damages of substance abuse, and promote non-use of chemical substances including alcohol, develop personal responsibility for health and wellness, and encourage healthy lifestyle choices. The CNMI Public School System commits itself in educating our children about the harmful effects of alcohol abuse and the positive ways of creating an overall healthy lifestyles, offering positive alternatives to drug use, including physical and emotional well-being from K - 12.

The Alcohol and Drug Prevention Curriculum is comprehensive and sequenced, integrated into the Science/Health Program K - 12.

Classroom instruction will assist students, including those with special needs and limited English language proficiency, in making the decision not to use drugs, including alcohol. The content includes comprehensive approach to health with emphasis on appreciation of self, mind and body and

responsibility for personal wellness; current and accurate information about drugs and alcohol and their effects on the body; skill development in setting goals - self improvement, managing stress, coping with change, understanding and expressing feelings, communication - relationship skills, dealing with peer and media pressure, consumer awareness, critical thinking and problem solving; and activities which enhance self esteem.

4. Intervention:

An early intervention program designed to identify and assist students at risk will be established and maintained in all schools. The primary goal of such a program shall be to eliminate alcohol and drug use by students. The observation of behaviors known to be associated with alcohol and drugs will be used as indicators in this program which will seek to identify and assist students where substance use places them at risk and who could benefit from education, counseling and support; to identify and assist these students experiencing stress as a result of someone else's use/dependency; to identify and refer those students who are chemically dependent. Confidentiality is essential to maintain trust and must be ensured in this process of assisting students.

5. Drug and Alcohol Abuse Policy:
School Discipline and Enforcement:

A. SALE, USE, POSSESSION, OR VIOLATION LAW

A.(1) No student, teacher, staff, or other school personnel shall sell, distribute, use or have possession of, or be under the influence of, any of the controlled substances prohibited by law, alcoholic beverages, or intoxicants of any kind, or shall commit any violation of the laws relative to controlled substances, alcoholic beverages or intoxicants, (a) while on school grounds, (b) while going to or coming from school, (c) during the lunch period, whether on or off campus, and (d) during or while going to or coming from, a school sponsored activity.

A.(2) Students under medication prescribed by doctors shall observe the following:

(a) No internal medication shall be administered by any person on himself, or by any school personnel except as prescribed by a doctor.

(b) Dangerous and narcotic drugs which a student has on prescription and carries on to school property for ingestion as prescribed by a doctor and is exempt by law must be in their original containers and kept in the nurse's or principal's office whichever provides greater security.

B. DETECTION AND REPORTING OF STUDENTS

B.(1) Whenever any teacher, other school staff member, or student has reason to believe that a student may be under influence of any controlled substances or alcohol, he shall immediately notify the principal, and the principal, if in agreement, shall notify the parents, and after a hearing suspend the student, and see that the student is removed from the school.

B.(2) If the parents or the student's doctor cannot or will not come to the school, the principal is authorized to call an ambulance and to remove the student to a hospital in cases where the student is under the influence of any of the controlled sustances or alcohol, and the parents will be notified of this action and shall be responsible for incurred expenses.

B.(3) In every case of violation of drug law, the law enforcement agency shall be notified.

C. ACTION AND PENALTIES FOR VIOLATION OF THIS POLICY BY STUDENT

C.(1) Any student who violates this policy shall be subject to mandatory counseling, within school suspension, suspension, expulsion or other appropriate action.

C.(2) No penalty shall be imposed upon a student for violation of this policy without first giving him or her the right to be heard.

D. ACTION AND PENALTIES FOR VIOLATION OF THIS POLICY BY CLASSROOM TEACHERS, STAFF OR OTHER SCHOOL PERSONNEL:

D.(1) Any teacher, staff member or other school personnel who violates this policy shall be subject to adverse action under the applicable Personnel Rules and Regulations. Personnel Policies on Alcoholism and Problem Drinking may also be applied.

D.(2) Possession and use of illegal drugs and other controlled substances by a teacher, staff and other school personnel shall be referred to the Law Enforcement Agency.

6. Faculty and Staff Training:

All school personnel and staff will be accorded inservice training in prevention strategies.

Teaching staff will be accorded inservice training in curricula designed to assist students in becoming knowledgeable about the damages of substance abuse, and promote non-use of chemical substances including alcohol, develop personal responsibility for health and wellness and healthy lifestyle choices.

7. Communication Guidelines of Policies and Procedures:

The Public School System Drug Policies and Procedures will be communicated to school personnel, students, parents and community through PTA meetings, Media, and Student Conference. These Policies and Procedures will be in written form as in a Handbook as well as verbal medium.

8. Evaluation and Revision:

The Drug Free Policies and Programs should be reviewed periodically for their effectiveness. If the preogram is not working, it must be changed. The CNMI School Board, Schools, Parents, Educators and community groups and agencies should work together to monitor the success of school drug and alcohol prevention programs.

The methods to measure the success of policies and procedures are statistical analysis and various surveys such as student surveys, teacher, administrator and community surveys.

The results of such statistics and surveys over a two or three year period should help to indicate whether the

school's policies and procedures are having the desired effect upon the students. The findings and recommendations will be made for the purpose of making plans for program improvement.

9. Smoking Policy:

A. NO SMOKING POLICY

A.(1) No student, teacher, staff, other school personnel, or visitor shall smoke while on school property or grounds or while on school buses.

B. LIMITED EXCEPTION

B.(1) As a limited exception to the No Smoking Policy teachers, staff, other school personnel and visitors may smoke in those rooms which have been designated by the Principal or Commissioner of Education as smoking areas. Students shall not be allowed in rooms which have been so designated.

C. PENALTIES FOR VIOLATION

C.(1) Students who violate this policy shall be subject to discipline. Teachers, staff, and other personnel who violate this policy shall be subject to adverse action under the applicable Personnel Rules and Regulations.

CNMI Board of Education
Public School System

Proposed **Housing Policy**

I. Authority

Pursuant to the Public Law 6-10, Section 1522(b), the Board of Education adopts a housing benefits policy applicable to all employees of the Public School System. Housing benefits included either leased furnished quarters, paid housing allowance, or furnished government-owned quarters. All contract and agreement forms, procedures and guidelines relating to this policy shall be consistent with all applicable laws, regulations and policies.

It is the policy of the Board of Education to phase out housing benefits for all employees with the exception of hard-to-fill positions which shall be determined by the Commissioner of Education.

II. Employee Eligibility for Housing Benefits

Only those full-time employees of the Public School System whose contracts provide for a housing benefit and who meet the following criteria shall be eligible for housing benefits:

1. Employees who are recruited from outside the CNMI; however, in no case shall such benefits extend beyond a total of two years with the exception of hard-to-fill positions.

2. Employees who are residents of the CNMI and who are assigned to a duty station other than their home island or residence, defined as the Senatorial District where the employee is registered to vote; however, in no case shall such benefits extend beyond a total of two years, except for hard-to-fill positions as determined by the Commissioner of Education.

3. Any PSS employee who on the same island as his/her duty station, owns a home or residence, or whose spouse owns a home or residence, or who holds title in a lease longer than 10 years in a home or residence, or is purchasing a home or residence is not entitled to housing benefits.

III. Extent of Benefits

Housing quarters or the maximum allowance shall be assigned on the basis of family size as stipulated herein:

Size of Family	Allowance Rate
Employee alone	$400 monthly
Employee w/ spouse	$400 monthly
Employee w/ child	$500 monthly
Employee w/spouse w/ child	$500 monthly
Employee w/2 or more dependents	$600 monthly

No employee shall be given the maximum allowance if the lease price is less; no employee shall be given more than the maximum allowance if the lease is more.

IV. PSS Responsibilities

PSS will fill all government-owned quarters prior to leasing any private quarters for its employees. PSS shall have the employee complete all required housing agreement forms prior to occupancy. Every effort shall be made to execute lease agreements on or about the actual occupancy date.

V. Employee Responsibilities

Any employee who receives housing benefits as a a result of this policy shall enter into an agreement form which specifies the responsibilities of the employee in regards to occupancy, signed by the employee and the Commissioner of Education.

Amendment to **Public School Personnel System Rules and Regulations:**

Under **3203 TYPES OF APPOINTMENTS, Section C.** (Changes are underlined)

C. Non-Certified Appointment. A non-certified appointment is one in which the appointee is appointed for a period of not to exceed **two (2) years**. An employee serving a non-certified may serve in either a full-time or appointment must meet the minimum qualifications for the class of position to which appointed.

PUBLIC NOTICE

ADOPTED PLANT QUARANTINE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

After reviewing all the submitted comments, the Director of Natural Resources hereby adopted the proposed Regulations for Division of Plant Industry as published in the Commonwealth Register on 15 July, 1989. These Regulations are adopted pursuant to Public Law 1-8, and 2 CMC, Subsection 2655. They shall be binding to all persons and entities subject with the jurisdiction of the Northern Mariana Islands.

In accordance with 1 CMC, Division 9, Subsection 9105(b), these Rules and Regulations shall take effect within the (10) days of this public notice.

Aug. 17, 1989
Date

Nicolas M. Leon Guerrero
Director
Department of Natural Resources

NOTISIA PARA I PUBLIKO

MA ADAPTAN I PLANT QUARANTINE REGULASION I DEPATTAMENTON I

NATURAL RESOURCES

Dispues de mainan todos i man ma submiti siha na rekomendasion yan inepi, i Direktot i Natural Resources ha adopta i ma proponi na Regulasion ni ma publika gi Commonwealth Register gi Julio dia 15, 1989. Este siha na Regulasion man ma adopta segun i Lai Publiku 1-8, yan 2 CMC, Subsection 2655. Todos este siha na Regulasion, osino Lai i Publiku, man inebliga todos petsonas yan enteramenti tinetika i man gaige gi halom i Linderun i Gobietnamenton i Commonwealth of the Northern Mariana Islands.

Sigun gi halom esti i (1) CMC, Division 9, Subsection 9105(b), esti na Regulasion debide u-efektibo gi halom i dies (10) dias na tiempo desdi esti na Notisian Publiko.

Aug. 7, 1989
Date

Nicolas M. Leon Guerrero
Direktot
Department of Natural Resources

ADOPTED PLANT QUARANTINE REGULATIONS
DIVISION OF PLANT INDUSTRY
DEPARTMENT OF NATURAL RESOURCES
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MP. 96950

PLANT QUARANTINE REGULATIONS

TABLE OF CONTENTS

PART 1

GENERAL PROVISIONS

1.1 Authority

Under the Authority granted in (2) CMC, Div. (5), Chapter (3), Article (1), Section 5302 of the Commonwealth Code for the Northern Mariana Islands, the Director of Natural Resources hereby promulgates Regulations concerning Control and Prevention of Plant Diseases in the Commonwealth of the Northern Mariana Islands. All previously issued Trust Territory Plant Quarantines are hereby cancelled, and superseded by these regulations.

1.2 Purpose

The Rules and Regulations are designed to protect the agriculture and general well-being of the Northern Marianas citizens. Plant quarantine measures are promulgated as a means to prevent the introduction of, and the further spread of plant pest and diseases into and within the Northern Marianas. The procedures and controls are designed to spell out the procedures and controls in promulgation, enforcement of Plant Quarantine Rules and Regulations, and other measures deemed necessary to protect the agricultural industry in the Northern Mariana Islands.

1.3 Definitions

For the purposes of these Rules and Regulations, unless context otherwise requires, the following words, phrases, names, and terms shall be construed, respectively, to mean:

1. Agricultural Quarantine Facility - Government facilities equipped and specifically set aside for holding growing imported plant materials suspected of harbouring pests and diseases.

2. Approved Place for Performance of Quarantine - Means a place other than a quarantine station where the quarantine of goods may take place.

3. As Prescribed - Any procedure on treatment as detailed by the Chief of Plant Industry or contained in a manual or official treatment schedule.

4. Authorizing Official - The Director for the Department of Natural Resources and the Chief for the Division of Plant Industry or Designees

5. Baggage - Any goods brought into the country by a passenger arriving by air or by sea from overseas.

6. Chief - The Chief for the Division of Plant Industry, Department of Natural Resources, or any employee from the Division of Plant Industry to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

7. CNMI - The Commonwealth of the Northern Mariana Islands, including the government thereof, which lies within the area North of 14 degrees North Latitude, South of 21 degrees North Latitude, west of 150 degrees East Longitude and East of 144 degrees East Longitude, as extended by the Marine Sovereignty Act.

8. Contaminate - Means infestation or infection by plant pest or disease of having an association with unauthorized plant material or soil adhering to or with the articles.

9. Contraband Material - Any material imported into or transported within the CNMI by any person in contravention of Plant Quarantine Regulations.

10. Conveyance - Means any carrier such as a vessel, aircraft, small boat, or shipping container.

11. Culture - Plant tissue on nutritive media or parts thereof

12. Cut Flowers - The fresh cut portion of a plant that is imported for decoration or ornamentation, including leis and bouquets.

13. Declaration - Refers to a written statement certifying as to plants, plant materials, or other prohibited or restricted articles under these regulations which accompany a person on their arrival from overseas.

14. Delegation - The Director may, in writing, delegate specific powers designated in these regulations to the Chief of Plant Industry, and these delegated powers will remain effective until revoked. The Chief of Plant Industry may in writing, also delegate specific powers designated in these regulations to a nominated position within the Department of Natural Resources, and these delegated power will remain effective until revoked.

15. Department - The Department of Natural Resources for the Commonwealth of the Northern Marianas

16. Director - The Director for the Department of Natural Resources, or any employee for the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

17. Division - The Division of Plant Industry for the Department of Natural Resources

18. Disease - A condition caused by a pathogenic organism.

19. Dunnage - Any timber used in stowage of good in conveyances such as vessel or cargo containers.

20. Export - Means to take a thing or cause it to be sent out from the CNMI.

21. First Port of Entry - The seaport or airport in the Commonwealth in which the conveyance or article first enters.

22. Fresh Fruit and Vegetable - Means the edible product of any plant whether attached to the plants or not and includes any peel, skin, shell or seeds, whether edible or not, as well as vegetables.

23. Filler and Greenery - Fresh Foliage used for decoration, such as fern and palm fronds, asparagus fern plumes, pine sprays, willow branches, etc.

24. Garbage - All refuse waste materials derived in whole or in part from plants, fruits, vegetables, or other plants or refuses of any character whatsoever that has been associated with any such material on board any mean of conveyance, an including food scraps, table refuses, galley refuses, food wrappers or packaging materials, and other waste materials from stores, food preparation areas, passenger or crew quarters, dining rooms or any other areas on vessels, aircraft, or other means of conveyance.

25. Goods - Mean any movable property.

26. Graded Timber - A commercial grading of timber strength based on absence of sapwood; absence of bark; degree of sound and unsound knots.

27. Import - Means to bring a thing or cause it to be brought into the CNMI from any place outside the country by any means of conveyance.

28. Importer - Any person who imports goods, and includes passengers on a conveyance.

29. Import Permit - Written or oral authorization issued by authorized officer for the movement into or transfer within the CNMI of any item requiring a permit under these regulations.

30. Inspector - An authorized employee from the Division of Plant Industry, the Division of Animal Health Industry, U.S. Department of Agriculture to perform the Quarantine Inspection Services

31. Infected - Means any condition caused by a plant disease pathogen.

32. Infested - Means presence of plant pests other than disease pathogen.

33. Inspection - The examination of regulated materials, conveyances containers or other articles for the purpose of detecting infestation or contamination with plant pests or diseases. Inspection may involve removal of regulated article or plant materials, goods, soil, or a sample of them to a quarantine station or laboratory where special facilities are available.

34. Inspector - An authorized employee from the Division of Plant Industry's Agricultural Quarantine Inspection Service or the Division of Animal and Health Industry

35. Intermediate Quarantine - The growing of plants intended for consignment to CNMI by an approved oversea authority in an insect proof plant house where the plants are thoroughly screened for plant pests including disease and certified by the responsible authority to the effect that the plants have been grown under insect proof conditions and as far as can be determined are free of plant pests.

36. In Transit - Regulated articles that arrive in the Commonwealth of the Northern Mariana Islands from outside and that are consigned to a destination outside the Commonwealth, but that are transferred from one conveyance to another, irrespective of the duration of the temporary stay in the Commonwealth.

37. Land - Includes any surface area, building, wharf, or port facility.

38. Northern Marianas - The Commonwealth of the Northern Mariana Islands, or any island in this group

39. Noxious Weed - Means any plant which either directly or indirectly causes injury to the health of human beings, Animals, or plants, which declared by notice of the Director to be harmful and subject to Quarantine control or plants listed noxious in 7 CFR 360.

40. Owner - The person, corporate body, or organization responsible for importation and exportation of regulated articles.

41. Person - Shall be construed to mean both singular and plural, and shall include individuals, corporations, companies, associations, and societies.

42. Phytosanitary Certificate - An official or document substantially in the format of the Model Certificate of the International Plant Protection Convention of 1952 stating facts about a plant or plant product and attesting to that article's freedom from pests. The document or certificate must be issued and attested by an authorized plant protection official.

43. Plant - Means all species, varieties, and types of plants or parts thereof including stems, branches, tubers, bulbs, corns, stocks, budwood, cuttings, layers, slips, suckers, roots, leaves, flowers, fruits, seeds, and botanical specimen.

44. Plant Quarantine Permits - Means a written authorization issued by the Chief of Plant Industry for the movement into or transfer within the CNMI of any plants, plant parts for propagative purposes, cultures, or items designated in the regulation as requiring a permit.

45. Plant Material - Means all materials of plant origin, and includes timber and other items manufactured wholly or in part from plants.

46. Plant Pest - Means an organism of animal or plant origin which can directly or indirectly cause injury or damage to plants including any living stage of insect, mite, nematode, snail, slug or other invertebrate animal, bacteria, fungi, virus or similar organism, and includes noxious weeds known, or suspected or liable to be harmful to plants.

47. Quarantine - Means a restriction imposed by duly constituted authorities, whereby the production, movement or existence of plants, plant material, or whereby any other article or material or the normal activity of persons is brought under regulations; in order that the introduction or spread be controlled or eradicated, thereby reducing or avoiding losses that would otherwise occur through damage done by the pest or disease or through a continuing of control measures.

48. Quarantine Area - Any land where a specified quarantine pest or disease is found together with specified adjoining land declared by the Director of Natural Resources to be a quarantine area for a prescribed period of time.

49. Quarantine Pest - Means a pest of potential economic importance to the CNMI endangered thereby and not yet present there or present, but not widely distributed, and being actively controlled.

50. Quarantine Station - Includes a temporary quarantine station, a quarantine check point, a post entry quarantine station, and all facilities and services related to a quarantine station or check point.

51. Regulated Material - Means garbage, soil, plant pest, substances or articles (not being plant or plant material) and other materials for the importation or movement of which is prohibited or regulated under the provisions of the law or any regulations made thereunder.

52. Re-Ship or Re-Export - In relation to any imported plant, plant material, or regulated material, means to remove, or send it out from the CNMI by vessel or aircraft as a means of removing the pest risk.

53. Seed - The ripened ovule of plant, enclosing a rudimentary plant and food necessary for its termination.

54. Soil - Means the loose surface materials of the earth in which plants grow and which may serve to harbour plant pests, in most cases consisting of disintegrated rock with an admixture of organic material, and soluble salt.

55. Timber - Includes logs, branchwoods, firewoods, barks, and all woods which have been split, hewn, sawn, or dressed, but not otherwise manufactured, including pre-fabricated building units, poles wooden cases or boxes, and the like.

56. Treatment - Means the employment of remedial measures to ensure removal of injurious or objectionable materials or the elimination, sterilization, or killing of any plant pest for the avoidance of contamination including among other measures such as cleaning, incineration disinfection, disinfestation of plants, plant materials and/or regulated materials or re-shipment thereof.

57. USDA - The United States Department of Agriculture

1.4 - Gender, Plurals, Etc.

Unless, it shall clearly appear from the context to the contrary, the use of any gender shall include all genders. The plural shall include the singular, and the singular shall include the plural.

1.5 Precedence of Federal Regulations over CNMI's Regulations

The CNMI's regulations shall not conflict with or compromise any federal regulations. The importation of domestic plants into the CNMI from foreign countries and the U.S. are subject to the regulations of the U.S. Department of Agriculture, and the CNMI's regulations. In case of conflict between federal regulations and CNMI's regulations, the Director of Natural Resources shall make a determination as to which regulations shall applied.

PART 2

GENERAL REQUIREMENTS

2.1 Port of Entry

No plants, plant materials, or regulated materials may be imported into the CNMI except through:

Airport at:

Saipan: Saipan International Airport

Rota : Rota International Airport

Tinian: Tinian Airport

Seaport at:

Saipan: Saipan Harbor

Rota : Rota Harbor

Tinian: Tinian Harbor

2.2 Inspection of Plants or Parts Thereof, Regulated Materials and Conveyances

All plants or parts thereof; entering the CNMI are subject to inspection by the Quarantine Inspectors. These plants or parts may be refused entry into or movement within the CNMI, if they are known to be, or are suspected of being infected, or infested with diseases or pests of quarantine significance. In addition, all aircrafts and vessels entering the CNMI or moving within the CNMI, and their cargoes including baggages, ships stores, and ballasts, are subject to inspection by the Quarantine Inspectors for the purpose of enforcing the quarantines, procedures, and controls. It shall be unlawful for any one to interfere with or to refuse the submission of the above-mentioned inspections.

2.3 Required Declaration and General Prohibition

Every person entering the Commonwealth shall be required to make a written declaration in respect of plants, plant materials, soil, cultures, or other things subject of these regulations

No person may introduce into the CNMI any plant, plant material, or any other things subject of these regulations, unless, the provisions of these regulations have been duly complied with in respect of plants, plant materials, or other regulated materials.

2.4 Availability of Manifests and Movement Information

Cargo manifests and other similar documents concerning aircrafts and vessels travelling into or within the CNMI will be made available to the Quarantine Inspectors upon request. Those authorities having information as to the movement of aircrafts and vessels will furnish such information to the Inspectors upon request.

2.5 Plant Quarantine Permits

Plant Quarantine Permits are required as a condition of entry into the CNMI. Both oral and written permits are required for shipments of more than 12 plants; plants requiring treatment as a condition of entry; and plants requiring post-entry growing. Application forms for Plant Quarantine Permits

can be secured from the Plant Industry at Kagman or other Plant Industry facilities on other islands. Application of permit for the international importation of plants or plant products (PPQ Form 587) can be obtained from the listed address above, or from PPQ APHIS USDA, Box 87679, Tamuning Guam 96911. On the application form, the imported plants must write the names (common english name, if any, and preferable the scientific name) and quantities of each item to be imported or moved within the CNMI. The place or origin and destination of plants must also be specified on the application form.

Plant Quarantine Permits are required for those plants and cultures which are allowed entry into the CNMI. The conditions of the granted entry for plants will be specified on the permit, and must be compile with, otherwise, the permit becomes invalid. Permit may be issued for a single entry or multiple entries as necessary to facilitate commerce.

In general, permits will be issued only for each separate importation. However, in special approved cases by the Chief of Plant Industry, the continuing permits for a stated period may be issued. Permits are required for the import of raw timber.

2.6 Quarantine of Infested of Infected Articles

If the Inspector is not satisfied with the imported plants from pests free, he shall advise Customs that plants, plant materials, and/or goods are to be held under quarantine control. The Inspector shall not release the plants, plant materials, and/or goods, until any quarantine pest has been eliminated.

2.7 Quarantine Seal

Upon arrival in the Commonwealth a Quarantine Inspector may place a Quarantine Seal on any container or package of imported goods for subsequent quarantine inspection. Any person interfering with these seals without authority of a Agriculture Quarantine Inspector is guilty of an offense.

2.8 Treatment

If the Inspector detained the imported plants, plant materials, and/or goods of the evidence of infection, infestation, suspected infection, or suspected infestation, he/she may order a treatment as prescribed at the importer's expense.

2.9 Release/Clearance of Plants, Plant Materials, or Goods

With the compliance of all other requirements in these regulations for imported plants and the subsequent satisfactory conclusion of the prescribed treatment, the Inspector shall advise the importer or owner for the release of quarantined items with the amount of fee to be paid for the services.

2.10 Approved Places for Quarantine to take Place

When goods have been ordered into or placed in quarantine, the Chief of Plant Industry may, in writing, approve the place other than a quarantine station as a place where quarantine of plants, plant materials, or goods may take place. Any quarantine action may be undertaken at such an approved place as an Inspector may direct.

2.11 Transport, Storage, Unpacking, and Treatment at Importers Expense

Prior to the release of any imported plants, plant materials and/or goods, the importer or owner may be required by the Chief of Plant Industry to provide for or to meet the cost of transport, unpacking, security, storage, and treatment as prescribed including cleaning and sorting.

2.12 Seizure and Destruction

Any nonenterable plants, plant products, or regulated materials without a permit may be seizured by an Inspector, and treated by order of the Chief of Plant Industry, or re-shipped in accordance with directions of the Chief for Plant Industry.

2.13 Disposal of Plant Material Carrying or Believed to be Carrying a Plant Pest

The Chief of Plant Industry shall order the destruction of the consignment of imported plants, plant materials, or goods, if the Quarantine Inspector believes, the following: (a) any plant or regulations, but on examination or re-examination to be carrying or liable to be carrying a plant pest or disease; (b) if the Quarantine Inspector believes in his opinion that the plants pest or disease cannot be effectively treated to eradicate the plant pest or disease; and (c) if within a specified period of notification designated by the Chief of Plant Industry, the importer has not re-exported or re-shipped the plants, plant materials, or goods.

2.14 Any Plants, Plant Materials, or Goods Returned Back Into Quarantine

An Inspector may examine plants, plant materials, or goods that have been released from quarantine. If the Inspector in his/her opinion after re-examination feels that there is a danger of spreading a plant pest, the Chief of Plant Industry may order the plants, plant materials, or goods back into the quarantine. The owner shall immediately fulfill the instructions issued by the Inspector, and the owner shall meet all costs.

2.15 Quarantine Forms

The Chief of Plant Industry may devise forms with the approval by the Director of Natural Resources which are to be used by importers desiring to import plants and plant materials including agricultural and forestry seeds, fruit, vegetables, and tissue cultures

2.16 Department Permit

Plants, plant products, and goods specifically prohibited by these regulations may be imported under a permit issued by the Director. This permit will specify measures to prevent the entry or dissemination of plant pests.

2.17 Inspection and Treatment for Conveyances Arriving into CNIM

Immediately, upon arrival of any conveyance from overseas, the Quarantine Inspector shall board the conveyance. He/She may undertake an inspection of its cargoes, baggages, and provisions, and he/she may order treatment where necessary.

No person shall enter the conveyance, or remove any baggage or cargo from the conveyance without the authority of the inspector, or until the inspection, examination, or treatment is completed.

The inspection and treatment may include:

(a) Inspection of conveyance, its cargoes and stores as well as treatment, if necessary at the expense of the owner of the conveyance; and

(b) Spreading of every compartment of any conveyance as prescribed.

In the case of a conveyance entering an undeclared port, all costs associated with the Quarantine Inspection are to be met by the owner.

2.18 Official Introduction

Official importations by the Chief of Plant Industry under the approval of the Director for the Department of Natural Resources are exempt from the prohibitions and restrictions hereafter in these regulations. Such importation are subject to a measure prescribed by the Chief of Plant Industry to ensure absolute prevention of entry, and dissemination of plant pests.

2.19 Quarantine for Live Plants

In lieu of Post-Entry Quarantine for live plants, the Chief of Plant Industry may prescribe a period of intermediate quarantine at an approved location oversea, where the plant material is to be established and screened, as if undergoing Post-Entry Quarantine.

2.20 In Transit Material

Any plant or other quarantine material in transit through the Commonwealth of Northern Mariana Islands on aircrafts or vessels, will be kept aboard such aircraft or vessel under secured conditions while in port or on any island of the CMI, unless such material is otherwise enterable. If it is necessary to transfer such quarantine material from one vessel or aircraft to another, such transfer will be made under the direction of the quarantine inspector with safeguard as deemed necessary.

2.21 Contraband Material

Anything attempted to be entered into or transported within the CNMI in contravention of the quarantine, procedures, and controls will be seized by the

Quarantine Inspector, and destroyed by fire or other appropriate means, or returned to its place of origin, or re-shipped out from the CNMI at importer's expense.

2.22 Disinsection

Any aircraft or vessel that is known to be harbouring or suspected to be harbouring insects or other agricultural pests at a reasonable ground will be subject to spraying with insecticides and other treatment as deemed necessary by the quarantine inspector after passengers, and cargoes are released.

2.23 Exclusion of Liability

Neither the Director of Natural Resources nor the Chief of Plant Industry nor any Inspector shall be liable for any loss or damage resulting from exercise of powers under these regulations.

PART 3

REGULATIONS CONCERNING ENTRY OF PLANTS, PLANT MATERIALS, REGULATED MATERIALS, GOODS, PESTS INTO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

3.1 Import Permit

Import Permit is required for the importation of regulated articles. Importation permit is not required for all non-regulated articles. However, these non-regulated articles are subject to inspection upon arrival. Persons interested in importation of plants and plant products into the CNMI should contact: The Chief of Plant Industry, Department of Natural Resources, Kagman Agriculture Station, Saipan, MP. 96950.

3.2 Certificates

A. Phytosanitary Certificates are required for the importation of:

- rooted plants and seedlings.
- cuttings and grafts of woody plants, ornamental plants, and other horticultural plants.
- cut flowers.
- flower bulbs, corns, tubers, rhizomes, and other vegetative plant propagating materials.
- fresh fruits of regulated plants.
- seeds meant for propagation purposes.
- soil

B. Phytosanitary Certificates must be issued by the Plant Protection Service from country origin of the plants.

C. The certificate issued is not more than 60 days before the dispatch of the consignment, and must be made up in english language.

D. If the consignment imported into the CNMI is not the country of origin, the consignment shall be accompanied by a Phytosanitary Certificate for the country of origin, or an authorized copy therefore, together with a declaration or re-export, issued by the country from where it was dispatched.

3.3 General Shipping Requirements

Each shipment of plants into the CNMI shall be marked to show name and address of the shipper or owner, name of consignee, contents, and place of origin for the grown contents. Any person transporting, receiving, or importing into the CNMI of any plant, product, or soil must have an import permit.

At the port of entry, all shipments of plants and plant product regulated by these regulations will be examined, if the shipments are found infested with any pest liable to be detrimental to agriculture. These shipments shall be destroyed, treated, or processed at the owner's expense. All shipped plants into the CNMI must be free of soil.

3.4 Plant Materials Subject to Inspection and Disposal

All florist's stocks, trees, shrubs, vines, cuttings, grafts, scions, buds, fruits and seeds of fruit, forest and ornamental trees or shrubs, and other plants and plant products in the raw or unmanufactured state, are subject to inspection upon arrival in the CNMI.

3.5 Living Insects and Plant Diseases

It is prohibited to ship or transport any live insects, plant pathogents and all other plant pests into the CNMI. Such shipment shall be authorized prior to transport under written permit and regulations of the Plant Industry. Any unauthorized shipment shall be destroyed immediately, unless it is determined by the inspecting officer of its harmless nature on its contents to the agriculture in the CNMI.

3.6 European Corn Borer - (Ostrinia Nubilalis)

A. Regulated Products - Corn, broomcorn, sorghums, and sudangrass plants and all parts therefore, including seed and shelled grain, stalks, ears, cobs, fragments and debris; beans in the pod beets; celery, peppers (fruit); endive; swiss chand rhubarb (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnis, japanese hop, dallia (except tubers without stem), and gladiolus (except corns without stems.

B. Shipping Requirements - Regulated product must be certified as meeting the following requirements:

1. Shelled grain and seeds or corn, broom-corn, sorghums and sudangrass grown in or shipped from the infested area must be fumigated in a manner approved by the U.S. Department of Agriculture. Fumigation certificates must include the date, dosage schedule and kind of fumigant used; otherwise the grain will be subject to inspection and possible rejection upon arrival.

2. Shelled grain or seed grown in and shipped from countries under quarantine, but not in the infested area shall be accompanied by country of origin certificate affirming that it was produced in a country where European corn borer is not known to exist, and that its identity has been maintained to eliminate risk of contamination with regulated products from infested area. The certificate shall show the kind and quantity of commodity, and the name and address of shipper or consignee.

3. Stalks, ears, cobs, or other parts of corn, broomcorn, sorghums, and sudangrass, as such, or as packing or otherwise, from the infested area shall be sterilized or disinfected in a manner approved by Chief of Plant Industry or the U.S. Department of Agriculture. Certification shall show the date and full particulars of the treatment given.

4. Stalks, ears, cobs, or other parts of corn, broomcorn, sorghums, and sudangrass grown in and shipped from countries under quarantine, but not in the infested area shall be accompanied by country of origin certificate affirming that they were produced in a country where European corn borer is not known to exist, and that their identify has been maintained to eliminate risk of contamination during handling or storage with regulated products from the infested area.

5. Vegetable and ornamental plants and plant products, beans in the pod; beets; celery; peppers (fruit); endive; swiss chand; rhubard (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, holly-hock, marigold zinnia, Japanese hop, dehlia (except tubers without stems), and gladiolus (except corns without stems) produced in or shipped from the infested area shall be accompanied with the U.S. Department of Agriculture Certificate affirming that they were inspected, or that the greenhouse or growing grounds where they were produced were inspected, and found free and European corn borer; or that they were fumigated in a manner approved by the Chief of Plant Industry, and U.S. Department of Agriculture. Fumigated certificate shall show the date and method of treatment. These special restrictions on the movement into the CNMI of the above regulated plants, plant products cut flowers do not apply when produced in and shipped from any country <u>not</u> in the infested area.

   a. <u>Manufactured or Processed Products</u> - Regulated products are exempted from the restrictions of the quarantine when so processed or manufactured as to eliminate infestation by the borer.

3.7 Citrus Virus Diseases

Shipment into CNMI of any and all kinds of citrus trees and parts thereof, including budwoods and scions (but not seed) is prohibited. The citrus nursery stock accompanied by an Inspection Certificate may be admitted, when shipped from Washington, D.C. by the Agricultural Research Services, U.S. Department of Agriculture, and certified virus free sources in U.S. or the orient. This regulation does not apply to citrus fruits.

3.8 Oriental Fruit Fly (Dacus dorsalis)

a. Infestation Area - See the current listing from the Division of Plant Industry.

b. Hosts - Tomatoes, mangoesteen, guava, Averrhoa carambola, Cananga adorata, Eugenia sp., mangoes, pineapple, bell pepper, citrus fruits, bananas, green peppers, grapes, ponalog, avocado, papaya, figs, persimmons, loguats, bananas, Solanum sp., Carcicnia sp. All fruits listed above and other fruits reported as host of oriental fruit fly are prohibited entry into the CNMI from the infested countries.

3.9 Mediterranean Fruit Fly (Ceratitis Capitata)

a. Infested Area - See the current listing from the Division of Plant Industry.

b. All fruits and vegetables except noncooking type bananas, pine apples, taro, and coconuts are prohibited entry into the CNMI from the infested areas of countries.

3.10 Mexican Fruit Fly (Anastrepha Ludens)

a. Infested Area - See the current listing from the Division of Plant Industry.

b. All citrus fruits except lemons and sour limes, yellow chapote, sapodilla, cherimoya, custard apple, white sapote, rose apple (Eugenia), jinicuil, plum, maney, mango, peach, guava, pomegranate, pear, apple, quince, and avocado are prohibited entry into the CNMI from the infested areas of countries.

3.11 Diseases and Insects of Onions

a. Infested Area - See the current listing from the Division of Plant Industry.

b. Green Onions and Allium spp. from the countries infested with tip die back disease, Mycosphaerella Schoenoprasi and the leaf miner of onions, are prohibited entry into the CNMI with tops.

3.12 Coconut Diseases and Insects

a. Infested Area - See the current listing from the Division of Plant Industry.

b. The importation of red ring, lethal yellowing (kaincope), Cadang-cadang, kerals wilt, leaf sorch, little leaf, and Malaysian wilt for planting materials are prohibited importation into the CNMI. (See up-date listing.)

c. The importation for all parts of the coconut trees except without husk are also prohibited into the CNMI for the occurence of coconut lispid, Brontispa sp. (See up-date listing.)

3.13 Banana Diseases and Insects

a. Infected Area - See the current listing of infested countries, bunchy top, bacterial wilt, burrowing nematode, and banana scab moth from the Division of Plant Industry.

b. Shipment into the CNMI of any and all kinds of Musa spp. (bananas and plantains) and Heliconia spp. plants or parts thereof, including rhizomes (but not fruit) is prohibited into CNMI from any country except nursery stock from the U.S. with the certification by State Department of Agriculture or USDA as being free of banana scab moth (Nacoleia octasema), Panama disease (Fusaninm oxysporum F. Cubense), bacterial wilt (Pseudomonas Solanacearum), burrowing nematode (Radoplolus Similis), and bunchy top virus disease, or as otherwise permitted by the Chief of Plant Industry.

3.14 Sweet Potato Insects and Diseases

a. Infected Area - See the current listing of infested countries from the Division of Plant Industry.

b. The sweet potato borer, Omphisa anastomosalis is a serious pest of sweet potatoes. The larvae damage both roots and vines, and may kill the plants.

c. In order to prevent the spread of sweet potato virus diseases and Southern Blight caused by Pellicularia Rolfsii (sym. Sclerotium Rolfsii) importation of sweet potato roots and vines for planting and propagation is prohibited except from the mainland, United States with accompanied Phytosanitary Certification issued by the State or USDA. The Phytosanitary Certificate shall state that sweet potato material is free from southern blight and virus diseases.

3.15 Taro for Planting and Propagation

It is forbidden to import the root or stem portions of taro (Colocasia, Alocasia, and Cyrtosperma spp.) from planting or propagation except from Hawaii and the mainland, United States with accompanied Phytosanitary Certificate issued by a state or USDA. The Phytosanitary Certificate shall state that taro is free from the southern blight caused by Pellicularia Rolfsii (sym. Sclerootium Rolfsii).

3.16 Queensland Fruit Fly (Dacus tryoni)

a. Infested Area - See the current listing from the Division of Plant Industry.

b. Hosts - Papaya, sour orange, lemon, grape fruit, mandarin orange, sweet orange, guava, cashew, cucumber, quince, persimmon, banana, loguat, fig, tomato, apple, mango, mulberry, apricot, peach, sour cherry, garden plum, nectarine, pear, grape, and Rubus sp.

c. All the fruits listed as hosts for the Queensland Fruit Fly are prohibited entry into the CNMI from the current listing.

3.17 Melon Fly - (Dacus cucurbitae)

a. Infested Area - See current listing from the Division of Plant Industry.

b. Hosts - Memordiza Charantia, Luffa Cylindrica and other plant materials belonging to the family cucurbitaceae, Citrullus Vulgaris, Artocarpus heterophyllus, Baccaurea Angulata, Psidium Guajava, mango, Lageraria Leucantha, Eugenia Javaniza, egg plant, beans, pepper, passion fruit, and tomatoes.

c. Since, the melon fly eradication and surveillance programs are operated in the CNMI, the hosts plant materials of the melom fly from the infested list of countries are prohibited entry into the CNMI.

3.18 Packing Materials

It is prohibited to import into the CNMI all packing materials except wood, wood shavings, sawdust, processed fibers and materials not originating from plants and animals. The clean sphagnum moss may be used as living plant packing material for import into the CNMI. No second, used bags, or any such packing shall be used for the import of any type of goods.

3.19 Construction Materials

Unpeeled saw logs are prohibited entry into the CNMI. Peeled saw logs, lumbers, and wallboards are enterable into the CNMI, only, if examination by an Inspector reveals no termites or boring insects in the log or lumber. Green and dry bamboo poles are prohibited entry into the CNMI. Dry bamboo poles and other bamboo products may be permitted entry into the CNMI, if chemically treated by shellack, varnish, lacquer, or paint. Any manufactured article partly or wholly from timber is liable to inspection by quarantine.

3.20 Stored Dried Products

Stored dried products of human food products and animal feeds are the enterable into the CNMI, but are subject to inspection as conditions of entry. They may be refused entry, if found infested with storage pests and diseases.

3.21 Enterable Fresh Fruits and Vegetables

See the current listing of different countries for all enterable fruits and vegetables from the Division of Plant Industry, or CFR 318.13, or CFR 319.56, as appropriate.

3.22 Entry of Handicrafts made from Plant Material

Provided handicrafts do not contain any material prohibited under these regulations, handicrafts shall also be subject to inspection and treatment as required.

3.23 Live Plants other than Seeds or Tissue Culture

Living plants including cuttings, scions, clones, tubers, roots, or any other portion of a plant included for propagation, except seeds, shall be permitted entry into the CNMI or movement from one island into another, provided, a Plant Permit has been issued. The permit shall state specific requirements of the certification and/or treatment prior to dispatch from overseas.

The entry of planting material (cuttings, budwoods, stocks, tubers, corns, bulbs, suckers) other than seed should be limited to the smallest quantity of propagating material consistent with good horticultural practices and satisfactory establishment of the introduced cultivar.

No live plants shall be introduced unless an import permit has been obtained from the Chief of Plant Industry in advance of arranging the import. The permit shall state specific requirements of certification and/or treatment prior to dispatch from overseas.

If permit has not been obtained for the living plants, they shall be destroyed on arrival, or re-shipped at the owner's expense.

Importation of plants, including rooted cuttings, and any plant division or seedling is limited to soil free plants and plant parts. An approved packing material may be used around the roots of the plant after the soil have been removed. Plants including seeds and seedlings established in a growing medium (except in sterile flasks) are not admitted.

The prescribed treatment in the country of origin may be arranged by the importer. Endorsement on the Phytosanitary Certificate of treatment undertaken is required.

Upon arrival the plants shall be carefully examined. If the plants are treated overseas, the treatment as prescribed shall be applied prior to the release of the plants to the importer.

If insect infestation, nematode attack, or infection with disease is detected, the whole consignment of the particular cultivar is to be destroyed by burning.

The Chief of Plant Industry reserves the right to prescribe intermediate quarantine at an approved overseas location. Such details are to be set out when permit is issued.

3.24 Seeds

Seeds, refers to all seeds other than flower and vegetable seeds in hermetically sealed commercial packets. Seeds include field crop seeds, pasture seeds, forage crop seeds, green manune (cover) crop seeds, and forest tree seeds. All such seeds require a permit. They shall be accompanied by a Phytosanitary Certificate. Other specific documentation may include a seed analysis report from the country of origin specifying foreign seeds and materials. Shipments contained with soil, insects or diseases of quarantine significance, or seeds of plants defined in definition of noxious weed shall be refused entry into the CNMI.

Upon arrival, samples of seed shall be drawn for examination. If necessary, in the opinion of the Chief, treatment shall be applied as prescribed.

All seeds shall be free from injurious extraneous matter including soil, noxious weeds, insects, and diseases such as ergot. They shall also be subject to such conditions as the Chief of Plant Industry considers appropriate to require.

3.25 Flowers

Cut flowers, flower leis, corsages, christmas trees, and floral wreaths are enterable into the CNMI, only, if items are surrended to the Quarantine Inspector. They shall be free of evidence from pests or plant disease symptoms upon examination.

Dry plant materials that have been dried and bleached, dyed or chemically treated, or simply thoroughly dried are subject to inspection as a condition of entry.

Tissue cultures of plants in sterile flasks may be imported on the basis of a permit from the Chief of Plant Industry specifying conditions certification of virus status. They are also subject to inspection on arrival and treatment as prescribed.

3.26 Entry of Non Plant Articles

Non-plant articles contaminated with soil or infested with pests are subject to such treatment, including cleaning as directed by Chief of Plant Industry or as prescribed.

3.27 Entry of Cultures or Organisms

No person shall import any living culture or organism, including parasites, predators, araclnds, molluscs, nematodes, fungi bacteria, viruses, mycoplasma, parasitic, plant organism, plant pests, or other invertebarte animal, unless a specific written permit has been issued by the Chief of Plant Industry in advance of importation and only in compliance with conditions imposed by such permit.

3.28 Garbage

It is prohibited to import garbage into the CNMI. All garbage on board ships and aircraft entering the CNMI shall be incinerated at the port of entry.

PART 4

INTERIM RULES

The department shall have the power to establish, implement, and enforce interim rules governing the transportation of flora and fauna into the CNMI. Any interim rule shall be adopted in the absence of effective rules to protect the health and safety of the public as well as the ecological health of flora or fauna present in the CNMI. No interim rules shall be adopted without such finding by the Director of Natural Resources.

PART 5

EXPORT REQUIREMENT

5.1 Plants

The Chief of Plant Industry may issue Phytosanitary Certificates based on the staff's findings on the plants or plant materials performed at the request of the exporters to aid them in meeting the entry requirements of the importing country.

This certificate shall only be issued for plants or plant materials produced in the CNMI.

The issuances of a phytosanitary certificate in no way releases the importer from compliance with any imported regulations of the consigned country.

5.2 Nursery Stock Export Shipments

The division may certify as to the pest condition or post treatment of shipments when officially required. Fee shall be charged for the certificates.

Any treatment of Nursery Stock required under the provisions of law shall be at the risk and at the expense of the owner. Fees shall be determined at time of inspection.

The division may also issue and authorize the use of Nursery Stock Certificates by any shipper complying with its regulation for nursery inspection. Fees shall be charged for nursery certification. Nursery Stock Certificate shall not be altered or misused.

The department of Natural Resources may revoke or suspend the right to use any Nursery Stock Certificate for failure to comply with requirement for their use.

PART 6

MISCELLANEOUS

6.1 Entry Via the Post Office

Any plant, plant material, and regulated material entering CNMI by means of the postal service is liable to quarantine inspection and treatment, if necessary in accordance with these regulations.

Fees for quarantine permits or any quarantine Services and related activity can be determined by the Chief of Plant Industry, and will be duly published.

PART 7

PENALTIES

Pursuant to Subsection 5329, 2 CMC, Division 5, any person violating any part of these regulations shall upon conviction, be imprisoned for not more than six (6) months or fined not more than TWO THOUSAND DOLLARS ($2,000.00) or both. Under Section 5329(b), the Chief may assess against any person violating any provision of these regulations issued under the following fines:

	Amount of Fine Not more than
First Offense:	$ 100.00
Second Offense:	$ 500.00
Third Offense:	$1,000.00

Fourth & Subsequent Offense: Subject to trial in a Court of Law.

PUBLIC NOTICE

ADOPTED RULES & REGULATIONS FOR ANIMAL QUARANTINE

DEPARTMENT OF NATURAL RESOURCES

After reviewing all the submitted comments, the Director of Natural Resources hereby adopted the proposed rules & regulations for Division of Animal Health & Industry as published in the Commonwealth Register on June 15, 1989. These rules & regulations are adopted pursuant to Public Law 1-8, and 2 CMC, Subsection 2655. They shall be binding to all persons and entities subject with the jurisdiction of the Northern Mariana Islands.

In accordance with 1 CMC, Division 9, Subsection 9105(b), these rules and regulations shall take effect within the (10) days of this public notice.

Aug. 17, 1989
Date

Nicolas M. Leon Guerrero
Director
Department of Natural Resources

NOTISIA PARA I PUBLIKO

MA ADAPTAN I ANIMAL QUARANTINE REGULATIONS I DEPATTAMENTON I

NATURAL RESOURCES

Dispues de mainan todos i man ma submiti siha na rekomendasions yan inepi, i Direktot i Natural Resources ha adopta i ma proponi na Regulasions ni ma publika gi Commonwealth Register gi dia 15 Junio, 1989. Este siha na Regulasions man ma adopta segun i Lai Publiku 1-8, yan 2 CMC, Subsection 2655. Todos este siha na Regulasions, osino Lai i Publiku, man inebliga todos petsonas yan enteramenti tinetika i man gaige gi halom i Linderun i Gobietnamenton i Commonwealth of the Northern Mariana Islands.

Sigun gi halom esti i (1) CMC, Division 9, Subsection 9105(b), esti na Regulasions debide u-efektibo gi halom i dies (10) dias na tiempo desdi esti na Notisian Publiko.

Aug. 17, 1989
Date

Nicolas M. Leon Guerrero
Direktot
Department of Natural Resources

ADOPTED RULES & REGULATIONS FOR ANIMAL QUARANTINE
DIVISION OF ANIMAL HEALTH & INDUSTRY
DEPARTMENT OF NATURAL RESOURCES
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN, MP. 96950

ANIMAL QUARANTINE RULES & REGULATIONS

TABLE OF CONTENTS

ANIMAL QUARANTINE RULES & REGULATIONS

TABLE OF CONTENTS

ANIMAL QUARANTINE RULES & REGULATIONS

TABLE OF CONTENTS

PART 1

GENERAL PROVISIONS

Section 1. Authority

Under the authority granted in (2) CMC, Div. (5), Chapter (3), Article (1), Section 5302 of the Commonwealth Code for the Northern Mariana Islands hereby promulgates regulation concerning control and prevention of animal diseases in the Commonwealth of the Northern Mariana Islands.

Section 2. Purpose

The rules and regulations in this Chapter are designed to protect the agriculture and general well-being of the Northern Marianas' citizens. Animal quarantine measures are promulgated as a means to prevent the introduction of, and the further spread of animal pest and diseases into and within the Northern Marianas. The procedures and controls in this Chapter are designed to spell out the procedures and controls in promulgation, enforcement of Animal Quarantine rules and regulations, and other measures deemed necessary to protect the livestock, poultry, bird and pet industries, and the general well-being of the Northern Marianas' citizens.

Section 3. Definitions

For the purposes of this Chapter, unless context otherwise requires, the following words, phrases, names, and terms shall be construed, respectively, to mean:

1. Accredited Veterinarian - A licensed veterinarian certified by federal and commonwealth animal health authorities to participate in cooperative disease control activities, including execution of health certificates for the interstate and international movement of animals.

2. Animals - Wild animals, domestic animals, poultry, birds, and and hatching eggs

3. Animals products - Any edible or inedible substance derived in whole or in part from an animal.

4. Approved disinfectant - A germicidal agent approved for use in a specific commonwealth animal disease control, and eradication program.

5. Authorizing Official - The Chief of Animal Health & Industry for the Department of Natural Resources, and his designees

6. Birds - Parrots, parakeets, mynahs, sparrows, finches, cockatiels, love birds, canaries, and other feathered life other than poultry, including eggs for hatching

7. Byproduct - Any part of any animal subject to diseases of quarantine concern

8. Carrier - Any vessel, boat, airplane or other conveyance used to transport animals; or its master, commanding officer, owner, local manager, or agent.

9. Cattle - Grades, purebreds, or crosses of the recognized breeds of cattle used in the production of beef and/or milk, and other members of the bovine family.

10. Chief - The Chief of Animal Health and Industry Division for the Department of Natural Resources, or any officer or employee of the Division of Animal Health and Industry to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

11. CNMI - The Commonwealth of the Northern Mariana Islands, or any island in this group; Also referred to as the Northern Marianas.

12. Department - The Department of Natural Resources for the Commonwealth of the Northern Marianas

13. Director - The Director of the Department for Natural Resources of the Northern Marianas Commonwealth Government, or any officer or employee for the department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

14. Division - The Division of Animal Health & Industry for the Department of Natural Resources

15. Dogs and Cats - Members of the canine, and feline families, respectively, that are domesticated.

16. Domestic Animals or Livestock - Horses, mules, asses, cattle, sheep, goats, swine, dogs, cats, and other animals maintained in the domestic state, excluding birds and poultry.

17. Effects - Ropes, halters, harnesses, buckets, stalls, crates, pens, stables, feed, feed bags, leashes, collars, chains, dishes, toys and other objects, equipment and materials used to handle, confine, maintain, accompany, or transport animals.

18. Garbage - All waste material derived in whole or in part from fruits, vegetables, meats, or other plants or animals (including poultry) materials, and other refuses of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on vessel/aircraft, or other means of conveyance.

19. Hatching Eggs - Eggs of poultry and birds used for producing Young.

20. Health Certificate - An official document issued by a licensed or an accredited veterinarian, or an authorized federal or state veterinarian for the state of origin certifying that the animal being shipped is free from external parasites and symptoms or evidence of transmissible disease, and providing all other information and test results required for acceptance by the CNMI.

21. Heifer - A cow that has not had a calf.

22. Horses - Horses, mules, asses, and zebras

23. Infectious, contagious, and communicable diseases - All transmissible diseases of animals

24. Inspection - The examination of any animal or animals, meat, meat products, and animal byproducts prior to or after entry into the Northern Marianas by the Chief of Animal Health and Industry or other Inspectors.

25. Inspector - A veterinarian, livestock inspector, or agricultural quarantine inspector in the Division of Animal Health & Industry and the Division of Plant Industry & Extension Services, or the United States Department of Agriculture

26. Licensed Veterinarian - A veterinarian having a current, valid license to practice veterinary medicine in the state of origin for the animal being certified and shipped.

27. Menagerie and Zoological Animals - Any wild or feral animal maintained in captivity.

28. Northern Marianas - The Commonwealth of the Northern Mariana Islands, or any island in this group

29. Pathogen - Any organism or material capable of producing diseases

30. Permit - Animal Quarantine Permit issued by the Chief of Animal Health & Industry, required for all animals as a condition of entry into the Northern Marianas.

31. Poultry - Chickens, ducks, turkeys, swans, pigeons, doves, pheasants, guinea fowl, pea fowl, quails, grouse, partridges, geese, peacocks, and domestic feathered life generally, of all ages, including eggs for hatching.

32. Quarantine - The isolation of animal or animals on premises or in areas specified by the Chief of Animal Health & Industry Division; the designation given such premises or areas. No animal may be removed from or be added to such premises or areas except as permitted by the Chief of Animal Health & Industry. For dogs and cats, quarantine means confinement for a period of 120 days in the As Perdido Animal Quarantine Facility, or in other quarantine facility that is recognized and approved by the Chief.

33. Rabies-Free Areas - Countries, states, and territories where rabies is not known to exist or occur, or where rabies has been completely eradicated. Only those countries, states and territories recognized by the state of Hawaii and the Chief of Animal Health & Industry as rabies-free shall be so classified, and likewise be accorded with the same status by the Northern Marianas.

34. Rabies-Infected Areas or Rabies Areas - Countries, states and territories where rabies is known to exist or occur. Countries, states, and territories not recognized by the State of Hawaii, and the Chief of Animal Health & Industry as rabies-free areas are considered, and classified as rabies-infected areas or rabies areas.

35. Regulations - The animal quarantine regulations contained in this Chapter, and all applicable regulations of the United States Department of Agriculture, and Animal & Plant Health Inspection Service.

36. Ruminants - All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, ilamas, and giraffes.

37. Shipmaster's Declaration - An official state form which must be completed, and submitted by a carrier providing information on livestock, poultry, birds, pets, and other animals being transported.

38. Swine - Domesticated pig or hog, and all varieties of wild hogs

39. Uniform Methods and Rules - The recommended minimum standards adopted by USDA for the achievement of goals in Commonwealth-Federal animal disease control, and eradication program.

40. USDA - The United States Department of Agriculture

41. Vaccine - A suspension of live, attenuated, or killed microorganisms such as bacteria and viruses used for the prevention or treatment of infectious diseases.

42. Wild or Feral Animals - Zoological menagerie or wild animals, whether mammals, birds, amphibians, reptiles, or fishes, as distinguished from domestic animals, birds and poultry; They also include insects, and mollusks.

Section (4) - Gender, Plurals, Etc:

Unless it shall clearly appear from the context to the contrary, the use of any gender shall include all genders. The plural shall include the singular, and the singular shall include the plural.

Section (5) - Precedence of Federal Regulations over CNMI's Regulations

The CNMI's Regulations shall not conflict with or compromise any federal regulation. The importations of domestic animals into the CNMI from foreign countries and the U.S. are subject to the regulations of the U.S. Department of agriculture, and the CNMI's regulations. In case of conflict between federal regulations and CNMI's regulations, the federal regulations will prevail over the CNMI's regulations.

PART 2

PERMIT REQUIREMENTS

Section (1): Required Permits for Importation

An animal quarantine permit is required as a condition of entry for all animals intended to be introduced, or imported into the CNMI. This permit must be accompanied by such certificates as may be required on the permit. The permit shall only be issued for those animals which offer no pest or disease risk to the CNMI in the judgement of the Chief for Animal Health & Industry. In general, permit will be issued only for each separate importation. However, in special cases approved by the Chief of Animal Health & Industry, continuing permits for a stated period may be issued. The original copy of the animal quarantine permit must always accompany the imported animals during shipment.

Section (2): Importation from Foreign Countries:

Importation of poultry, birds, and domestic animals other than dogs & cats from foreign countries is prohibited. The dog & cats may be imported into the CNMI subject to the animal quarantine regulations and every requirements contained in the regulations wild or feral animals, including menagerie and zoological animals, may be imported into the CNMI Islands, but are subject to any and all applicable laws & regulations of U.S. Department of Agriculture, Animal & Plant Health Inspection Service, and the U.S. Fish & wildlife service of U.S. Department of Interior. All animals from foreign countries that are determined to be enterable may be imported into the Northern Marianas Islands only upon a written permit issued by the Chief of Animal Health & Industry.

Section (3): Importations from the United States

Domestic animals, poultry, birds, and livestock may be imported from the U.S. on its territories only upon a written permit issued by the Chief Animal Health & Industry. All such animals intended for importation are subject to the regulations, and shall comply with the entry requirements contained in this regulations. Only direct shipment of poultry, birds, and livestock from the U.S. mainland, Hawaii, and Guam will be allowed, and accepted in the Commonwealth of the Northern Marianas Islands. Wild or feral animals, including skunks, raccoons, foxes, coyotas, wolves, bats, and the crosses of these animals with domestic animals may be imported into the Northern Marianas, but are subject to any and all applicable laws and regulations of U.S. Department of Agriculture, and Animal & Plant Health Inspection Service, and the U.S. Fish & Wildlife Service of U.S. Department of Interior. Skunks, bats raccoons, foxes coyotes, wolves, and other wild or feral animals of canine and feline families, and the crosses of these animals with domestic animals, are prohibited entry into the Northern Marianas Islands, if they are to be imported as guard or pet animals. Only an established & duly licensed zoo may be allowed to import this listed animals.

Section 4: Importations of other Wild or Feral Animals

All other wild or feral animals, including reptiles, amphibians, insects, shell fish, fishes, crabs, and mollusks maybe imported into the CNMI only upon a written permit issued by the Chief of Animal Health & Industry. They will be subject to any and all applicable laws and regulations of U.S. Department of Agriculture, Animal and Plant Health Inspection Service, and the U.S. Fish & Wildlife Service including the Divisions of the Commonwealth for Fish and Wildlife, and Plant Industry & Extension Services. The Chief of Plant Industry & Extension Services, subject to approval by the Director of Natural Resources may allow the importation of insect pradators for control of plant pests, and disease without any such permit.

PART 3

LANDINGS AND ENTRY INTO THE CNMI

Section 1. Designated Ports of Entry

(a) General

Animals intended to be imported into the Northern Marianas shall be entered only through official, designated Ports of Entry.

(b) Designated Ports of Entry

1. Saipan - The official designated ports of entry for Saipan are the Saipan International Airport, and the Saipan Commercial Port in Puerto Rico.

2. Tinian - The official designated ports of entry for Tinian are the West Tinian Airport, and the San Jose Harbor in San Jose.

3. Rota - The official designated port of entry for Rota are the Rota Airport and Seaport.

(c) Other Ports of Entry

The other ports of entry for both seaport and airport may be used for the purpose of entering imported animal. Permission in writing by the Chief of Animal Health & Industry is required at least thirty (30) days in advance from the date of importation.

Section 2. Landing & Entry of Animals

(a) Responsibility of Local Managers, Agents, Carriers, or Commanding Officers

1. Notify the inspector immediately of the presence on board of animals.

2. Furnish the inspector with a full and complete list of the number and types of animals taken on board from any port outside the Northern Marianas, with the names of the owners, importers or consignees, and the ports of origin for said animals.

3. Furnish the inspector with the carrier's records on the port of calls made within the preceding four (4) months from the date of their arrival in the Northern Marianas.

4. Provide the inspector with death and injury list, if known or available.

5. Furnish a bond in the sum of five hundred dollars ($500.00) per animal on board the vessel as specified by the Director.

   (i) The animals shall be confined on board the carrier in compliance with the inspector's instructions.

6. Furnish the inspector with a written request for disposal of garbage, if a carrier desires to dispose its garbage. However, the provision of this paragraph shall not apply to any carrier desiring to discharge on land garbage derived exclusively from food supplies obtained in the Northern Marianas Islands, unless otherwise prohibited. No foreign or domestic garbage shall be discharged, if a USDA-approved disposal facility is not available or unable to handle the disposal of all garbage within 24 hours of their receipt at the disposal site.

(b) Removal of Animals from Carrier

Animals for entry shall be securely confined on the pier or at the airport in a manner approved by the Chief of Animal Health & Industry or inspector until movement is authorized by him. Animals for transit shall be securely confined on the pier or at the airport in a manner approved by the inspector.

(c) Landing of Animals

No animals shall be allowed entry into the Commonwealth of the Northern Marianas Islands unless all pre-entry requirements have been met. Landing or removal of animals from a carrier for purposes of inspection or quarantine shall not constitute entry into the Northern Marianas Islands. No effects of animals shall be brought into the Northern Marianas Islands unless authorized by the Chief of Animal Health & Industry or Inspector.

(d) Responsibility of Commanding Officer or Master of Carrier

It shall be the responsibility of any carrier arriving in the Northern Marianas Islands and of the local managers or agents of carriers that the provisions of this section and other pertinent and applicable provisions contained in this Chapter are strictly carried out and fully complied with.

Section 3. Manifests & Movements Information

Cargo manifests shall be made available to the Inspector. Those officials or authorities having information as to the movement of aircrafts or vessels shall furnish such information to the Inspector upon request.

PART 4

IMPORTATION OF DOGS AND CATS

Section 1. Entry into the Northern Marianas

(a) No dogs and cats shall be permitted entry into the Northern Marianas unless such entry is in compliance with the requirements generally applicable to the introduction of all classes, types or species of animals into the Northern Marianas, in addition to any special requirements applicable to dogs and cats.

(b) No dogs and cats shall be permitted entry into the Northern Marianas unless all pre-entry requirements and conditions have been met.

Section 2. Carrier Responsibility

(a) It shall be the responsibility of carriers arriving in the Northern Marianas and of the local managers, or agents of said carriers that the provisions of this regulation are strictly complied with.

(b) The local manager, agent, or commanding officer of any carrier arriving in the Northern Marianas with dogs or cats on board shall:

1. Furnish the Inspector with a shipmaster's declaration listing the number of dogs and cats carried on board, the names and addresses of the owners, importers, consignors, consignees and ports of origin. In addition all deaths and injuries of animals occuring enroute must be described on this form as required by the Chief of Animal Health & Industry;

2. Deliver the dogs and cats destined for entry to the Inspector at the designated airport inspection area or, if arriving by surface vessel, confine the animals on board that vessel in secure, escape-proof crates, kennels or cages as required by the Chief of Animal Health & Industry for entry inspection or quarantine; and

3. Confine dogs and cats not destined for entry on shipboard, or at the airline cargo office, in secure crates, kennels or cages within a locked, escape-proof room or compartment.

(i) No other dogs and cats shall be allowed on board except for shipment to a foreign port, outside the Northern Marianas. Once placed on board the carrier for shipment to a foreign ports, these animal shall be confined and shall not thereafter be removed from the carrier except as directed by the Inspector.

(ii) The Chief of Animal Health & Industry may in his discretion, order any dog or cat not destined for entry to be impounded at the As Perdido Animal Quarantine facility.

(iii) The time spent on board or in an airline cargo office shall not be credited against the quarantine period.

c. Dogs and cats abroad a private vessel transiting the Northern Marianas may be permitted to remain on board no longer than seventy-two hours while the vessel is anchored, moored or docked in the Northern Marianas.

d. The owner or master of a transiting vessel with dogs or cats on board remaining in port for less than seventy-two hours shall submit a signed statement witnessed by a representative of the Department of Natural Resources; and attached to the shipmaster's declaration attesting that the animal in question shall be securely confined on board the vessel at all times during the period the vessel remains in port; and no other dogs and cats shall be allowed aboard the vessel during the time, it is in the Northern Marianas.

e. Computation of the seventy-two hours grace period shall be made from the time the vessel first docks, anchors, or moors at any of the designated ports of entry. The grace period shall apply separately for each designated seaport to be visited in the Northern Marianas, and shall not be accumulative. If the grace period is exceeded, the Quarantine Inspector shall be notified immediately, and arrangements must be made to transport the animal to the As Perdido Animal Quarantine facility at owner's or carrier's expense.

f. The Chief of Animal Health & Industry may order any dog or cat permitted to remain on board a vessel under the terms of this section to be impounded at the As Perdido Animal Quarantine facility, if all requirements are not complied with. The time elapsed between arrival of the vessel, and the impoundment shall not be credited against the one hundred-twenty days of quarantine required for entry.

1. Animals impounded on islands other than Saipan shall be transported by air or the most expeditious means of transportation to the As Perdido Animal Quarantine facility.

2. Owner or master shall be responsible for all air freight charges and costs connected with impoundment, transportation, and confinement of the animals. Arrangements shall be made with the transporting airlines or companies to pay the required charges immediately upon impoundment of the animals.

3. Animals that are not shipped to the As Perdido Animal Quarantine Facility because of the refusal of the owners to make these arrangements will be transported at government expense, and all costs, including those for transportation, overtime, and fringe benefits of government personnel handling the animals, shall be added to the quarantine fee.

Section (3) Required Quarantine

All dogs and cats from areas other than those declared to be rabies-free by the State of Hawaii and Chief of Animal Health & Industry shall be confined and quarantined at the As Perdido Animal Quarantine facility for a minimum of 120 days. The Chief of Animal Health and Industry will maintain and publish a listing of rabies-free areas.

Section (4) Dog & Cat from Rabies Free Area

a. Dogs and cats from rabies-free areas may be exempted from the quarantine requirements. In addition to meeting all requirements applicable to dogs and cats, these animals are imported in compliance with the following:

1. That the animals are transported in the same carrier from port or origin to port of destination in the Northern Marianas Islands;

2. That no other animals except dogs and cats of the same origin and health status are transported aboard the carrier;

3. That none of the animals consigned to the Northern Marianas or to ports beyond the Northern Marianas are off-loaded en-route to the Northern Marianas from the country of origin;

4. That the animals destined to the Northern Marianas are accompanied by the following documents:

a. A health certificate issued by an authorized veterinarian certifying the description of each dog or cat and animal examination of free external parasites and symptoms or clinical signs of transmissible diseases.

b. An affidavit containing origin of animal during the 120-days period prior to shipment, direct contact to other animals, accurate identification of the carrier, and statements of port calls.

5. That all dogs and cats shipped to the Northern Marianas from rabies-free areas are shipped in nose-proof and paw-proof containers that must be sealed in such manner that removal of the animals will break the seal;

6. That failure to comply with all of the above previsions for dogs and cats from rabies-free areas will subject the animal in question to quarantine for a minimum period of one hundred twenty days; and

7. That the animals are inspected by the Chief of Animal Health & Industry or an authorized inspector at the time of arrival. Any indication of transmissible disease or the presence and detection of parasites at the time of inspection shall be a sufficient reason to quarantine any or all of the animals in the shipment at the As Perdido Animal Quarantine Station, at owner's or importer's expense, or be refused entry at owner's importer's or carrier's expense.

Section (5) Rabies Vaccination Requirement

I. All dogs and cats originating from rabies infected areas are over three (3) months of age shall be accompanied by a current and valid rabies vaccination certificate dated not more than 12 months prior to entry into the Northern Marianas. Dogs and cats between 3 to 6 months old shall be vaccinated for rabies at this age, but must be revaccinated 12 months from the date of their vaccination. Dogs and cats under 3 months of age need not be vaccinated for rabies.

II. Dogs and cats from rabies-free areas need not be vaccinated for rabies.

Section (6) Health Certificates Required

All dogs and cats entering the Northern Marianas, regardless of their places of origin, shall be accompanied by a current and valid health certificate signed and issued by a licensed veterinarian of their places of origin. The health certificate must be dated not more than two weeks (14 days) prior to the animal's departure for the Northern Marianas. Dogs and cats arriving without a current and valid health certificate may be refused entry by the Chief, subject to his review of the matter. All dogs and cats originating from Africa, Asia, or Islands of the Pacific Ocean (excepting Australia, New Zealand, and Hawaii) shall be accompanied by a certificate from the Chief livestock sanitary officer of their respective country of origin.

Section (7) Removal from Quarantine

At the satisfactory completion of the 120-day quarantine, the Chief shall release all healthy dogs and cats from quarantine upon payment in full of all accrued fees and charges. The dogs and cats may be removed from quarantine prior to the elapse of the 120-days quarantine period provided such animals: (1) are released from the As Perdido Animal Quarantine facility for export from and outside the Commonwealth; and (2) require hospitalization. After the hospitalization, the animals shall be returned to the As Perdido Animal Quarantine facility.

Section (8) Puppies & Kittens Born in Quarantine

Born puppies and kittens in quarantine may remain until their respective mothers have completed their quarantine period. These puppies and kittens born in quarantine, may remain until certain required conditions are meet as follows: (1) They are held in isolation for a minimum period of ten days immediately following weaning at 4 to 8 weeks of age; (2) There are no symptoms of rabies in their mothers during this period; and (3) A fee for each animal shall be charged, and paid in full prior to their release.

Section (9) Disposition of Newborns

I. Puppies and kittens born in quarantine may be released, provided:

   a. They are held in isolation for a minimum period of ten days immediately following weaning at 4 to 8 weeks of age;

   b. There are no symptoms of rabies in their mothers during this period; and

   c. A fee for each animal shall be charged and paid in full prior to their release.

Section (10) Fees and other Charges

The daily fee for feeding, watering, and cleaning of the kennels for each dog and cat undergoing quarantine shall be established by the Chief. A separate fee is also required for the entry permit. This fee is $5.00 per entry for the same species of animal from a rabies-free area, and $10.00 per entry for the same species of animal from a rabies-infected area. The entry permit fee is non-refundable, and is payable in advance . Fees for puppies and kittens born in quarantine shall be charged beginning on the fifth week after birth at the regular adult rate. The Chief shall also establish fee or charges for the

transportation of animals for medical referral or export. Additional charges will be assessed for drugs, medications, supplies and materials, deworming, examinations, vaccinations, treatment for any medical reason, surgery, and other veterinary cares.

ection (11) Quarantine Space Reservation

The quarantine space reservation requires at least thirty (30) days prior to the intended date of importation. A deposit of $50.00 is required to be made out to the Treasury of the Commonwealth for the Northern Marianas Islands in certified check or money order. This deposit is not refundable.

Section (12) Waiver of Liabilities

In applying for quarantine space, the importer or applicant shall waive all claims for liability against the Department of Natural Resources, the Division of Animal Health and Industry, the employees thereof, and the Government of the Northern Mariana Islands. The Northern Marianas Government, and its employees will not bear, accept, assume, or be held responsible, or liable for health cares and safety of the animals during the quarantine period.

PART 5

IMPORTATION OF CATTLE

Section 1. Importation - General

The entry of cattle into the Northern Marianas shall comply with all requirements applicable to the introduction or importation of all classes, types, or species of animals into the CNMI. The original copy of the permit shall accompany the animal shipment. Importations of cattle from areas under the jurisdiction and control of the U.S. are subject to the rules of the department and federal regulations. All shipments of cattle are not allowed to be diverted to any foreign country, including the Marshall Islands Republic, Palau Republic, and the Federated States of Micronesia. Only direct shipments from the U.S. mainland, Hawaii, and Guam are allowed and accepted.

Section 2. Entry Status on Imports

No cattle shall be allowed entry into the CNMI without the accompanied valid health certificate and compliance of all entry requirements. Landing or removal of animals from a carrier for purpose of inspection or quarantine shall not constitute entry into the CNMI. No effects of animals shall be brought into the CNMI without the authorization of the Chief or authorized Inspector.

Section 3. Carrier Responsibility on Importation

a. Carriers shall be responsible for the submission of the carrier's declaration to the department. The informations are as follows:

   1. Name and address of owner, importer, consignor, consignee, and port or origin for the animals;

   2. Number of animals on board, including those born en-route; and

   3. Number of animals which has died or injured during en-route with the circumstances of deaths or injuries.

b. Carriers shall be responsible for securely confining cattle for entry at the pier or airport until movement is authorized by an Inspector. Cattle in transit to ports beyond the CNMI shall not be off-loaded for any purpose unless authorized by the Chief.

c. Carriers shall not off-load, and dispose manure except under the supervision of an inspector.

Section 4. Use of Quarantine Station Facilities

(a) Owners of held cattle at an official or authorized quarantine station for any reason shall provide basic needs and cares of the stock; clean the pens during and after removal of animal; and remove promptly any dead animal from the quarantine station grounds as instructed by the Chief.

(b) All incurred costs from subsection 4(a) shall be charged to the owner.

Section 5. Preshipment Entry Requirements

The shipment of cattle for entry shall be accompanied by an official health certificate issued by an accredited veterinarian with endorsement of the State or Federal Veterinary Medical Officer within 14 days of shipment date. The health certificate shall contain a description of each animal, and certify the health of the animal.

Section 6. Post-Shipment Entry Requirements

The post-shipment of cattle for entry shall be held in the approved quarantine station or facility to be tested for tuberculosis, brucellosis, and any other transmissible disease. While in quarantine, they shall be spread or dipped with USDA-approved pesticide. The cattle may be quarantined for any deficiency in the health certificate covering the shipment.

Cattle will be released from quarantine, if negative result from the testing procedures, no symptoms of transmissible disease, and free of external parasites. The owner, importer, or consignee shall furnish the Inspector with information on location of each animal on shipment.

All expenses in connection with the examination, testing, treatment, and destruction or disposal of cattle in the quarantine shall be borne by the owner, or consignee.

PART 6

IMPORTATION OF SHEEP AND GOATS

Section 1. Importation - General

(a) No sheep or goats shall be permitted entry into the Commonwealth of the Northern Marianas Islands until in compliance with all general requirements for the introduction or importation of all classes, types, or species of animals.

(b) An advanced issued animal quarantine permit by the Chief is required as a condition of entry for sheep or goats. The original copy of the permit shall accompany the animal shipment.

(c) Importation of sheep or goats from areas under the jurisdiction and control of the U.S. are subject to the rules of the department, but shall not violate any federal regulations. Only direct shipments from the U.S. Mainland, Hawaii, and Guam are allowed and accepted.

Section 2. Entry Status on Import

The entry of sheep or goats into the CNMI shall be accompanied with the valid health certificate, and in compliance with all entry requirements. The landing or removal of animals from a carrier for the purpose of inspection or quarantine shall not constitute an entry into the CNMI. The effects of animals shall not be brought into the CNMI unless authorized by the Chief or his Authorized Inspector.

Section 3. Responsibility of Carrier on Importation

(a) Upon arrival, the transporting carrier shall submit a shipmaster's declaration to the department providing the following informations:

1. Name and address of owner, importer, consigner, consinee, and port of origin for the animal;

2. Number of animals on board, including those born en-route; and

3. Number of death and injury of animals with the circumstances of death and injury.

(b) Carrier shall be responsible for security of sheep or goats at the pier or airport until authorization is granted by the Inspector. Sheep or goats in transit to ports beyond the CNMI shall not be off-load for any purpose unless authorized by the Chief.

(c) Carrier shall not off-load and dispose of manure except under supervision of an Inspector.

Section 4. Use of Quarantine Station Facilities

(a) Owner of sheep or goats at an official or authorized quarantine station shall have the responsibilities as follows:

1. Provides feed, water, and care for stock;
2. Cleans pens during and after removal of animals; and
3. Prompt removal of any dead animal from the quarantine station grounds as directed by the Chief.

(b) The quarantine may assume these responsibilities at the cost of the owner.

Section 5. Preshipment Entry Requirement

The shipment of sheep and goats for entry shall be accompanied by an official health certificate issued by an accredited Veterinarian with endorsement of the State or Federal Veterinary medical officer within 14 days of shipment date. The health certificate shall contain a description of each animal, and certify the health of the animal.

Section 6. Post-Shipment Entry Requirements

(a) Imported sheep or goats shall be inspected by the Chief or Authorized Inspector prior to the granted entry into the CNMI. Any indication of transmissible disease or the presence of external parasites at time of inspection shall be sufficient reason to quarantine and animal on the shipment at the premises approved by the Chief. The animal may also be quarantined for any deficiency on the health certificate.

(b) All expenses in connection with the quarantine treatment, and destruction or disposal of the quarantined sheep or goats shall be borne by the owner, importer, or consignee.

PART 7

IMPORTATION OF SWINE

Section 1. Importation - General

For swine, the general importation of rules and regulations are the same requirements on Part 5, Section 1. Please, refer to Part 5, Section 1.

Section 2. Entry Status on Import

The requirements for swine are the same rules and regulations on Part 5, Section 2.

Section 3. Responsibility of Carrier on Importation

The responsibilities of the carrier on swine importation are the same assignments on Part 5, Section 3.

Section 4. Use of Quarantine Station Facilities

The procedures on the use of quarantine facilities are the same requirements on Part 5, Section 4.

Section 5. Preshipment Entry Requirement

The preshipment entry requirements are the same criterias as Part 5, Section 5.

Section 6. Post-Shipment Entry Requirement

The preshipment entry requirements are the same criterias as Part 5, Section 6.

PART 8

IMPORTATION OF HORSES

Section 1. Importation - General

For horses, the general importation of rules and regulations are the same requirements on Part 5, Section 1. Please, refer to Part 5, Section 1.

Section 2. Entry Status on Import

The requirements for horses are the same rules and regulations on Part 5, Section 2.

Section 3. Responsibility of Carrier on Importation

The responsibilities of the carrier on horse importation are the same assignments on Part 5, Section 3.

Section 4. Use of Quarantine Station Facilities

The procedures on the use of quarantine facilities are the same requirements on Part 5, Section 4.

Section 5. Preshipment Entry Requirement

The preshipment entry requirements are the same criterias as Part 5, Section 5.

Section 6. Post-Shipment Entry Requirement

Horse for entry shall be treated for external parasites by the owner or importer under the supervision of an Inspector, and inspected by the Chief or an Authorized Inspector upon arrival. This horse may be quarantined or refused entry for any deficiency on the health certificate. Any indication of transmissible disease or parasites at the time of inspection shall be sufficient reason to refuse entry on quarantine any animal on shipment. All expenses in connection with the segregation, treatment, destruction, and disposal of the quarantine animal shall be borne by the owner, importer, or consignee.

PART 9

IMPORTATION OF POULTRY, BIRDS AND HATCHING EGGS

Section 1. Importation - General

For importation of poultry, birds, and hatching eggs, the general rules and regulations are the same requirements on Part 5, Section 1. Please, refer to Part 5, Section 1.

Section 2. Entry Status on Import

The requirements are same rules and regulations on Part 5, Section 2.

Section 3. Responsibility of Carrier on Importation

The responsibilities of the carrier on poultry, birds, and hatching eggs importation are the same assignments on Part 5, Section 3.

Section 4. Use of Quarantine Station Facilities

The procedures on the use of quarantine facilities are the same requirements on Part 5, Section 4.

Section 5. Cage on Container

All shipments of cages and containers shall be throughly cleaned and disinfected to the satisfaction or the accredited veterinarian issuing the health certificate.

Section 6. Preshipment Entry Requirement

(a) The shipment of day-old poultry and hatching eggs shall be accompanied by the informations as follows:

1. Description of the day-old poultry on hatching eggs;

2. Statement of pullorum-clean rating for the originated flock of the day-old poultry or hatching eggs in accordance with accepted federal or state standards;

3. Statement of free symptoms from transmissible diseases for sixty days prior to date of shipment;

4. Statement of vaccination for any disease on the day-old poultry except marek's disease and fowlpox, and other conditions.

(b) The shipment of chickens and turkeys shall be accompanied by a health certificate issued by the accredited veterinarian, and endorsed by a State or Federal Veterinary Medical Officer at the state of origin. The health certificate shall contain the informations as follows:

1. Declaration of the issuing veterinarian;
2. Description of chickens on turkeys (including list of leg or wing band numbers);
3. Declaration of chickens or turkeys (include rating of pullorum-typhoid disease and live virus, and borad-spectrum dewormer).

(c) For all other birds and poultry, the shipment shall be accompanied by an official health certificate issued by an accredited Veterinarian of the state. The health certificate shall include the descriptions of the poultry or birds, including leg or wing band numbers, declaration of free ectoparasites and symptoms of transmissibled disease or evidence of recent exposure to disease, and declaration of vaccination within sixty-days period before shipment.

Section 7. Post- Shipment Entry Requirement

The shipment of all poultry, birds, and hatching (viable) eggs for entry shall be inspected by the Chief or Authorized Inspector. Failure to comply with the requirements, and any deficiency on health certificate shall be suficient reason to refuse entry or place under quarantine. All expenses in connection with the testing, segregation, treatment, destruction, and disposal of quarantine poultry shall be borne by the owner, importer or consignee.

PART 10

IMPORTATION OF MENAGERIE, ZOOLOGICAL AND OTHER ANIMALS

Section 1. Importation - General

(a) The importation of menagerie, zoological, and other animals (including wild or feral animal) for entry into the CNMI shall comply with all requirements applicable to the introduction or importation of all classes, types, or species of animal.

(b) An advanced animal quarantine permit issued by the Chief is required as a condition for entry of menagerie, zoological, and other animals for importation into the CNMI. The original copy of the permit shall accompany the animal shipment.

(c) The importations of menagerie, zoological, and other animals from areas under the jurisdiction and control of the U.S. are subject to both local and federal rules and regulations.

Section 2. Entry Status on Import

All menagerie, zoological, and other animals shall be accompanied by a valid health certificate, and in compliance with all entry requirements. Landing or removal of animals from a carrier for purpose of inspection or quarantine shall not constitute entry into the CNMI. No effects of the animals shall be brought into the CNMI unless authorized by the Chief or Inspector.

Section 3. Responsibility on Importation

(a) The carrier shall submit the declaration to the department for transporting menagerie, zoological, and other animals upon arrival through any authorized port in the CNMI. The informations on the declaration shall include the data as follows:

1. Name and address of owner, importer, consignor, consignee, and port of origin for animal;

2. Number of animals on board, including those born en route; and

3. Number of dead or injured animals with circumstances.

(b) Carrier shall be responsible for the security of menagerie, zoological, and other animals at the port of entry until movement is authorized by an Inspector. Transit of such animals beyond the CNMI shall not be off-loaded for any purpose unless authorized by the Chief.

(c) Carrier shall not off-load, and dispose of manure except under the supervision of an Inspector.

Section 4. Use of Quarantine Station Facilities

The procedures on the use of quarantine facilities are the same requirements on Part 5, Section 4.

Section 5. Preshipment Entry Requirement

All Menagerie, zoological and other enterable animals shall be accompanied by an official and valid health certificate issued by an accredited Veterinarian within 14 days before shipment. The certificate shall certify the descriptive data of each animal as follows:

1. Description of free external and internal parasites and symptoms of transmissible diseases;

2. All preshipment requirements are in compliance with the entry criterias; and

3. All such animals with rabies shall only enter the CNMI on the available facility.

Section 6. Post-Shipment Entry Requirement

(a) All menagerie, zoological, and other animals shall be subject to inspection by the Chief or Authorized Inspector. Any indication of transmissible disease or failure of compliance with all preshipment requirements shall have a sufficient reason to refuse entry or quarantine the animal.

(b) Animal with imposed follow-up testing requirement shall be held at the premises under quarantine until its completion and clearance from such testing.

(c) All expenses in connection with the segregation and treatment, or destruction and disposal of the quarantined animal shall be borne by the owner, importer, or consignee.

PART 11

IMPORTATION OF VACCINES, VIRUSES, BIOLOGICALS, MICROORGANISMS, PATHOGENIC, ORGANISMS AND PARASITES

Section 1. Import Requirement

The importation of live veterinary vaccines, biologicals, viruses, microorganisms, pathogenic organisms, and parasites is prohibited except under the permit issued by the Chief. The application of such permit shall be made in advance for such importation. The issuance of such permit shall be discretionary with the Chief, and the original copy of such permit shall always accompany the shipment of vaccines, biologicals, viruses, microorganisms, pathogenic organisms, or parasites.

Section 2. Sales of Vaccines and Biologicals

Live vaccines and biologicals for immunization of animal shall only be sold to licensed veterinarians in the CNMI by the importer. Exemption can only be authorized in writing by the Chief.

PART 12

IMPORTATION OF MEAT, MEAT PRODUCTS, FROZEN SEMEN, GARBAGE, ANIMAL BY-PRODUCTS, BEDDING MATERIAL & CERTAIN FEEDSTUFFS

Section 1. Import Requirements & Entry Status

(a) It is prohibited to import fresh, chilled, frozen and/or unprocessed meat or carcass of any kind, including birds and poultry, from any part of the world into the CNMI except from the Continental United States, Hawaii, Guam, Canada, Australia and New Zealand.

(b) Meat or poultry for commerce or resale shall comply with all applicable federal laws and regulations pertaining to meat and poultry inspection as provided for by the Federal Meat Inspection Act or the wholesome Meat Act and the Poultry Products Inspection Act, as well as other applicable federal laws.

(c) It is prohibited to import semen or living animal serum produced in any part of the world into the CNMI except from the Continental United States, Hawaii and Guam. An Animal Quarantine Permit is required as a condition of entry for frozen semen and living animal serum, and must further be accompanied by such certificates as may be required in the permit. Any animal semen imported must be certified free of venereal and genital diseases, including the donor animals, and by an accredited veterinarian of the place of origin. The entry conditions and requirements stated on the import permit shall be fully in compliance with the stated entry conditions and requirements.

(d) Dried, cured, cooked, and other processed or manufactured meat and meat products are prohibited entry except from the Continental United States, Hawaii, Guam, Canada, Australia and New Zealand. The above products shall be accompanied by adequate proof of origin, including invoices or sales slips, specifying the amount of purchase made, and the dates thereof.

(e) Canned meat products from countries, areas or territories that have or are infected with Exotic Newcastle Disease, African Swine Fever, Hog Cholera, Swine Vesicular Disease, Rinderpest, or Foot-And-Mouth Disease may be imported for personal consumption in quantities of 50 pounds or less; provided, however, that the canned meat products have all been fully cooked by a commercial method in a container hermetically sealed promptly after

filling, but before such cooking, so that such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration; and provided, further, that said products are accompanied by an official and valid original certificates issued by the Director or Administrator of Meat Inspection or Animal Health Division or office of the place or country of origin, certifying that the products were prepared and processed in the manner and condition as described above.

(f) All garbage from surface vessels and aircrafts must be held on board the ship or plane while in port, incinerated in a USDA-approved disposal facility under supervision of an Authorized Inspector, or dumped into the ocean at least 12 miles beyond the nearest outer reef. All garbage on board a vessel or aircraft shall be contained in tight, leakproof containers; be kept inside the vessel guardrail; and shall not be unloaded unless contained in tight, leakproof containers and sent to an approved disposal facility under general supervision of an Authorized Inspector.

(g) All other animal products and by-products, including trophies, bloodmeal, blood albumin, bones, horns, hoofs, feathers on skin, gluestock, hides and skins, organs and glands, tankage, wool, hair, bristles, ossein, casings, dairy products, pharmaceuticals, biologicals, etc., as well as straw, hay, and grass, shall be governed and regulated by the provisions of Title 9 of the United States Code of Federal Regulations, Chapter 1, Sub-Chapter D, Parts 92, 94, 95, & 96.

PART 13

CONTROL OF ANIMALS & ANIMAL DISEASES WITHIN THE NORTHERN MARIANAS

Section 1. Duties for Chief of Animal Health & Industry

The Chief of Animal Health & Industry shall have charge, direction, and control of all matters relating to the inspection of animals, the prevention and eradication of contagious, infectious, and communicable diseases in and among animals, and all matters relating to animal health, including the use and inspection, determination and disposition of imported meat, meat products, vaccines, veterinary drugs and medications, biologicals, and animal byproducts. He shall also establish procedures and controls necessary to carry out the required duties, and responsibilities of said Chief as stated above. He shall report directly to the Director for the Department of Natural Resources.

Section 2. Reporting of Animal Diseases

All infectious, contagious and communicable diseases of domestic animals, birds and poultry occurring in the Northern Marianas shall be reported to the Chief of Animal Health & Industry preferably in writing, by the Veterinarian making the diagnosis, by the Rota Agriculturist, on Rota, by the Tinian Agriculturist on Tinian, and by the Governor's representatives in any of the Northern Islands. Monthly reports pertaining to animal quarantine and disease control activities from the Rota and Tinian Agriculturist, or their most Senior Quarantine or Agricultural Officers, and the Agriculture Quarantine Officer of Saipan shall be submitted on a timely basis to the Chief. All major problems requiring prompt action are to be directed immediately to the Chief's attention by telex or by radio communication for prompt action and investigation.

Section 3. Quarantine

The Chief of Animal Health & Industry may quarantine domestic animals, birds and poultry, or herds and flocks, including their premises and contact herds and flocks, that are known to be exposed for any contagious, infectious, or communicable disease. They shall be destroyed by the instruction of the Chief to prevent the spread of the disease. A quarantine may

also be imposed on an island or entire islands, if deemed necessary by the Chief. No animal shall be removed from or added to such herds, premises, or areas except by a written permit from the Chief. The quarantine shall remain in effect until rescinded by the Chief.

Section 4. Movement & Transportation of Animals within Northern Marianas

Movement and transportation of domestic animals, birds, and poultry between inter-islands within the CNMI shall be accompanied by a health certificate issued by the licensed Veterinarian in the CNMI, Chief, or his authorized agents. All certified animals shipment by other than a licensed Veterinarian or Chief are subject to reinspection upon arrival on Saipan. Cattle and goats from Tinian must be tested for brucellosis by an accredited Veterinarian or the Chief, and must be found negative within 14 days prior to shipment within the CNMI or for export outside the CNMI.

Section 5. Entry of Animals Without Inspection Prohibited

No domestic animals, poultry, or birds shall be transported between inter-islands without the inspection of Chief or his authorized agents.

Section 6. Landing of Animals

The landing of any animal for the purpose of inspection or quarantine shall not be construed to be an entry into an island for any purpose. The Chief shall take the necessary action to protect public at the expense of the owner, importer, or consignee. The landing of domestic animals, birds, or poultry known to be affected with any contagious, infectious, or communicable disease shall constitute an unlawful entry.

PART 14

EXPORT OF ANIMALS

Section 1. Regulatory Jurisdiction on Exports

Shipments of animals to other U.S. areas or territories shall comply with the entry requirements of the state, area or territory of destination, as well as the federal regulations on the interstate shipment of domestic animals, and birds and poultry. Shipments to areas or countries outside the United States of America come under federal jurisdiction.

PART 15

PENALTY

Any person violating these Rules and Regulations shall upon conviction, be imprisoned for not more than six (6) months, or fined not more than $2,000.00 or both.

The Chief may assess against any person violating any provision in these adopted Rules and Regulations, the following fines:

	Amount of Fine Not more than
First offense	$ 100.00
Second offense	500.00
Third offense	1,000.00
Fourth & Subsequent Offenses: Subject to trial in a court of law.	