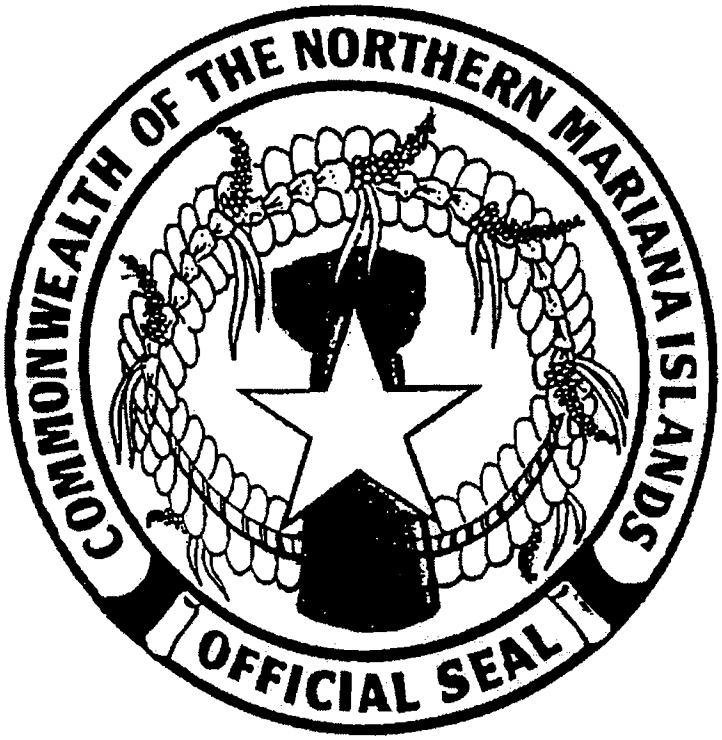
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
SAIPAN MARIANA ISLANDS

VOLUME 21 NUMBER 04



APRIL 19, 1999

COMMONWEALTH

REGISTER

COMMONWEALTH REGISTER

VOLUME 21 NUMBER 04
APRIL 19, 1999

TABLE OF CONTENTS

EMERGENCY:

PROPOSED and AMENDMENTS:

NOTICE OF ADOPTION:

Commonwealth of the Northern Mariana Islands
Office of the Governor
Department of Lands and Natural Resources
Lower Base
Caller Box 10007
Saipan, Mariana Islands 96950

Cable Address:
Gov. NMI Saipan
Telephone: 322-9830/9834/9854
Fax: 322-2633

March 10, 1999

NOTICE OF EMERGENCY AND ADOPTION OF PROPOSED AMENDMENTS TO THE EMERGENCY REGULATIONS FOR OUTER COVE MARINA

EMERGENCY: The Commonwealth Secretary of Lands and Natural Resources and the Director of Fish and Wildlife, find that under 1 CMC Section 9104(b) the public interest and welfare requires the adoption of emergency regulations for the Outer Cove Marina. The Secretary and the Director further find that the public interest and welfare mandates adoption of these amendments to the emergency regulations upon fewer than thirty (30) days notice, and that these amendments shall become effective immediately after filing with the Registrar of Corporations, subject to the approval of the Attorney General and the concurrance of the Governor and shall remain effective for 120 days.

REASON FOR EMERGENCY: Approved by the Department of Lands and Natural Resources, Outer Cove Rules and Regulations were prepared, as required by the lease, on January 22, 1997, in substantial compliance with the Commonwealth's adjacent Smiling Cove Marina regulations. After the Outer Cove regulations were concurred with by the Secretary of Lands and Natural Resources Secretary and the Superintendant of American Memorial Park, the berthing/docking and departure fees portion (substantially higher than Smiling Cove Marina) of the Outer Cove Marina regulations were advertised in the Marianas Variety during June 1998. Because of the subsequent conflict between some commercial vessel owners and MRC over the Outer Cove fees as advertised and the lack of a marina breakwater, the Commonwealth's and Federal Government's insistence on negotiations to settle the disputes, and the severe economic conditions impacting commercial vessel owners; the collection of fees and use of the Outer Cove Marina was greatly diminished, impairing MRC's marina income for operation, maintenance and debt retirement. As a result, MRC is believed to be insolvent and subject to default under the lease, which default would cause immediate disruption not only in Outer Cove Marina but in the adjacent overcrowded Smiling Cove Marina; contra to the interests and welfare of the Commonwealth. At this time Outer Cove Marina is not being fully utilized, due to the above disputes. The Smiling Cove Marina navigational channel and marina mooring and berthing are congested by the presence of large commercial vessels that should be in Outer Cove Marina.

Outer Cove shores are dangerously eroded, especially along the peninsula. It is in the Commonwealth's best interest to have a viable marina system that can accommodate the CNMI

marine needs under an appropriate regulatory system, for correction of dangerous or unhealthly marina conditions. The integrity of the submerged land leasing program and the Commonwealth marina systems are at risk.

These emergency regulations attached hereto are necessary to immediately adopt the Outer Cove rules amendments to the regulations with a revised fee schedule allowing vessels to be charged a fee consistant with previous written contracts relating to the construction and utilization of the Outer Cove Marina.

CONTENTS: The regulations provide for the general operation of the Outer Cove Marina by the non-profit submerged lands lessee, MRC, under rules in substantial compliance with what is currently in effect in the adjacent Smiling Cove Marina, except for the fee structure.

INTENT TO ADOPT: These regulations are intended to be permanent, pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publication in the Commonwealth Registrar, notice opportunity for comment and, if necessary, hearing will be provided. Comments on the contents of these regulations may be sent to the Secretary of Lands and Natural Resources and the Director of the Division of Fish and Wildlife, P.O. Box 10007, Saipan MP 96950 or by phone to (670) 322-9830/34 or fax (670) 322-2633.

AUTHORITY: Promulgation of these regulations is authorized under P.L. 6-13.

Joaquin A. Tenorio, Secretary of Lands and Natural Resources — 3/18/99 Date

Richard Seman, Director of Fish and Wildlife — 3/18/99 Date

Pedro P. Tenorio, Governor — Date: 3/19/99

Soledad B.Sasamoto
Registrar of Corporations — Date: 3/19/99
(Date of filing with Registrar)

Pursuant to 1 CMC Section 2153, as amended by P.L. 10-50, the emergency regulations attached hereto have been reviewed and approved by the Office of the Attorney General.

Maya Kara, Acting Attorney General — Date: 3/18/99

By:_____AAG

Amendment To Emergency – Outer Cove Marina

Section 14.1, "The first paragraph of "Fees For Berthing Slips" set forth in the Emergency Regulations adopted February 19, 1999 is hereby deleted in its entirety and substituted therefore shall be the following:

14.1 The following fees shall be assessed lessees assigned berths on a monthly basis.

Section 14.3, "Passenger Departure Fees", set forth in the Emergency Regulations adopted Feburary 19, 1999 is hereby deleted in its entirety and substituted therefore shall be the following:

14.3, Passenger Departure Fees will be charged to each commercial boatowner for every paying tourist passenger that departs from the Outer Cove, regardless of water activity or destination. Boatowners will be billed each month and the billing shall be paid to MRC within fifteen (15) days from the date of the billing. Passenger departure fees charged under this section shall be charged retroactively to February 19, 1999.

XXVII. PREVIOUS AGREEMENTS

26.1 These Emergency Regulations are subject to the priority of the following previously existing agreements: (1) Agreement to Build Breakwater in Outer Cove; and (2) Agreement among certain boatowners and the MRC, entered into on November 13, 1998. Each and every provision of these agreements remains in effect and neither is changed or superseded by these Emergency Regulations.

GOTPE NA NISISIDAT: I Sekretariun Lands and Natural Resources yan i Direktot Fish and Wildlife, sigun gi sinedda'-niha gi sinangan yan fuetsan 1 CMC Seksiona 9104(b) para minaolek yan interes yan benefisiun pupbliku nisisariu para u ma adapta i regulasion gotpe na nisisdat para i Ge'hiyong Na Lugat gi Marina Cove. I Sekretariu yan i Direktot masodda' lokkue' na u mandatu este na inadaptan regulasion gotpe na nisisidat ti u menos di trenta (30) dias na nutisia, yan este siha na regulasion u efektibu ensegidas gigon mafile halom gi Rehistradoran Kotporasion, komu ha apreba i Attorney General yan akonfotman Gubetno ya u efektibu gi halom sientu benti (120) dias.

RASON PUT GOTPE NA NISISDAT: I Regulasion Para I Ge'hiyong na Lugat gi Marina Cove priniriparan i u matkikila este i Ge'hiyong na Lugat ni gaige gi papa tasi giya Marina Cove komu este na kompania i Marine Revitization Corporation DLNR)dueñu, sigun gi atkilon, guine na mes i Ineru 22, 1997, ya u tattiyi i regulasions Commonwealth Smiling Cove ni chechetton guatu. Despues di makonfotma i regulasion para i Ge'hiyong na Lugat giya Marina Cove ni Sekretariun Lands and Natural Resources, Sekretariu yan Superintendent American Memorial Park i para u ma angkla/po'lo yan lamita gi apas(mas tatkilo' ki i apas Smiling Cove Marina) para i Ge'hiyong na Lugat giya Marina Cove na regulasion manmapupblika huyong gi Marianas Variety duranten Hunlu 1998, na sakkan. Sigun gi chatinakomprende gi enta'lo duenon Batkon Kometslo kontra MRC put apas giGe'hiyong na Lugat giya Marina Cove ni na abisa yan put taya proteksion na fina' kollat para u kinentra i napu, lao sigun gi inisisten i Gobetnamenton Commonwealth yan Gubetnamento Federat ya negosiasion para u masatba este na prupblema yan lokkue' i kondision ekonimia gi prisenti ni ha sasapet I dueñon batkon kometsio siha; i apas yan mausan i Ge'hiyong na lugat gi Marina Cove mas tumunok pat takpap, ya ha chanda lokkue' i hinalom salape paa MRC's income gi operasion yan minanehan i manaempas dibi siha. KOmu resutta, I MRC matungo' na para u inafekta sigun este na atkilon yan tieniki i kausa humuyong siknifikante gi bandan fainansiat yan estotbu osino atburotu para i Commonwealth.

Este siha na regulasion gotpe na nisisdat ni chechetton guine manisisariu para u ma adapta ensigidas i regulasion i Ge'hiyong na Lugat gi Marina Cove yan i regulasion lista apas siha ni manma amenda put par u esdi este i manmangkla pat mapo'lon boti osino batkon kometsiu ni mangangatga pasaheru put para u fanman apasi $5.00 pesos kada per lineal enlugat di ayu i mas u maomenta ni mamensione gi sanhilo'. Put i menos na apas managkal yan mamo'lo i enkatgo kontra i dueñon kometsio siha na boti pat batko siña ha ha maninalaba. Gi apas humuyong para I pasaheru siha, siña ha ginen este gumai ganasia pat kumahulo' i inalom salape guatu gi MRC's sinatba este na prupblema.

SUHETU: Este siha na regulasion ha prubiniyi i operasion para todu taotao heneratmente para i Ge'hiyong na lugat gi Marina Cove ginen i manatkikila komu este MRC, gi papa este siha na regulasion komu pa'go efektibu yan i chechetton yan i Smiling Cove Marina, fuera di apas i eskroktura.

INTENSION INADAPTA: Este siha na regulasion manmaintensiona para u petmanente, sigun gi sinagan yan fuetsan 1 CMC Seksiona 9104(a)(1) yan (2), yanggen esta gaige i publikasion gi Rehistran Commonwealth, oppotunidat komentu uanggen nisisariu, u mana'guaha inekungok pupbliku put suhetun este siha na regulasion gi tinige' ya u manahanao guatu para i Sekretariun Lands and Natural Resources yan Direktot Division Fish and Wildlife, P.O. Box 10007, Saipan MP 96950 osino gi este siha na numirun tilifon i (670) 322-9830/30 osino i fax (670) 322-2633.

ATURIDAT: I mapupblikan este siha na regulasion manma aturisa gi papa Lal Pupbliku 65.-13.

Gene A. Santos, Acting Sectretary para Lands yan Natural Resources

Fecha

/s/

Pedro P. Tenorio
Gubetnon Commonwealth

3/19/99
Fecha

Soledad B. Sasamoto
Rehistradoran Kotporasion

3/19/99
Fecha
(I Mafile guatu gi Rehistradora)

Sigun gi 1 CMC Seksiona 2153, ni inamenda ni Lai Pupbliku 10-50, i regulasion gotpe na nisisdat ni chechetton guine esta manmaina' yan inapreba ni Ofisinan Attorney General giya CNMI.

3/18/99
Fecha

/s/
Elliott A. Sattler
Maya Kara, Acting Attorney General

Ginen:_____ AAG

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Department of Public Safety

Pedro P. Tenorio
Governor

Jesus R. Sablan
Lieutenant Governor

Charles W. Ingram, Jr.
Commissioner

Emergency (24 hrs.) 911

DPS Main Switchboard
(670) 664-9000

Office of the Commissioner
664-9022

Police Division
664-9001

Fire Division
664-9003

Division of Correction
664-9058

Bureau of Motor Vehicles
664-9066

Training and Development
664-9094

Administrative Support
664-9000

Special Programs
664-1120

Rota DPS
Tel: (670) 532-9433
Fax: (670) 532-9434

Tinian DPS
Tel: (670) 433-9222
Fax: (670) 433-9259

REGULATIONS REGARDING POLICE ROADBLOCKS/CHECKPOINTS PURSUANT TO PUBLIC LAW NO. 11-55, THE MANDATORY LIABILITY AUTO INSURANCE ACT

Citation of Statutory Authority: The Commissioner of Public Safety is authorized to promulgate these regulations pursuant to Section 6 of Public Law 11 - 55 (9 CMC Section 8113).

Short Statement of Goals and Objective: To allow for the implementation of 9 CMC Section 8113 regarding Police Roadblock and or Checkpoints pursuant to Public Law No. 11-55, The Mandatory Liability Auto Insurance Act.

Brief Summary of the Rules: The Department of Public Safety is authorized by this Act to conduct police roadblocks and or checkpoints along the public highways of the Commonwealth to enforce the provisions of this Act. Guidelines for the construction and operation of a police roadblock and or checkpoint to inspect motorists in the Commonwealth of the Northern Mariana Islands if they are in compliance with the mandatory minimum motor vehicle liability insurance are contained herein.

For Further Information, Contact: Major Bertha Chong-Tudela, OIC, Bureau of Motor Vehicles
Telephone No.: (670) 664-9066
Facsimile No. : (670) 664-9075

Citation of Affected Rules and Regulations: None.

Submitted by: _____ Dated: 3/26/99

Charles W. Ingram, Jr., Commissioner
Department of Public Safety

P.O. Box 791 Civic Center Susupe, Saipan, MP 96950
Telephone (670) 664-9000 (24 hrs.) Facsimile: (670) 664-9019

NOTICE OF EMERGENCY REGULATIONS REGARDING POLICE ROADBLOCKS AND OR CHECKPOINTS PURSUANT TO P.L. NO. 11-55, THE MANDATORY LIABILITY AUTO INSURANCE ACT AND NOTICE OF INTENTION TO ADOPT THE ROADBLOCKS AND OR CHECKPOINTS RULES AND REGULATIONS

EMERGENCY: The Commissioner of Public Safety finds that given the responsibilities to enforce sections of P.L. No. 11-55 (The Mandatory Liability Auto Insurance Act), requiring motorists in the Commonwealth of the Northern Mariana Islands to have at least the minimum motor vehicle liability insurance, hereby finds under 1 CMC subsection 9104 (b) that the public interest requires the adoption of regulations governing "Police Roadblocks and or Checkpoints" pursuant to Public Law No. 11-55, which was signed into law on January 29, 1999.

REASON FOR THE EMERGENCY: The Commissioner of Public Safety hereby finds that the adoption of these emergency regulations is in the public interest due to the fact that Public Law No. 11-55 (The Mandatory Liability Auto Insurance Act) goes into effect March 29, 1999. These emergency regulations are needed as guideline for the Department of Public Safety to discharge its responsibilities under Public Law No. 11-55.

CONTENTS: Mandatory minimum motor vehicle liability insurance is required for all motorists in the Commonwealth of the Northern Mariana Islands. Therefore, the Department of Public Safety is hereby authorized under this Act to conduct police roadblocks and or checkpoints for compliance of this Act. Guidelines for the construction and operation of a police roadblock and or checkpoint to inspect motorists in the Commonwealth of the Northern Mariana Islands if they are in compliance with the mandatory minimum motor vehicle liability insurance are contained herein.

INTENT TO ADOPT: The Commissioner of Public Safety intents to adopt these emergency regulations as permanent regulations pursuant to 1 CMC subsection 9104 (a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. Comments regarding the contents of these regulations may be sent to the Department of Public Safety, Bureau of Motor Vehicles, Caller Box 10007, Saipan, MP 96950 within thirty (30) days.

AUTHORITY: The Commissioner of Public Safety is authorized to adopt and issue regulations under 1 CMC subsection 2507.

Issued by: _____ Date: 3/26/99

Charles W. Ingram, Jr., Commissioner
Department of Public Safety

Concurred by: _____ Date: 4/7/99

Pedro P. Tenorio
Governor

Received by: _____ Date: 4/8/99

Jose DeLeon Guerrero
Office of the Governor

Pursuant to 1 CMC Section 2153 as amended by P-L 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 31st day of March, 1999.

Maya B. Kara
Acting Attorney General

_____

Elliot A. Sattler
Assistant Attorney General

Filed and Recorded by: _____ Date: 4/8/99

Soledad B. Sasamoto
Registrar of Corporations

NUTISIA PUT ENSIGIDAS NA AREKLAMENTO PUT MAHUCHOM CHALAN PARA MAN INA SIGUN GI LAI PUPBLIKO 11-55, I MA MANDATU NA ENKATGON MA INSURANCE KARETA NA AKTU, YAN NUTISIA PUT MA INTENSIONA PARA U MA APRUEBA I SIGIENTI NA AREKLAMENTO

ENSIGIDAS NA AREKLAMENTO: I Kabesantin Dipattamenton Inadahen Pupbliko osino i Pulisia ha sodda' na put man ma enkatga siha para hu ma enfuetsa i seksiona siha gi Lai Pupbliko 11-55 (*Mandatory Liability Auto Insurance Act*), put i mandu na todo man gai kareta giya CNMI u fan ma insurance, sinedda' guine na gi papa' i 1 CMC seksiona 9104(b) na i intires i pupbliko ginagagao na u ma aprueba i areklamento put asunton mahuchom chalan (*Police Roadblocks and/or Checkpoints*) para man ina kao man ma insurance todo kareta siha sigun i Lai Pupbliko 11-55, ni ma fitma komu lai gi Inero 29, 1999.

RASON PUT ENSIGIDAS NA AREKLAMENTO: I Kabesantin Dipattamenton Inadahen Pupbliko osino i Pulisia la'yiyi ha sodda' na i ma aprueban esti ensigidas na areklamento gaige gi intires pupbliko sa' put rason na i Lai Pupbliko 11-55 (*Mandatory Liability Auto Insurance Act*) umefektibu gi Matso 29, 1999. Esti ensigidas na areklamento nisisario komu ma enkatga i Dipattamenton Pulisia para hu kumpli i dipotse che'cho' ñiha sigun i Lai Pupbliko 11-55.

AREKLAMENTO: I Lai Pupbliko 11-55 ha manda na u guaha' areklamento put katgon man ma insurance todo kareta siha para todo i man mañuñugon gi chalan. Put eso, i Dipattamenton Pulisia ma enkatga guine gi papa' esti na Aktu para hu huchom i chalan ya hu kondukta man ina kao man ma insurance todo kareta siha sigun esti na Aktu. Dinirihi para i makahat yan i mahuchom chalan yan i makonduktan man inan kareta siha gi chalan pupbliko sigun i ginagagao gaige guine.

INTENSION INADAPTA: I Kabesantin Pulisia ha intensiona para hu aprueba esti na areklamento yan tinilaika gi i presenti na areklamento komu petmanenti na areklamento sigun i 1 CMC Seksiona 9104(a)(1) and (2), ya put eso, ha pupblilika guine gi Rehistran Commonwealth esti na nutisia put para u guaha' chalan anai ki sina i pupbliko man na'halom finiho. Yanggen kunbieni, u mana' guaha' inekungok pupbliko. Kopian finiho siha ginen i pupbliko u mana' halom guatto gi: *Kabesanti, Dipattamenton Inadahen Pupbliko pat Pulisia, Ofisinan Asunton Kareta, Caller Box 10007, Capital Hill, Saipan, MP 96950.*

KATGO: I Kabesantin Pulisia ma na'e katgo para hu kreansa esti na areklamento sigun i ginagagao gi i 1 CMC Seksiona 2507.

Linaknos as: /s/
Charles W. Ingram, Jr.
Kabesanti, Dipattamenton Inadahen
Pupbliko/Pulisia

Fecha

I. Purpose

The purpose of these rules and regulations is to provide guidelines for the construction and operation of a police roadblock and or checkpoint for the Commonwealth of the Northern Mariana Islands, Department of Public Safety, in coordination with the Office of the Attorney General, to enforce "The Mandatory Liability Auto Insurance Act" which requires motorists to have the mandatory minimum liability insurance for all motor vehicles in the Commonwealth; and for other purposes.

II. Objective

DPS's objective is to effectively identify and cite violators for failure to have in the vehicle's possession a valid motor vehicle insurance card indicating the required minimum liability insurance or copy of the mandatory minimum liability auto insurance policy for operating a vehicle on the highways of the Commonwealth of the Northern Mariana Islands. The minimum liability coverage for each vehicle shall be: $15,000 for bodily injury or death of any one person in any one accident; $30,000 for he bodily injuries or deaths of all persons involved in any one accident; and $15,000 for injury, damage or destruction of property in any one accident.

III. Rules and Regulations

To implement these rules and regulations, the DPS, Traffic Section and the Bureau of Motor Vehicles must:

1. Satisfy Federal and Local legal requirements.

2. Conduct roadblocks and or checkpoints with minimum intrusions and motorist inconvenience.

3. Assure the safety of the general public as well as law enforcement officers, and BMV staff involved.

4. Provide for an objective site selection process based on the location of motorists going to and returning home from work.

5. Provide for public information and education to heighten awareness of The Mandatory Liability Auto Insurance Act".

6. Provide for systematic procedures for data collection on the number of insured and uninsured vehicles and consistency of the roadblock and or checkpoint.

7. Officer and staff selection should be based on experience and training. Operational procedures will be covered during briefing prior to each roadblock and or checkpoint.

IV. Criteria

A. Written procedures consistent with existing DPS policies prepared in advance of roadblock and or checkpoint operations must:

   1. Be approved by the Commissioner of Public Safety or his/her designee prior to commencement of a roadblock and or checkpoint.

   2. Specify signs, safety equipment, warning devices, barriers, etc. that will be used, their placement and proper usage at the scene.

   3. Inspect all vehicles for compliance of the Mandatory Liability Auto Insurance Act.

4. Specify dialogue and educational material to be used by checkpoint personnel.

5. Provide for the safe and expeditious removal of vehicles to the pre-determined area when further investigation is required.

V. Roadblock and Checkpoint Procedures:

The following procedures shall be followed for the construction and operation of all roadblocks and or checkpoints conducted by the department and the bureau of motor vehicles after approval of the Commissioner of Public Safety or his/her designee:

A. All roadblocks and or checkpoints shall be under the control of the Traffic Section of the Police Division and coordinated between other sections of the department including the Bureau of Motor Vehicles, Patrol Section, Criminal Investigation Bureau, and the Public Information Officer.

B. Locations for roadblock and or checkpoint operations shall be predetermined.

C. Selected locations must permit the safe flow of traffic through the roadblock or checkpoint taking into consideration the following:

1. The posted speed limit at the area, traffic volume and visibility.

2. Ensure adequate space for the "safety zone" area available to pull the vehicle off the travel portion of the roadway.

D. Location selected should have maximum visibility from each direction. Sufficient illumination should be provided. If permanent lighting is not available, then ensure portable lighting (i.e. flood lights) are provided.

E. Roadblocks and or checkpoints will be announced. The Department of Public Safety, in coordination of the Attorney General's Office, is authorized by law to conduct such roadblocks and or checkpoints under 9 CMC subsection 8113. The public information officer will release information to the media of the upcoming roadblock or checkpoint.

The press release shall take into consideration the following:

1. That the roadblocks or checkpoints are for public information and education purposes.

2. The department shall encourage media interest in the roadblocks and or checkpoints program to enhance public perception of aggressive enforcement, to heighten the deterrent effect and to assure the protection of the public's rights.

3. The department will provide advance notification of the roadblock or checkpoint to other public agencies expected to be impacted such as Public Works, Commonwealth Health Center, (CHC), the Attorney General's Office, etc.

F. At least six (6) sworn police officers with marked police vehicles and motorcycles will be required to work the roadblock or checkpoint operation at each designated roadblock or checkpoint area, with staff from the Bureau of Motor Vehicles assisting. The officers shall be provided with on-scene supervision by at least a sergeant or designee. This is to ensure safe and efficient operation of the roadblock and or checkpoint with all personnel involved in the inspection of vehicles if they are in compliance with "The Mandatory Liability Auto Insurance Act" requiring motorists to have in the vehicle's possession a valid motor vehicle insurance card indicating the required minimum liability insurance coverage or copy of the motor vehicle insurance policy with the minimum

liability insurance coverage for operating a vehicle on the highways of the Commonwealth of the Northern Mariana Islands.

Safety methods and warning devices shall include, but are not limited to:

1. Warning signs placed in advance of the roadblock or checkpoint.

2. Flares, fusees, or similar devices.

3. Traffic Safety Cones.

4. Road barriers with reflectors.

5. Permanent/Portable lighting.

6. Police Patrol equipment with emergency red and blue lights with accompanying sirens.

The above described devices shall be situated in such a manner as to promote the safety of the officers working the roadblock or checkpoint and of the motorists that are the subject of the roadblock or checkpoint. The safety cones and traffic flares will be placed alternately to create a "safety zone". An instruction for a violator to proceed to the safety zone will be for a violation which require further investigation.

G. Two (2) marked police vehicles shall be used to signify the beginning and the end of the roadblock or checkpoint, leaving a gap of at least one hundred (100) feet between the marked police vehicles so that vehicles stopped during the operation can be safely contained in the area of investigation. This "safety zone" is described in the above paragraph. The marked police vehicle shall have emergency lights and flasher on during the entire operation.

H. Vehicles stopped at any roadblock or checkpoint shall have its vehicle registration card stamped with the BMV stamp that they have been through the roadblock or checkpoint to avoid duplication of work. The following will indicate on the stamped registration:

1. "Y" means Yes, the vehicle is insured and is in compliance with The Mandatory Liability Auto Insurance Act.

2. "N" means No, the vehicle is not in compliance with The Mandatory Liability Auto Insurance Act.

3. "I" means Informed, the vehicle operator was informed of The Mandatory Liability Auto Insurance Act if uninformed of the Act, and the next time he gets stopped and has yet to purchase the required liability insurance for the vehicle, will get cited for failure to do so as required under this act.

I. All vehicles except U.S. and CNMI Government vehicles going through the roadblock and or checkpoint will be checked for compliance of The Mandatory Liability Auto Insurance Act. CNMI Government Vehicles are those vehicles that are owned or leased by the CNMI Government for official government purposes.

It is mandated that roadblock and or checkpoint operations will be ceased when the ranking officer at the scene sees that traffic starts to pile up excessively. Operations will not be conducted during peak traffic hours (rush hours) unless it is necessary for an on-going search of a fugitive. Any deviation from the pre-determined guidelines must be documented with the reason for the deviation, (i.e. traffic backing up, intermittent inclement weather).

J. All approaches to vehicles and occupants of subject vehicles shall be made by sworn uniformed police personnel during checkpoint operations. An officer making the approach shall be at all times courteous and conform to Departmental Policy.

K. During the course of the roadblock and or checkpoint operation, all necessary efforts shall be made for Traffic Section personnel to handle the investigation, and issuance of citations for non-compliance of "The Mandatory Liability Auto Insurance Act". Depending on the work load and manpower, traffic personnel will not be limited to the above described cases. Relevant cases shall be handled by respective personnel as described in paragraph "V.A". For example, it is recommended that Criminal Investigation Bureau Officers investigate cases involving weapons in plain view, stolen vehicles and any criminal offenses that are determined during the course of the roadblock and or checkpoint, and likewise for Traffic Section Officers to handle the investigation and arrest procedures for all drunk driving and/or drug impaired cases that are determined during the course of the roadblock and or checkpoint as well.

L. The duration of a roadblock or checkpoint operation should be no longer than two (2) hours. The law requires that all motor vehicles being operated on the highways of the Commonwealth must be insured with at least the minimum liability requirement of $15,000, $30,000, $15,000. Traffic flow should be allowed to run smoothly. All stops should be conducted with courtesy, professionalism and handled expeditiously as possible to avoid public inconvenience.

VI. Evaluation

The following systematic method of data collection will be incorporated to ensure standardization and consistency of the roadblock or checkpoint requirement:

A. An after action report must be prepared and submitted by the checkpoint operation Officer-in-Charge upon completion of each operation. The report shall include but is not limited to the following:

1. Time, date and location of the operation.

2. Duration of length of time it took to complete the operation.

3. Weather condition.

4. Number of vehicles passing through the roadblock or checkpoint.

5. Average time delay to motorists.

6. Number of citations and list of violations committed for non-compliance of "The Mandatory Liability Auto Insurance Act".

7. Number and type of arrest conducted other than for violations of The Mandatory Liability Auto Insurance Act.

8. Unusual incidents.

9. Listing of citations issued, including names and charges of all other charges.

B. A copy of the report must be submitted to the Officer-in-Charge of BMV for record purpose.

VII. Actions

A. The assigned Officer-in-Charge of the roadblock or checkpoint operation in conjunction with BMV shall coordinate with respective units/sections involved at least two (2) weeks in advance.

B. The assigned Officer-in-Charge shall thoroughly brief and provide all pertinent information to roadblock or checkpoint operation personnel prior to each operation.

C. Upon completion of a roadblock or checkpoint operation, the Officer-in-Charge shall debrief the operation personnel and ensure the proper storage and maintenance of all equipment and vehicles used during the operation.

C / BMV Roadblock II

Rules and Regulations Regarding the Resident Workers Fair Compensation Act

Citation of Statutory Authority:	The Secretary is authorized to promulgate these regulations pursuant to 4 CMC Section 9504.
Short Statement of Goals and Objectives:	These rules and regulations are promulgated to implement the Resident Workers Fair Compensation Act, 4 CMC Section 9501, et. seq., as amended by PL 11 - 74.
Brief Summary of the Rules:	The rules and regulations require employers who employ non-resident workers to keep records regarding the cost of providing benefits mandated by law to non-resident workers. The regulations also require employers who pay less than the federal minimum hourly wage (currently $ 5.15) to offer a cash supplement to resident workers based on a quantification of the benefits accorded non-resident workers.
For Further Information, Contact:	Alfred Pangelinian, Director of Employment Services Telephone: 670-664-2000 Facsimile: 670-664-3153
Citation of Affected Rules and Regulations:	The Alien Labor Rules and Regulations, Vol. 10, No. 4, Commonwealth Register, April 15, 1988, as amended.

Submitted by:

Mark D. Zachares
Secretary

4/12/99
Date

PUBLIC NOTICE OF INTENT TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE RESIDENT WORKERS FAIR COMPENSATION ACT OF 1995 AS AMENDED BY PUBLIC LAW 11 - 74

Public Law 11 - 74, recently signed into law by the Governor, amends Public Law 9 - 71 (codified at 4 CMC Section 9501 et. seq.). These regulations implement the Resident Workers Fair Compensation Act, as amended. They require employers who employ non-resident workers to keep records regarding the cost of providing benefits mandated by law to non-resident workers. The regulations also require employers who pay less than the federal minimum hourly wage (currently $ 5.15) to offer a cash supplement to resident workers based on a quantification of the benefits accorded non-resident workers.

The Secretary is authorized to promulgate these regulations pursuant to 4 CMC Section 9504.

The Secretary intends to adopt these regulations and amendments to existing regulations as permanent regulations pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. If necessary, a hearing will be provided. Copies on the content of the regulations may be sent to: Secretary, Department of Labor and Immigration, Caller Box 10007, Capitol Hill, Saipan, MP 96950.

Issued by: _____ 4/12/99

Mark Zacharas
Secretary, Department of
Labor and Immigration

Date

Concurred by: NOT REQUIRED _____

Pedro P. Tenorio
Governor

4/14/99 Date

Received by: _____ 4/14/99

Jose I. DeLeon Guerrero
Special Assistant for Administration

Date

Pursuant to 1 CMC Section 2153 as amended by P-L 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 14 day of April, 1999.

Maya B. Kara
Acting Attorney General

Elliott A. Sattler
Assistant Attorney General

Filed and Recorded by: _____ 4-14-99

Soledad B. Sasamoto
Registrar of Corporations

Date

NUTISIAN PUPBLIKO PUT I INTENSION PARA U MA APRUEBA I AREKLAMENTO PUT PARA U EFEKTIBU I *RESIDENT WORKERS FAIR COMPENSATION* NA LAI NI MA PASA GI 1995 KOMU TINILAIKA NU I LAI PUPBLIKO 11 - 74

I Lai Pupbliko 11 - 74, ni finitma nu i Maga'lahi osino Gobetno, ha tulaika i Lai Pupbliko 9 -71 (CMC Seksion 9501 et. seq.). Esti siha na areklamento ha na' efektibu i *Resident Workers Fair Compensation Act*, komu tinilaika ya ha mamanda na i man man emplelea taotao hiyong ni ti man residentin i CNMI u guaha' yan hu go'ti dokumento put gasto na man prubiniye benefisiu nu siha. I pareho na areklamento lokkue' ha gagagao i man man emplelea ti man residentin i CNMI ni man man apapasi menos ki i mas takpapa' na suetdon Amerika ($5.15 gi ora) na hu kuenta todo i benefisiu ni man manana'e i ti man residentin i CNMI na empleao ya hu apasi i residenti na empleao komu subrida sigun i ma kuenta ña todo i gasto.

I Sekretariun i Dipattamenton Hotnat yan Imigrasion ma enkatga para hu na' guaha' esti siha na areklamento sigun i 4 CMC Seksiona 9504.

I Sekretariu ha intensiona para hu aprueba esti siha na areklamento yan tinilaika siha nu i presenti na areklamento komu petmanenti sigun i 1 CMC Seksiona 9104(a)(1) and (2). Put esti na rason na ha pupblilika esti na Nutisian Pupbliko guine gi Rehistran Commonwealth para hu na'e chalan i pupbliko anai ki siña man na'halom finiho. Yanggen kunbieni, u mana' guaha' inekungok pupbliko. Kopian finiho siha ginen i pupbliko u mana'e pat u mana' halom guatto gi: Sekretariun Dipattamenton Hotnat yan Imigrasion, Caller Box 10007, Capital Hill, Saipan, MP 96950.

Linaknos as: /S/ MARK ZACHARES — 4/12/99
Mark Zachares, Secretary — Fecha
Sekretariun Dipattamenton Hotnat
yan Imigrasion

Inakonfotma as: NOT REQUIRED — 4/12/99 EAS
Pedro P. Tenorio — Fecha
Maga'lahi (Gobetno)

Rinisibe as: [signature] — 4/12/99
Jose I. Deleon Guerrero — Fecha
Ayudantin i Gobetno gi Administrasion

REGULATIONS

A. Applicability

1. Employers who employ non-resident workers and pay their resident workers at or above the federal hourly minimum wage (currently $ 5.15) are exempt from these regulations.

B. Election of Benefits or Cash Equivalent

1. Where the employer employs non-resident workers and pays its resident workers less than the federal hourly minimum wage (currently $ 5.15), the resident worker may elect either the same benefits as the non-resident worker or the cash equivalent, as calculated below.

C. Record-keeping Requirements

1. Employers who employ non-resident workers and who pay resident workers less than the federal hourly minimum wage (currently $ 5.15) shall maintain records regarding employer expense of providing benefits mandated by law to non-resident workers. These benefits include but are not limited to housing, food, transportation (local only), health insurance, and medical expenses.

2. Employers shall begin keeping these records as soon as these regulations are adopted by the Department of Labor and Immigration.

3. One month after the regulations have been adopted by the Department of Labor and Immigration, investigators from the Department of Employment Services may request to see any employer's records. If an employer fails to furnish the records upon request, the employer can be fined $ 500 for each day it fails to furnish the requested records.

D. Calculation of the Compensation due to Resident Workers

1. Initially, employers shall first calculate the expense of providing these benefits to non-resident workers on a monthly basis. The calculation should entail the aggregate of the cost of providing all the benefits to non-resident workers divided by the number of non-resident workers.

2. The employer shall take the average monthly cost of providing the benefits to a non-resident worker and either provide a monthly lump sum payment to resident employees or shall amortize it on an hourly basis.

3. One year after the regulations have been in effect, employers should recalculate the payment due to resident workers and amortize the payment on an hourly basis. The employer must continue to keep records and to annually recalculate the cost of providing the benefits to non-resident workers and adjust the payment to resident workers accordingly.

Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Caller Box 10007 CK., Saipan, MP 96950
Tel. (670) 664-3000/1/2 • Fax: (670) 664-3067

RULES AND REGULATIONS TO IMPLEMENT PUBLIC LAW 11-55:

THE ASSIGNED RISK PLAN &

THE LICENSING OF INSURANCE PROVIDERS THAT PROVIDE MOTOR VEHICLE LIABILITY INSURANCE

Citation of Statutory Authority: The Secretary is authorized to promulgate these regulations pursuant to Section 6 of Public Law 11 - 55 (9 CMC Sections 8107 - 8108).

Short Statement of Goals and Objectives: These rules and regulations are promulgated to implement the Assigned Risk Plan and the licensing of insurance providers that provide motor vehicle liability insurance, both of which are required by Public Law 11 - 55.

Brief Summary of the Rules: The rules and regulations define the purposes of the Assigned Risk Plan (ARP), the eligibility requirements, and the criteria for apportionment of risks. The rules and regulations also enumerate reporting requirements and an appeals process. Finally, the rules and regulations explain the procedure for obtaining a license to provide motor vehicle liability insurance and the reporting requirements attendant thereto.

For Further Information, Contact: The Insurance Commissioner
Department of Commerce
Telephone: 670-664-3000
Facsimile: 670-664-3067

Citation of Affected Rules and Regulations: None.

Submitted by: F C B Villanueva 3-26-99

Frankie B. Villanueva
Insurance Commissioner

Date

Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Caller Box 10007 CK., Saipan, MP 96950
Tel. (670) 664-3000/1/2 • Fax: (670) 664-3067

NOTICE OF EMERGENCY RULES AND REGULATIONS TO IMPLEMENT PUBLIC LAW 11 -55: THE ASSIGNED RISK PLAN & THE LICENSING OF INSURANCE PROVIDERS THAT PROVIDE MOTOR VEHICLE LIABILITY INSURANCE AND NOTICE OF INTENTION TO ADOPT PERMANENT REGULATIONS

EMERGENCY: Section 6 of Public Law 11 - 55 (9 CMC Sections 8107 and 8108) requires the Insurance Commissioner to promulgate rules and regulations to create an Assigned Risk Plan for mandatory motor vehicle liability insurance and to license insurance providers that provide motor vehicle liability insurance. Section 11 of Public Law 11 - 55 gives the Insurance Commissioner 60 days to promulgate the rules and regulations, suspending all other provisions of the law until such time as those rules and regulations are promulgated. The Insurance Commissioner finds that the public interest requires adoption of these regulations immediately upon the concurrence of the Governor. Once approved, the Emergency Regulations shall remain in effect for a period not to exceed 120 days as set forth in 1 CMC Section 9104 (b).

REASON FOR THE EMERGENCY: The passage of Public Law 11 - 55 requires promulgation of rules and regulations to establish an Assigned Risk Plan and to license insurance providers that provide motor vehicle liability insurance before the Mandatory Motor Vehicle Liability Law can fully go into effect. Section 11 of PL 11 - 55 provides for 60 days to promulgate the rules and regulations.

CONTENTS: The rules and regulations define the purposes of the Assigned Risk Plan (ARP), the eligibility requirements, and the criteria for apportionment of risks. The rules and regulations also enumerate reporting requirements and an appeals process. Finally, the rules and regulations explain the procedure for obtaining a license to provide motor vehicle liability insurance and the reporting requirements attendant thereto.

INTENT TO ADOPT: The Insurance Commissioner intends to adopt these regulations and amendments to existing regulations as permanent regulations pursuant to 1 CMC Section 9104(a)(1) and (2), and therefore publishes in the Commonwealth Register this notice of opportunity to submit comments. If necessary, a hearing will be provided. Copies on the content of the regulations may be sent to: The Insurance Commissioner, Department of Commerce, Caller Box 10007, Capitol Hill, Saipan, MP 96950.

AUTHORITY: The Insurance Commissioner is authorized to promulgate these regulations pursuant to Section 6 of Public Law 11 - 55 (9 CMC Sections 8107 and 8108).

Issued by: 3-26-99

Frankie B Villanueva
Insurance Commissioner

Date

Concurred by: 3/26/99

Pedro P. Tenorio
Governor

Date

Received by: 3/26/99

Jose I. DeLeon Guerrero
Special Asst. for Administration

Date

Pursuant to 1 CMC Section 2153 as amended by P-L 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 26th day of March, 1999.

Maya B. Kara
Acting Attorney General

Elliott A. Sattler
Assistant Attorney General

Filed and Recorded by: 3/29/99

Soledad B. Sasamoto
Registrar of Corporations

Date

NUTISIA PUT ENSIGIDAS NA MA IMPLEMENTAN LAI PUPBLIKO 11-55 NU I AREKLAMENTON ASUNTO PUT KATGON INSURANCE YAN I MAN MA LISENSIA NA KUMPANIAN MAN INSURANCE KARETA YAN NUTISIA PUT I MA INTENSIONA NA INAPRUEBAN ESTI NA AREKLAMENTO KOMU PETMANENTI

ENSIGIDAS NA AREKLAMENTO: I Seksiona 6 gi Lai Pupbliko 11-55 (9 CMC Seksiona 8107 yan 8108) ha manda i Insurance Commissioner para hu publika yan hu na'guahaye areklamento para hu kreansa eyu i mafanana'an *Assigned Risk Plan* para i ginagagao na katgon ma insurance kareta siha yan i man malisensia siha na kumpania ni man man prubininiye insurance kareta. I Seksiona 11 gi Lai Pupbliko 11-55 ha na'e i Insurance Commissioner sisienta (60) dias para hu na'guahaye areklamento put insurance kareta anai gi mismo tiempo i palu siha na seksiona gi esti na lai u fan tai fuetsa estaki dispues ha' di gumuaha' areklamenton put insurance kareta. I Insurance Commissioner ha sodda' na i intires i pupbliko ginagagao na u efektibu esti na areklamento ensigidas di i inaprueban i Maga'lahi osino i Gobetno. Dispues di i ma aprueba ña, esti i Gotpe na Areklamenton Insurance Kareta hu efektibu sin mas ki siento benti (120) dias sigun i ginagagao gi 1 CMC Seksiona 9104 (b).

RASON POT ENSIGIDAS NA AREKLAMENTO: I ma pasan esti na aktu, Lai Pupbliko 11 - 55, ha gagagao na u mana' guaha' areklamento pot ma kreansan eyu i mafanana'an *Assigned Risk Plan* para i ginagagao na katgon ma insurance kareta siha yan i man malisensia siha na kumpania ni man man prubininiye insurance kareta antes di hu efektibu kabales i *Mandatory Motor Vehicle Liability* na lai. Seksiona 11 gi Lai Pupbliko 11 -55 ha prubiniye sisienta (60) dias para u mana' guahaye i ginagagao na areklamento.

AREKLAMENTO: I areklamento la'yiyi ha alalaba klaro i intension i ma kreansan i Assigned Risk Plan, i ginagagagao na kualifikasion gi bandan hafa siha na kareta yan haye na dueñon kareta siña man ma kubre, yan i katgon mañugon kareta. I areklamento lokkue' ha fasalilista pot man ripot yan hafa taimano para un apela hao yanggen gumuaha' kaosa. Muchumas i areklamento ha alalaba klaro hafa taimano mañule' lisensia put pruteksion katgon insurance kareta yan put para man ripot halom.

INTENSION INADAPTA: I Insurance Commissioner ha intensiona para hu aprueba esti na areklamento yan tinilaika gi i presenti na areklamento komu petmanenti na areklamento sigun i 1 CMC Seksiona 9104(a)(1) and (2), ya put eso, ha pupblilika guine gi Rehistran Commonwealth esti na nutisia put para u guaha' chalan anai ki sina i pupbliko man na'halom finiho. Yanggen kunbieni, u mana' guaha' inekungok pupbliko. Kopian finiho siha ginen i publiko u mana' halom guatto gi: *Insurance Commissioner, Dipattamenton Kometsiu, Caller Box 10007, Capital Hill, Saipan, MP 96950*

KATGO: I Insurance Commissioner ma na'e katgo para hu kreansa esti na areklamento sigun i ginagagao gi Seksion 6 gi Lai Pupbliko 11 - 55 (9 CMC Seksiona 8107 yan 8108).

Linaknos as: /s/ Frankie Villanueva
Frankie B. Villanueva
Insurance Commissioner
Fecha

Inakonfotma as: NOT REQUIRED
Pedro P. Tenorio
Maga'lahi (Gobetno)
Fecha

Rinisibe as: /s/ Jose I. Deleon Guerrero
Jose I. Deleon Guerrero
Ayudantin Gobetno gi Administrasion
Fecha

Sigun i ginagagao gi 1 CMC Seksiona 2153 ni tinilaika nu i Lai Pupbliko 10-50, i ma propone na areklamento guine esta inina yan inaprueba nu i ofisinan i CNMI Attorney General gi pot asunton lai.

Maya B. Kara
Acting Attorney General

/s/ Elliott A. Sattler
Elliott A. Sattler
Ass't. Attorney General

Rinisibe yan Pine'lo as: /s/
Soledad B. Sasamoto
Registrar of Corporations
Fecha

RULES AND REGULATIONS TO IMPLEMENT PUBLIC LAW 11-55:

THE ASSIGNED RISK PLAN &

THE LICENSING OF INSURANCE PROVIDERS THAT PROVIDE MOTOR VEHICLE LIABILITY INSURANCE

Part I: The Assigned Risk Plan

1. Minimum Liability Coverage
2. Coverage To Be Provided in the First Instance by the Voluntary Market
3. Purposes of the Assigned Risk Plan
4. Eligibility for the Assigned Risk Plan
5. Additional Coverage Available to ARP Applicants
6. Administration of the Assigned Risk Plan
7. Accumulation of Penalty Points under the Plan
8. Application to the Assigned Risk Plan
9. Assignment to the Assigned Risk Plan
10. Insurer's Duty to Accept or Reject
11. Installment Premium Payment Option
12. Procedure for Cancellations
13. Use of Premiums To Decide Apportionment of Assignments
14. Request for Voluntary Reassignment
15. Quarterly Reports and Annual Statements
16. Renewal Notices
17. Maximum Term of Coverage Under The Assigned Risk Plan
18. Options After Three Years Of Participation Under the Assigned Risk Plan
19. Reapplication
20. Relief Under Tariff
21. Appeal
22. Procedure For Appeal
23. Summary Decision
24. Examination

Part II: The Licensing of Insurance Providers

1. Definitions
2. Application for Insurance Provider License
3. Filing of Quarterly and Annual Reports
4. Application and Forms for the ARP

Part I: The Assigned Risk Plan

1. Minimum Liability Coverage

In accordance with Section 6 of Public Law 11 - 55 (9 CMC Sections 8103 through 8106), the operator of a motor vehicle must maintain minimum liability insurance of $15,000 for bodily injury or death of any one person; $30,000 for the bodily injuries or deaths of all persons involved in any one accident; and $15,000 for injury, damage, or destruction of property in any one accident. The operator is required to have on his or her person or in the vehicle satisfactory evidence of minimum motor vehicle liability insurance. An insurance card issued by the Insurance Provider or Agent that comports with the guidelines established by the Insurance Commissioner or his or her designee[1] shall suffice as evidence of minimum motor vehicle liability insurance.

2. Coverage To Be Provided in the First Instance by the Voluntary Market

The coverage is to be provided in the first instance by the "Voluntary Market." The "Voluntary Market" means coverage for motor vehicles provided by insurance providers in accordance with Public Law 11-55 but not written under the "Assigned Risk Plan." In the "Voluntary Market," an insurance provider may decline to provide insurance coverage to an owner or operator based on the insurance provider's underwriting guidelines. In the event that an insurance provider declines to provide the owner or operator with such coverage, the insurance provider will issue the owner or operator a letter of declination that states with specificity the reason(s) for declination.

3. Purposes of the Assigned Risk Plan

The purposes of the Assigned Risk Plan (hereinafter "ARP" or "the Plan") are as follows:

(a) To provide a means by which applicants for automobile bodily injury and property damage liability insurance, who are in good faith entitled to but are unable to procure such insurance through ordinary methods, may obtain such coverage.

(b) To establish a reasonable plan for the assignment of eligible risks and for the equitable apportionment of these risks among insurers admitted to transact automobile insurance in the CNMI.

---

[1] Hereinafter, whenever the terms "Insurance Commissioner" or "the Commissioner" are used, they shall be understood to mean "the Insurance Commissioner or his or her designee."

4. Eligibility for the Assigned Risk Plan

In order to be eligible for the ARP, the owner of the vehicle must have attempted to secure motor vehicle liability insurance in the "Voluntary Market," as evidenced by three (3) letters of declination.

5. Additional Coverage Available to ARP Applicants

Nothing contained herein shall prohibit an Insurer who accepts an assignment under this plan from offering to any Insured any additional coverage which the Applicant may be willing to purchase, such as collision, comprehensive, medical payments and uninsured motorist coverage. However, the insurance provider may not make such additional coverage a condition for provision of liability insurance to an ARP applicant assigned to it by the Insurance Commissioner.

6. Administration of the Assigned Risk Plan

The Insurance Commissioner shall administer the Plan. The Insurance Commissioner shall make all assignments under the Plan and shall faithfully and impartially perform the functions and duties set forth in this Plan. S/he shall keep complete records and statistics and submit reports to the Commissioner as may be necessary for the efficient operation of the Plan. The Insurance Commissioner shall compile the quarterly reports filed by the Insurers for assigned risks written under the Plan and shall keep a summary of these reports that will be made available for inspection upon request.

On or before September 1st following the calendar year the Insurance Commissioner shall submit a compilation of the Insurer's annual reports for risks covered under the Plan together with any recommendations for the efficient administration of the Plan, including but not limited to the adjustments of rates, penalty points, recordkeeping and compilation of statistics.

7. Accumulation of Penalty Points under the Plan

The driving record of any Applicant and any person who during the 36 previous months, normally or usually drove or drives the motor vehicle, shall be the determining factor in the applicability of the additional premium charges. The modification shall be determined by the total number of penalty points accumulated by any owner or operator and any other person authorized by the Applicant to operate the motor vehicle.

In accordance with the following rules, penalty points shall be assigned to a maximum of eighteen (18) points per vehicle on the basis of motor vehicle convictions that occurred during the 36 months immediately preceding the effective date of coverage in connection with the original application for motor vehicle insurance coverage and for renewal, during the 36 months ending prior to the effective date of renewal.

(a) Ten points shall be assigned for each of the following convictions, in addition to any points assignable for any one accident.

(1) Driving a motor vehicle under the influence of intoxicating liquor or narcotic drugs.
(2) Failing to stop and report when involved in an accident where injury to any person results therefrom.
(3) Homicide or assault arising out of the operation of a motor vehicle.

(b) Six points shall be assigned for each of the following convictions, in addition to any points assignable for any accident:

(1) Operating a motor vehicle without current automobile liability insurance, certificate of registration, and a valid driver's including during a period of revocation or suspension of motor vehicle registration or driver's license.
(2) Operating a motor vehicle without the permission of owner of the vehicle.
(3) Loaning a driver's license to an unlicensed operator.
(4) Making false statement in the application for motor vehicle registration or driver's license.
(5) Impersonating an applicant for motor vehicle registration or driver's license or procuring a motor vehicle registration or driver's license through impersonation whether for himself or another person.

(c) Four points shall be assigned for each of the following convictions in addition to any points assignable for any accident:

(1) Driving a motor vehicle in a reckless manner.
(2) Engaging in a speed contest.
(3) Permitting an unlicensed person to drive.
(4) Failing to stop and report when involved in an accident where injury to person does not result therefrom.

(d) One point shall be assigned for one conviction and two points shall be assigned for each additional conviction, in the case of convictions for moving traffic violations other than those set forth above, unless the conviction resulted from an accident for which points are assignable, in which case only the points for the accident shall be assigned.

Exception: The following shall not be considered moving traffic violations:

(1) Any motor vehicle equipment requirement of motor vehicle and traffic laws except brake and failure to use seatbelts and child restraint devises.
(2) Failure to display proper motor vehicle license plates provided such plates are in existence.
(3) Failure to have in possession a driver's license provided there is a valid driver's license in existence.
(4) Failure to have a valid driver's license or valid vehicle registration certificate provided there is such license or registration in existence which has not been renewed for a period not to exceed ninety days.

(e) Two points shall be assigned for each automobile accident resulting in a bodily injury or death to any person or in damage to property in excess of $1,000.00.

Exception: Points shall not be assigned under this subsection if the accident occurred under the following circumstances:

(1) The motor vehicle, owned or operated by the applicant or other person who usually drives the applicant's motor vehicle, was legally stopped at traffic control or was lawfully parked (an automobile rolling from a parked position shall not be construed as lawfully parked, but shall be considered as the operation of the last operator).
(2) The motor vehicle, owned or operated by the applicant or other person who usually drives the applicant's motor vehicle, was struck in the rear by another vehicle, and the applicant or other person who usually drives the applicant's motor vehicle, was not convicted of a moving traffic violation in connection with the accident.
(3) The motor vehicle, owned or operated by the applicant or other person who usually drives the applicant's motor vehicle, was damaged as a result of contact with a "hit and run" driver, and the applicant or such other person reported the accident to the proper authorities within 24 hours.
(4) The Applicant (owner or operator) or other person who usually drives the applicant's motor vehicle was not convicted of a moving traffic violation, and the owner or operator of another motor vehicle was so convicted in connection with that accident.
(5) The Applicant (owner of operator) or another person who usually drives the applicant's motor vehicle has obtained a judgment against, or a settlement from or on behalf of, the owner or operator of another vehicle involved in the accident (provided the judgment or settlement was obtained prior to the date of application to the Plan, or, in the case of renewal, prior to the effective date of the renewal policy; and provided that as a result of such accident, no judgment was obtained against, nor was any amount paid in settlement by or on behalf of, the applicant or other person who usually drives the applicant's motor vehicle).

(6) Injury or damage was caused by contact with animals, fowl, flying gravel or falling objects.

(7) The accident occurred as a result of operating a motor vehicle in response to an emergency and, at the time of the accident, the applicant, or other person who usually drives the applicant's motor vehicle, was responding to a call of duty as a paid or volunteer member of any police or fire department, first aid squad, or any law enforcement agency.

(f) Penalty Point Values and Additional Premium Charges

An additional $ 25 for each penalty point shall be added to the premium for each vehicle insured under the Assigned Risk Plan.

Note: Where any automobile policy insures more than one motor vehicle, the applicable accumulated points shall be applied first to the motor vehicle with the highest premium and then shall be applied to the next highest rated motor vehicle or vehicle in succession, up to a maximum of eighteen (18) points per vehicle.

8. Application to the ARP

An application for automobile insurance coverage shall be filed by the Applicant or anyone designated by him to act on his behalf.

In the event an insurer shall deny automobile liability insurance coverage to an Applicant, the Insurer, or the general agent or any duly authorized agent of the Insurer shall provide the Applicant with a letter of declination that states with specificity the reason(s) for denial.

To apply for the ARP, the owner must fill out the application provided by the Insurance Commissioner and attach copies of the three (3) letters of declination, the owner and / or operator's traffic abstract, as provided by the Bureau of Motor Vehicles for a fee, and the owner and / or operator's traffic record, as provided by the Superior Court for a fee.

Upon receipt of an application properly completed and executed and a determination that the Applicant is an Eligible Risk for assignment, the Insurance Commissioner shall within five working days from receipt of completed application, designate an Insurer and assign the Eligible Risk to such insurer.

9. Assignment to the Assigned Risk Plan

In the assignment of an Eligible Risk to Insurer, the Insurance Commissioner shall issue to the Applicant the following items that are to be supplied to the assigned Insurer or its resident general agent:

(a) An assignment of Risk Form
(b) The ARP application
(c) The driving record and the accident record (as enumerated in Section 8) of the Applicant and any person who, during the 36 previous months, normally and usually drove or drives the motor vehicle(s) included in a Risk.

10. Insurer's Duty to Accept or Reject

Within five (5) working days from receipt of the required documentation stated in Section 9, the designated insurer shall accept the assignment by the Insurance Commissioner and:

a. Issue a policy required by this Plan or a Temporary Binder of Coverage that will be effective not later than 12:00 a.m. of the fifth (5th) day following the receipt of such required documentation specified under Section 9 . In the event there is in force a policy terminating at a date later than the date that would be fixed pursuant to this section and Applicant indicates such date in this Application than the Insurer shall fix the date when the policy or binder becomes effective as of 12:01 a.m. on the stated termination date of policy. In case a Temporary Binder of Coverage was issued, the policy to replace such binder shall be issued no later than thirty (30) days from the date of inception; and

b. Collect from the Insured, the Full Annual Premium or Deposit Premium as required in Section 11 . If a partial deposit has been paid to the Insurer, the Insurer shall notify the Insured of the payment cancellation terms as stated in Section 11 ; and

c. Notify the Insurance Commissioner that it has completed the assignment, and of the policy number, effective date and the gross premium.

11. Installment Premium Payment Option

(a) Any and all premiums of $300.00 or less must be paid in advance of the issuance of a policy or a Temporary Binder of Coverage under this Plan. In the event that an annual premiums exceeds $300.00, an Applicant may procure Insurance by paying a Deposit Premium of 30% of the entire annual premium or $300.00, whichever is greater. The remainder must be paid within 60 days of the issuance of the premium in two equal monthly installments. An insurer may require the payment of full annual premium if an applicant has within

the twelve months prior to the date of application to the Plan, had insurance coverage canceled due to non-payment of the premium.

(b) During any one assignment period (up to three years), if payment is not received within the time required under this section, an Insurer shall have the right to cancel the policy by mailing or delivering to the Insured, a Notice of Cancellation for non-payment of premium. Such notice shall state:

(1) The date, not less than thirty (30) days from the date of mailing or delivery when a policy is to be canceled unless payment is made, and

(2) The amount required in order for coverage to continue under the Plan. If the insured fails to meet the payment required by the date stated on such notice, the Insurer may cancel the policy; in all such cases the Insurer shall have filed with the Insurance Commissioner, in writing a notice of such cancellation.

(c) During any one assignment period (up to three years), if payment is not received within the time required under this section and an Insurer mails or delivers a Notice of Cancellation for non-payment of premium, and the Insured tenders payment before the effective date of cancellation of the policy, the Insurer may require from the Insured, the full payment of the balance of the premium for the current annual policy and may require the payment of the full premium on any subsequent renewals for such assignment under the Plan.

(d) The obligation of a designated Insurer with respect to an assignment under the plan ends and the Insurer is not obligated to reinstate the policy or issue a new policy under the Plan if :

(1) An insurer has canceled a policy due to non-payment of Premium, or

(2) If the Insured has failed to tender the required renewal or deposit premium in the time stated under part (a) of this Section.

In the event of a cancellation or non-renewal, the Insured may file an application with the Insurance Commissioner as a new Applicant. The Insurance Commissioner shall assign the Applicant to another insurance provider within the ARP and shall require payment in full at the outset, regardless of the amount of the total premium.

12. Procedure for Cancellations

If after the issuance of a policy the Insurer finds that the Applicant is not eligible for insurance, the Insurer shall have the right to cancel the policy by mailing or delivering to the Insured a Notice of Cancellation. Such notice shall state the date, not less than thirty days from the date of mailing or delivery when

a policy is to be canceled and the reasons underlying such cancellation. In all such cases, the Insurer shall have filed with the Bureau of Motor Vehicles and the Insurance Commissioner, in writing, prior to the effective date of cancellation, a notice of such cancellation and the reasons underlying such cancellation.

13. Use of Premiums To Decide Apportionment of Assignments

All insurers admitted to transact automobile insurance in the CNMI shall participate in the ARP. The Insurance Commissioner shall assign applicants to the ARP to insurance providers based on the insurer's proportion of gross written premium for total auto insurance in the CNMI.

The Insurance Commissioner shall calculate the equitable apportionment of assignments to Insurers under the Plan and shall implement such calculation for assignments under the Plan upon the completion and release of the Commissioner's Annual Report.

(a) In the year that an Insurer transacts automobile liability insurance for the first time, the Insurer shall participate in the equitable apportionment of Eligible Risks and be assigned the same proportion of Eligible Risks assigned to the Insurer with the least direct premiums written but in no case less than one assignment.

(b) In the event of a merger or consolidation of Insurers, the total direct premiums written by all Insurers merged or consolidated shall be used to calculate the proportion of Eligible Risks assigned to the Insurer formed by the merger of consolidation.

(c) If after the proportion of Eligible Risks has been calculated and assignments made, a new Insurer commences transacting Insurance, the Insurance Commissioner shall equitably adjust the proportion for the assignment of Eligible Risks to the other Insurers.

14. Request for Voluntary Reassignment

An Eligible Risk who is dissatisfied with the designated Insurer or a designated insurer that is dissatisfied with an Applicant insured by it may file with the Insurance Commissioner, not less than 30 days prior to the expiration of policy, written request for assignment of such Eligible Risk upon expiration to another Insurer. Assignment to another Insurer shall be at the discretion of the Insurance Commissioner.

15. Quarterly Reports and Annual Statements

Any and all Insurers shall file annual statements as required by law and shall file quarterly reports of Direct Premiums Written and Direct Losses Incurred under the Plan. The quarterly report shall be filed on or before the 20th day of the month following the end of the quarter.

In the event an Insurer shall fail to submit any quarterly report or annual statement in the time required herein, the Commissioner shall have the discretion to assess a late filing fee of $500.00 per report to such Insurer. In the event an Insurer shall fail to submit any required quarterly report or annual statement in excess of ninety days past the time stipulated, the Commissioner shall have the discretion to revoke the Certificate of Authority of such Insurer.

Should any Insurer shall fail to submit any annual statement for any given year, the Insurance Commissioner shall have the option of using the highest Gross Written Premiums for Total Auto by such insurer within the previous three years for the computation of the proportionate share of the Insurer in the Plan.

16. Renewal Notices

An Insurer may request current policy rating information from the insured by means of a renewal questionnaire filed with and approved by the Commissioner. The questionnaire shall be mailed to the Insured at the address shown on the policy, at least sixty days before the expiration date of the policy. Should the insured fail to respond or return the questionnaire, the Insurer may use the most recent application submitted by the Insured in the calculation of the annual premium.

In any case, the Insurer must send to the Insured at the address shown on the policy, a notice for the renewal of the policy, together with the required renewal premium or down payment in accordance with Section 11. This notice to the Insured shall be mailed by the Insurer no less than thirty days before the expiration date of the current policy.

17. Maximum Term of Coverage Under The Plan

An Insurer shall not be required to insure a Risk as an assignment under the Plan for a period in excess of three consecutive years.

18. Options After Three Years Of Participation Under Plan

Every Insurer insuring an Eligible Risk that has been insured by Insurer for a period of three consecutive years by an assignment under the Plan, shall upon expiration of the current policy, either:

(a) Issue a policy under the Voluntary Market; or

(b) Issue a Letter of Declination to the Insured.

At least thirty days before the expiration date of such policy, such Insurer shall notify the Insurance Commissioner and the Insured of its intended action under this section.

19. Reapplication

If an Insurer serves notice to the Applicant and discloses an intent to refuse to issue a renewal policy pursuant to Section 18 and the Applicant is unable to procure Insurance in the Voluntary Market from another insurance provider, reapplication may be made to the Plan. Such application and subsequent assignment shall be considered a new application and a new assignment to the designated insurer.

20. Relief Under Tariff

In the calculation of the applicable insurance premium on any Risk under the Plan, an Insurer shall:

(a) Rate and charge an Applicant who has accumulated penalty points by using the corresponding amounts of penalty set forth in the Rate Modifications contained in Section 7 in addition to the applicable rates set forth in a tariff approved by the Insurance Commissioner.

(b) Apply a surcharge up to 30% in addition to the applicable rates set forth in an current Approved Tariff whenever an Applicant applies for automobile insurance coverage for any vehicle modified structurally or mechanically to enhance or hamper performance.

21. Appeal

The following persons may file an appeal with the Commissioner under the following circumstances:

(a) Any Applicant who is denied motor vehicle insurance coverage in the Voluntary Market or denied automobile liability insurance under the Assigned Risk Plan; the denials thereof that are asserted to be in violation of any applicable statute, regulation, order or rule.

(b) Any Insured who is denied motor vehicle insurance coverage in the Voluntary Market or denied automobile liability insurance under the Assigned Risk Plan; the denials thereof that are asserted to be in violation of any applicable statute, regulation, order or rule.

(c) Any Applicant, Insured, or Insurer who is adversely affected by any decision, order, ruling, rule or sanction of the Commissioner that is asserted to be in violation of any applicable statute, regulation, order or rule.

22. Procedure for Appeal

The Commonwealth Administrative Procedure Act and the Commonwealth Insurance Act shall apply to any appeal taken by an Applicant or an Insured or an Insurer, and will be supplemented by the following procedural rules:

(a) Any Applicant or Insured who appeals an action or decision of an Insurer shall:

(i) Submit two copies of the application for automobile insurance in question to the Insurance Commissioner within ten working days;

(ii) Submit, after receipt of the Notice of Denial or the Notice of Cancellation, a written appeal letter to the Insurance Commissioner and to the Insurer within ten working days; and,

(iii) Submit to the Insurance Commissioner two copies of official documentation of the driving record of the Applicant or Insured demonstrating the driving experience of the Applicant or Insured for a 36 month period preceding the date of application from the jurisdiction(s) where the Applicant or Insured has resided. For the purposes of this subsection "official documentation" may be in the form of an abstract of driving records from a Department of Public Safety, Department of Motor Vehicles, Bureau of Motor Vehicles, or appropriate governmental agency or subdivision tasked with collecting and maintaining driving records.

(b) Any Applicant, Insured, or Insurer under the Assigned Risk Plan who appeals any decision, order, ruling, rule, or sanction of the Commissioner shall:

(i) Submit, after receipt of the written decision, order, ruling, rule, or sanction of the Insurance Commissioner, a written appeal letter to the Insurance Commissioner within ten working days; containing a statement of facts setting forth the reasons for the

appeal and a citation of any applicable statute, regulation, order or rule in support of the appeal; and,

(ii) Submit a copy of the written decision, order, ruling, rule, or sanction of the Insurance Commissioner that is the subject of the appeal.

23. Decision on Administrative Appeal.

The Commissioner or his delegate shall render a final administrative decision on administrative appeals filed by an Applicant, an Insured, or an Insurer pursuant to the provisions of Sections 21 and 22. This final administrative decision shall be rendered within 30 days of receipt of the written appeal letter or within 30 days of the closing of the record of an administrative hearing. Failure to render the decision within 30 days shall not affect the validity of the ruling on the administrative appeal.

The Commissioner or his delegate shall schedule an administrative hearing within ten days of the receipt of a written appeal letter. The Commissioner or his delegate shall render a decision and issue an appropriate order sustaining or reversing or modifying the appealed denial or cancellation or non-renewal of automobile insurance coverage or assignment of risk under the Assigned Risk Plan.

24. Examination

At such times as the Commissioner shall deem necessary and proper, s/he may cause an examination of any Insurer to participate in the Plan.

Part II: The Licensing of Insurance Providers That Provide Motor Vehicle Liability Insurance

1. Definitions

1) "Insurance Provider" means any person, business, partnership, corporation, or any other entity which sells, underwrites, or in any way provides other persons or businesses with liability insurance in relation to the operation of any motor vehicle(s) in the Commonwealth.

For purposes of these rules and regulations, an Insurance Provider means an insurer, as defined under 4 CMC, Division 7, Section 7103(a),(h), or (l).

2) "Satisfactory Evidence of Minimum Motor Vehicle Liability Insurance" shall mean valid documentary evidence of minimum liability insurance required by this Act, containing such information and printed on such form as required by the rules and regulations promulgated by the Insurance Commissioner for these purposes.

For purposes of these rules and regulations, "Satisfactory Evidence of Minimum Motor Vehicle Liability Insurance" means a document, which may be referred to as an "insurance card," issued by a duly licensed Insurance Provider, containing at a minimum, the following:

Name of Insurance Provider:
Address: (if applicable)
Name of General Agent: (if applicable)
Address:

Name of Insured:
Policy Number:
Inception Date & Expiration Date:

Vehicle Information:
Vehicle Identification Number:
License Plate Number
Year:
Make:
Model:

A signature block on the face of such insurance card shall indicate "Authorized Signature," which, once signed, shall constitute coverage and compliance with the Minimum Liability Insurance. In addition, the wording, "This insurance card complies with Public Law (PL) 11-55," shall also be included on the face of the insurance card.

3) "Letter of Declination" means a document issued by an Insurance

Provider to an applicant for Minimum Liability Insurance in the case where an Insurance Provider declines to provide said Minimum Liability Insurance. At a minimum, the document shall contain the following:

Name of Applicant For Insurance:
Address:

Name of the Insurance Provider issuing the Letter of Declination, or in the of a General Agent, on behalf of the Insurance Provider for which a Letter of Declination is issued.

Where applicable, the particulars of the motor vehicle(s) for which the declination is being issued.

A statement of the reason(s) for such declination. In cases where a declination is issued for reason(s) that a particular risk is not within a carrier's underwriting guidelines, a detailed statement, to the effect, shall be provided.

In the case that a General Agent (GA) represents more than one (1) Insurance Provider, the GA shall not issue more than one (1) Letter of Declination to the same Applicant For Insurance.

4) "Insurance Commissioner" means the insurance commissioner established by 4 CMC § 7104, as amended.

5) "Motor Vehicle" means every self-propelled vehicle which is designed and required to be licensed for use upon a highway, including trailers and semi-trailers designed for use with such vehicles, and shall include motorcycles, mopeds, and powered scooters.

6) "Minimum Liability Coverage" means an insurance policy which provides not less than the following coverage: $15,000 for bodily injury or death of any one person in any one accident; $30,000 for the bodily injuries or deaths of all persons involved in any one accident; $15,000 for injury, damage or destruction of property in any one accident.

7) "Regulation of Insurance Providers" means no person shall engage in the business of providing any kind of motor vehicle liability insurance for the operation of any motor vehicle within the Commonwealth unless they have a valid Insurance Provider's License, issued by the Insurance Commissioner.

2. Application For Insurance Provider License

1. An applicant shall complete an Application For Insurance Provider License prescribed by the Insurance Commissioner and is hereby incorporated as Form IP-01, and enclosed as Exhibit A.

2. The applicable fee for such license shall be $250, which shall be non-refundable.

3. An applicant shall appoint a General Agent, where applicable, and the regulation of such appointment shall be in accordance with 4 CMC, Division 7.

3. Filing of Quarterly and Annual Reports

1. All Insurance Provider Licensees shall, no later than the twentieth day following the end of a calendar quarter, file with the Insurance Commissioner business written on the Assignment of Eligible Risk (ER) under the Assigned Risk Plan (ARP).

The format for such filing shall contain, at a minimum, the following:

1. Name of Insurance Provider

2. Direct Premiums Written

3. Direct Losses Incurred

4. The period for which the report is being provided.

All other statutory filing requirements, in accordance with 4 CMC, Division 7, apply under this section.

All other requirements, as set forth under item no. 15 of the ARP apply under this section.

4. Applications And Forms

1. Application To The ARP

(a) For purposes of application to the ARP, an applicant shall execute Form IP-02, incorporated as Exhibit B.

In addition, an applicant shall also include in such application the following:

1. Three (3) Letters of Declination issued by duly licensed Insurance Provider Licensees.

2. Owner's and/or Operator's traffic abstract, as issued by the Bureau of Motor Vehicles for a fee.

3. Owner's and/or Operator's traffic record, as issued by the CNMI Superior Court for a fee.

2. Assignment Of Risk Form

(a) For purposes of the assignment of an ER to an insurer, the Office of the Insurance Commissioner shall issue to an applicant to the ARP, Form IP-03, incorporated as Exhibit C.

In addition, such issuance shall include the following:

1. The ARP application

2. The driving record and the accident record (as enumerated in Section 8 of the ARP) of the applicant and any person who, during the preceding 36 months, normally and usually drove or drives the motor vehicle(s) included in an ER.

3. Notification of Completed Assignment Form

Upon the completion of an assignment of an ER, an Insurance Provider shall file, within five (5) days, a notification of a completed assignment.

At a minimum, the notification shall contain the following:

1. The policy number

2. The inception and expiration date of the policy

3. The gross premium written, showing the base rate applicable to the type of the vehicle , and the calculation for any penalty points assessed on the assignment of the ER.

Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Caller Box 10007 CK., Saipan, MP 96950
Tel. (670) 664-3000/1/2 • Fax: (670) 664-3067

APPLICATION FOR INSURANCE PROVIDER LICENSE

☐ **NEW**

☐ **EXTENSION**_____ Date: _____

TO THE INSURANCE COMMISSIONER OF THE COMMONWEALTH:

The _____

Company of _____ , does hereby apply for authority to participate as an Insurance Provider for the year ending December 31, 19 _, to sell Minimum Liability Insurance in the Commonwealth, in accordance with Public Law 11-55.

The company further states that it will participate in the Assigned Risk Plan and is aware of and will comply with the rules and regulations governing that plan.

Name (please print or type) _____

Signature: _____

Title / Position: _____

Form IP-01

Department of Commerce

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
Caller Box 10007 CK., Saipan, MP 96950
Tel. (670) 664-3000/1/2 • Fax: (670) 664-3067

APPLICATION TO THE ASSIGNED RISK PLAN (ARP)

The undersigned, _____, hereby makes application to the CNMI Insurance Commissioner, in accordance with Section 8, of the Assigned Risk Plan (ARP).

The particulars of the vehicle(s) for which motor vehicle liability insurance is sought are:

Vehicle Information:
- Vehicle Identification Number:
- License Plate Number
- Year:
- Make:
- Model:

In support of this application for assignment as an Eligible Risk (ER), I hereby submit the following:

_____ Three (3) Letters of Declination

_____ A copy of my traffic abstract (traffic record), as issued by the Bureau of Motor Vehicle

_____ A copy of my accident abstract (accident record), as issued by the CNMI Superior Court

_____ A copy of the traffic abstract (traffic record) of the person(s) who normally and usually drives or drove the motor vehicle(s), as issued by the Bureau of Motor Vehicles

_____ A copy of the accident abstract (accident record) of the person(s) who normally and usually drives or drove the motor vehicle(s) (traffic record), as issued by the CNMI Superior Court

Signature:_____ Date:_____

Form IP-02

PROPOSED AMENDMENTS TO THE
COMMONWEALTH PORTS AUTHORITY
SEAPORT DIVISION
TERMINAL TARIFF

Citation of Statutory Authority:	The Commonwealth Ports Authority proposes to amend its Seaport Division Terminal Tariff, pursuant to its rulemaking authority under 2 CMC § 2122 (j) and 1 CMC § 9102, 9104 (a), and 9105.
Short Statement of Goals and Objectives:	The proposed amendments to the Terminal Tariff would increase the wharfage fee, port entry fee, dockage fee, homeport vessel fee, and passenger fee. The proposed fee increases is intended to enable the Authority to obtain an investment-grade rating on its Seaport Revenue Bonds 1998 Senior Series A, to maintain its present bond interest rate, and to ensure that the Seaport Division generate sufficient revenue to service the debt payments required to be made under the Seaport Revenue Bond indenture agreement.
Brief Summary of Proposed Regulations:	The proposed amendments to the Seaport Division's Terminal Tariff would increase certain seaport fees as recommended by CPA's seaport feasibility study consultant in order to obtain an investment grade rating on the Seaport Revenue Bonds and to comply with the debt service requirements of the bond indenture.
For Further Information you may contact:	Carlos H. Salas, CPA Executive Director at Tel. No. 664-3500
Citation to Related or Affected Statutes, Regulations and Orders:	2 CMC § 2101 et seq., (particularly 2 CMC § 2122 (g)); CPA Terminal Tariff, published in Vol. 14, No. 5 of the Commonwealth Register dated May 26, 1992, and as subsequently amended on March 15, 1995.

COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.csalas@saipan.com OR cpa.frosario@saipan.com

PUBLIC NOTICE

PROPOSED AMENDMENT TO THE COMMONWEALTH PORTS AUTHORITY TERMINAL TARIFF REGULATIONS

The Commonwealth Ports Authority, pursuant to its rule-making authority under 2 CMC §2122(j), and in accordance with the provisions of 1 CMC §9102, 9104(a), and 9105, hereby gives public notice of its intention to amend certain sections of the Seaport Division Terminal Tariff Regulations. The proposed amendments would increase the wharfage fees, dockage fees, port of entry fees, bunker fees, homeport vessel fees, and the passenger fee. The proposed tariff increases would enable the Authority to obtain an investment-grade rating on its Seaport Revenue Bonds 1998 Senior Series A, would maintain its present bond interest rate, and would ensure that the Seaport Division generate enough revenue to service the debt payments required to be made under the Seaport Revenue Bond indenture.

All interested persons may examine the proposed Terminal Tariff amendments and submit written comments, position, or statement for or against the proposed amendments to the Executive Director, Commonwealth Ports Authority, Saipan International Airport, P. O. Box 1055, Saipan, MP 96950, no later than thirty (30) calendar days following the date of publication of this Notice.

Dated this 30th day of March, 1999, at Saipan, Northern Mariana Islands.

COMMONWEALTH PORTS AUTHORITY

By: _____
CARLOS H. SALAS
Executive Director

Pursuant to 1 CMC §2153, as amended by Public Law 10-50, the proposed amendments to the Commonwealth Ports Authority Seaport Division Terminal Tariff Regulations, a copy of which is attached hereto, have been reviewed and approved by the CNMI Attorney General's Office.

for

MAYA B. KARA (Acting)
Attorney General

Date: April 7, 1999

RECEIVED BY:

JOSE I. DELEON GUERRERO
Special Asst. for Administration

Date: 4/13/99

FILED BY:

SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 4-14-99

COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.csalas@saipan.com OR cpa.frosario@saipan.com

NUTISAN PUPBLIKU
I MAPROPOPONE NA AMENDASION REGULASION APAS PANTALAN GI COMMONWEALTH PORTS AUTHORITY

I Commonwealth Ports Authority, sigun gi aturidat para u famatinas areklamento gi papa 2 CMC § 2122(j) yan sigun gi prubinsion siha ginen 1 CMC § 9102, 9104(a) yan 9105, ginen este ha nutitisia I pupbliku put I intension-niha para u amenda kuantos na seksiona gi Areklamento yan Regulasion Dibision Pantalan (Seaport). I mapropopone siha na amendasion para u aomenta mas I apas pantalan yanggen para u ma angkla I batko gi pantalan yan otro siha na apas (wharfage fees, dockage fees, port of entry fees, bunker fees homeport vessel fees) para u aomenta I apas put para u alibia mas I Aturidat para u fanggana investment-grade rating gi Seaport Revenue Bonds 1998 Senior Series A yan u susteni I prisenti na bond interest rate, yan asigura na I Dibision Pantalan u famatinas mas salape para setbisium apas dibi siha ni mannisisariu gi papa Seaport Revenue Bond indenture.

Todu maninteresante siha na petsona sina ma eksamina I man-mapropopone siha na amendasion yan satmiti halom komentu gi tingie' put pusision, sinangan osino kinentra put I man-mapropopone siha na amendasion guatu para I Direktot Eksekatibu, Commonwealth Ports Authority, Saipan International Airport, P. O. Box 1055, Saipan, MP 96950, ti u mas di trenta (30) dias despues di mapublika huyong este na nutisia.

Ma fecha gi mina' 30th na dia, guine na mes I March, 1999, giya Saipan, I Sangkattan siha na Islas Marianas.

COMMONWEALTH PORTS AUTHORITY

Ginen as: _____
CARLOS H. SALAS
Direktot Eksekatibu

SAIPAN INTERNATIONAL AIRPORT/SEAPORT *P.O. Box 1055, Saipan, MP 96950*
ROTA INTERNATIONAL AIRPORT/SEAPORT *P.O. Box 561, Rota, MP 96951*
WEST TINIAN AIRPORT/SEAPORT *San Jose Village, Tinian, MP 96952*

Sigun gi 1 CMC § 2153 ni inamenda ni Lai Pupbliku 10-50, I areklamento yan regulasion siha put I mapropopone siha na amendasion gi Patte 12 gi Areklamento yan Regulasion Pantalan, I kopia ni chechetton guine, esta man-maribisa yan apreba ginen I Ofisinan Attorney General giya CNMI.

ELLIOTT A. SATTLER

MAYA B. KARA (Acting)

4.7.99

Fecha

Rinisibi as:

JOSE I. DELEON GUERRERO
Special Assistant for Administration

Fecha: 4/13/99

Ma file as:

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

Fecha: 4-14-99

COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.admin@saipan.com

ARONGORONGOL TOWLAP

Pwomwol Lliiwel Ngali Commonwealth Ports Authority
Reel Alleghul Terminal Tariff

Commonwealth Ports Authority sángi bwóngil reel ffééról Allégh faal 2 CMC §2122(j) me ghol ngáli autol ailewal 1 CMC § 9102, 1904(a) me 9105, ekke issiisiwow arong ngáliir towlap reel igha a tipeli bwe ebwe lliiweli akkaw peighil Allégh iye llól Seaport Division Terminal Tariff Pwomwol lliiwel yeel nge ebwe atchówaló abwóósul whartage, dockage, toolongol port, bunker, homeport vessel, me abwóósul schóól tatta. Tchówal abwóós reel pwomwol Tariff yeel nge ebwe ngáleey Bwulasiyo yeel bwe ebwe akkamwósch investment grade rating reel yaar Seaport Revenue Bonds reel 1998 Senior Series A, me rebwe amwuschú yaar present bond interest rate, me ebwe amwuri bwe Seaport Division e ammalawa ghówal revenue kka ebwe tepengi debt payments kka e required bwe ebwe ffééř faa Airport Revenue Bond indenture.

Alongeer aramas kka re mwuschel rebwe amwuri pwomwol lliiwel kkaal reel allégh kkaal me ngáre iischilong yaar mángemáng ayégh reel igha ebwe issch ngáli Samwoolul Bwulasiyool Commonwealth Ports Authority, Saipan International Airport, P. O. Box 1055, Saipan, MP 96950, essóbw aluuw ló eliigh (30) ráál mwiiril ráál la e toolong arong yeel.

E ffééř llól ráál iye 30th llól maramal March, 1999, mewóól Seipél, metawal wóól falúw kka Marianas.

COMMONWEALTH PORTS AUTHORITY

Mereel: _____
Carlos H. Salas
Executive Director

Sángi autol 1 CMC §2153 iye a lliiwel sángi aileewal P.L. 10-50, pwomol lliiwel kkaal ngáli Commonwealth Ports Authority Seaport Division Terminal Tariff Allégh, nge iye e ppasch copy iye atakkal amwuri sefááli me alúghúlúgh mereel Bwulasiyool Attorney General.

ELLIOTT A. SATTLER

Maya B. Kara (Acting)
Attorney General

4.7.99
Ráál

Bwughiyal:

Jose I. Deleon Guerrero
Special Assistant for Administration

4/13/99
Ráál

Isáliyal:

Soledad B. Sasamoto
Registrar of Corporation

4-14-99
Ráál

COMMONWEALTH PORTS AUTHORITY
SEAPORT DIVISION
TERMINAL TARIFF

The Terminal Tariff Regulations setting forth the rates, charges, and fees that are assessed at the various commercial seaports of the Commonwealth of the Northern Mariana Islands, as promulgated by the Commonwealth Ports Authority, is hereby amended as follows:

1. Part III(A) of the Terminal Tariff relating to Wharfage Rates is amended to read as follows:

   A. Wharfage Rates: The wharfage rates for cargo, per Revenue Ton, shall be as follows:

Up to 9/30/99	$ 3.25
From 10/1/99 to 9/30/2001	4.25
From 10/1/2001 to 9/30/2006	5.50
From 10/1/2006 to 9/30/2011	5.75
From 10/1/2011 to 9/30/2016	6.00

   Thereafter, the dockage rates shall increase by five percent (5%) for each succeeding five-year period.

   The minimum charge per Bill of Lading shall be the same as the rate per Revenue Ton for the applicable period.

2. Part IV of the Terminal Tariff relating to Port Entry Fee is amended to read as follows:

   Part IV. Port Entry Fee

   All vessels (except military and government-owned vessels) shall pay a PORT ENTRY FEE as indicated in the schedule below when entering a CNMI port, or refueling within the territorial waters of the Commonwealth of the Northern Mariana Islands.

Port Entry Fees

For vessels of 1,000 registered gross tons and under	$ 62.00

For vessels between 1,001 registered gross tons and 2,000 registered gross tons	$123.75
For vessels over 2,000 registered gross tons ..... (plus an additional charge of $62.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)	$123.75

The foregoing Port Entry Fees shall be increased as follows:

From 10/1/99 To 9/30/2001

For vessels of 1,000 registered gross tons and under	$ 81.00
For vessels between 1,001 registered gross tons and 2,000 registered gross tons	$161.00
For vessels over 2,000 registered gross tons ..... plus an additional charge of $81.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)	$161.00

From 10/1/2001 To 9/30/2006

For vessels of 1,000 registered gross tons and under	$ 105.00
For vessels between 1,001 registered gross tons and 2,000 registered gross tons	$ 209.00
For vessels over 2,000 registered gross tons ..... plus an additional charge of $105.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)	$ 209.00

From 10/1/2006 To 9/30/2011

For vessels of 1,000 registered gross tons and under	$ 110.00
For vessels between 1,001 registered gross tons and 2,000 registered gross tons	$ 220.00

For vessels over 2,000 registered gross tons ..... $ 220.00
plus an additional charge of $110.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons)

From 10/1/2006 To 9/30/2011

For vessels of 1,000 registered gross tons and under ..... $ 116.00

For vessels between 1,001 registered gross tons and 2,000 registered gross tons $231.00

For vessels over 2,000 registered gross tons ..... $ 231.00
plus an additional charge of $116.00 per each 2,000 registered gross tons or fraction thereof in excess of 2,000 registered gross tons.

Thereafter, the dockage rates shall increase by five percent (5%) for each succeeding five-year period.

3. Part V(D) of the Terminal Tariff relating to Dockage Rates is amended to read as follows

D. Dockage Rates:

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	$ 55.88
100	150	71.41
150	200	86.94
200	250	149.04
250	300	149.04
300	350	225.62
350	375	273.24
375	400	273.24

400	425	319.81
425	450	319.81
450	475	366.40
475	500	366.40
500	525	412.97
525	550	412.97
550	and over	583.74

The foregoing dockage rates shall increase as follows:

From 10/1/99 To 9/30/2001

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	$ 73.00
100	150	93.00
150	200	113.00
200	250	194.00
250	300	194.00
300	350	293.00
350	375	355.00
375	400	355.00
400	425	416.00
425	450	416.00
450	475	476.00
475	500	476.00
500	525	537.00
525	550	537.00
550	and over	560.00

From 10/1/2001 To 9/30/2006

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	$ 95.00
100	150	121.00
150	200	147.00
200	250	252.00
250	300	252.00
300	350	381.00
350	375	462.00
375	400	462.00
400	425	540.00
425	450	540.00
450	475	619.00
475	500	619.00
500	525	698.00
525	550	698.00
550	and over	728.00

From 10/1/2006 To 9/30/20011

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	$ 100.00
100	150	127.00

150	200	154.00
200	250	265.00
250	300	265.00
300	350	400.00
350	375	485.00
375	400	485.00
400	425	567.00
425	450	567.00
450	475	650.00
475	500	650.00
500	525	733.00
525	550	733.00
550	and over	764.00

From 10/1/2011 To 9/30/20016

Overall Length of Vessel in Feet

Over	But not Over	Charge per 24-Hour or Fraction thereof
0	100	$ 105.00
100	150	133.00
150	200	162.00
200	250	278.00
250	300	278.00
300	350	420.00
350	375	509.00
375	400	509.00
400	425	595.00
425	450	595.00

450	475	683.00
475	500	683.00
500	525	770.00
525	550	770.00
550	and over	802.00

Thereafter, the dockage rates shall increase by five percent (5%) for each succeeding five-year period.

4. Part VI(C) of the Terminal Tariff relating to Bunker Fee is amended to read:

C. Bunker Fee: A charge of $0.18 per barrel for residual oil and $0.32 per barrel for diesel fuel, will be assessed all suppliers of oil for bunkering at the port.

Such fees shall increase as follows:

Period	Residual Oil (per barrel)	Diesel Oil (per barrel)
10/1/99 To 9/30/2001	$ 0.25	$ .40
10/1/2001To 9/30/2006	$ 0.35	$ .60
10/1/2006 To 9/30/2011	$ 0.40	$ .70
10/1/2011 To 9/30/2016	$ 0.45	$ .75

Thereafter, such fees shall increase by five percent (5%) for each succeeding five-year period.

5. Part VI(D) of the Terminal Tariff relating to Home Port Fee is amended to read:

D. Home Port Fee: Rates and fees for vessels operating in the territorial waters of the Commonwealth on a continuing and long-term basis may be established by agreement, exclusive of this Terminal Tariff, pursuant to the powers conferred upon CPA by law. In the absence of such an agreement, all of the rates and fees set forth in this Terminal Tariff and elsewhere in the Harbor Regulations shall apply, except that the dockage rates shall be as follows:

At the Commercial Ports of Saipan and Tinian

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	$ 32.40
25	75	54.00
75	100	162.00
100	150	216.00
150	---	daily rates as specified In Part V(D) shall apply

The foregoing Home Port Fees shall increase as follows:

From 10/1/99 To 9/30/2001

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	$ 42.00
25	75	70.00
75	100	211.00
100	150	281.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2001 To 9/30/2006

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	$ 55.00

25	75	91.00
75	100	274.00
100	150	365.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2006 To 9/30/2011

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	$ 58.00
25	75	96.00
75	100	288.00
100	150	383.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2011 To 9/30/2016

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	25	$ 61.00
25	75	101.00
75	100	302.00
100	150	402.00
150	---	Daily rates as specified in Part V(D) shall apply

Thereafter, such fees shall increase by five percent (5%) for each succeeding five-year period

At the Commercial Port of Rota

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	$ 7.20
10	12	10.08
12	14	12.96
14	16	15.84
16	18	21.60
18	20	25.92
20	22	28.80
22	24	31.68
24	26	34.56
26	75	72.00
75	100	108.00
100	150	144.00
150	---	Daily rates as specified in Part V(D) shall apply

The foregoing Home Port Fees shall increase as follows:

From 10/1/99 To 9/30/2001

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	$ 9.00
10	12	13.00
12	14	17.00
14	16	21.00

16	18	28.00
18	20	34.00
20	22	37.00
22	24	41.00
24	26	45.00
26	75	94.00
75	100	141.00
100	150	187.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2001 To 9/30/2006

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	$ 12.00
10	12	17.00
12	14	22.00
14	16	27.00
16	18	36.00
18	20	44.00
20	22	48.00
22	24	53.00
24	26	59.00
26	75	122.00
75	100	183.00
100	150	243.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2006 To 9/30/2011

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	$ 13.00
10	12	18.00
12	14	23.00
14	16	28.00
16	18	38.00
18	20	46.00
20	22	50.00
22	24	56.00
24	26	62.00
26	75	128.00
75	100	192.00
100	150	255.00
150	---	Daily rates as specified in Part V(D) shall apply

From 10/1/2011 To 9/30/2016

Overall length of vessel in feet:		Charge per month or fraction thereof:
Over	But not Over	
0	10	$ 14.00
10	12	19.00
12	14	24.00
14	16	29.00
16	18	40.00

18	20	48.00
20	22	53.00
22	24	59.00
24	26	65.00
26	75	134.00
75	100	202.00
100	150	268.00
150	---	Daily rates as specified in Part V(D) shall apply

Thereafter, such dockage rates for home-ported vessels shall increase by five percent (5%).

6. Part VI(F) of the Terminal Tariff relating to Passenger Fee is amended to read as follows:

F. Passenger Fee: There shall be a charge of $4.50 for every person that boards a vessel through any port or harbor in the Commonwealth which CPA exercises the various powers conferred upon it by law. Such passenger fee shall increase to $6.00 commencing October 1, 1999. It shall increase to $8.00 commencing October 1, 2001, for a period of five (5) years. Thereafter, the passenger fee shall periodically increase by five percent (5%) for each succeeding five (5) year period.

7. Part VI(G) of the Terminal Tariff Regulations relating to Notice of Future Rate Increase is amended to read as follows:

G. Future Rate Increase: Nothing in this Terminal Tariff shall restrict or limit CPA's authority to increase its fees, rates, and charges beyond that imposed by this tariff, or to implement new fees and charges as necessary to maintain and operate the Port and to pay CPA's expenses, including any debt obligation that CPA has with respect to the Ports under its jurisdiction.

8. The foregoing amendments to the Seaport Division Terminal Tariff Regulations shall become effective July 1, 1999. Until then, the existing Terminal Tariff shall remain in force.

PROPOSED AMENDMENTS TO PART 12:
SCHEDULE OF FEES AND CHARGES
OF THE AIRPORT RULES AND REGULATIONS

Citation of Statutory Authority:	The Commonwealth Ports Authority proposes to amend its Airport Rules and Regulations with respect to the Airport Division Schedule of Fees and Charges, pursuant to its rule-making authority under 2 CMC § 2122(j) and 1 CMC § 9102, 9104(a), and 9105.
Short Statement of Goals and Objectives:	The proposed amendments to the Airport Division Schedule of Fees and charges would increase the land fees (Part 12.1) and the departure facility service charge (Part 12.3).The proposed rate increase would enable the Authority to obtain an investment grade rating on its Airport Revenue Bonds 1998 Senior Series A, would maintain the present bond interest rate, and would ensure that enough airport revenue would be generated to make the debt payments required to be made under the said Airport Revenue Bond indenture agreement.
Brief Summary of Proposed Regulations:	The proposed amendment to the Airport Division Schedule of Fees and Charges would increase the aircraft landing fees and the departure facility service charges at the public airports of the Northern Mariana Islands, in accordance with the recommendation of the airport feasibility study consultant.
For Further Information, you may contact:	Carlos H. Salas, CPA Executive Director at Telephone No. 664-3500.
Citation to Related or Affected Statutes, Regulations and Orders:	2 CMC § 2101 et seq., (particularly 2 CMC § 2122(g): Airport Rules and Regulations, Part 12: Schedule of Fees and Charges, published in Vol. 14, No. 8 of the Commonwealth Register dated August 15, 1992, and,as subsequently amended on March 15, 1994, and further amended on May 15, 1997.

COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.csalas@saipan.com OR cpa.frosario@saipan.com

PUBLIC NOTICE

PROPOSED AMENDMENT TO PART 12: (SCHEDULE OF FEES AND CHARGES) OF THE AIRPORT RULES AND REGULATIONS

The Commonwealth Ports Authority, pursuant to its rule-making authority under 2 CMC §2122(j), and in accordance with the provisions of 1 CMC §9102, 9104(a), and 9105, hereby gives public notice of its intention to amend certain sections of Part 12 (Schedule of Fees and Charges) of the Airport Rules and Regulations. The proposed amendment would increase the landing fees set forth in Part 12.1 and the departure facility service charge set forth in Part 12.3. The proposed rate increase would enable the Authority to obtain an investment-grade rating on its Airport Revenue Bonds 1998 Senior Series A, would maintain its present bond interest rate, and would ensure that the Airport Division generate enough revenue to service the debt payments required to be made under the Airport Revenue Bond indenture.

All interested persons may examine the proposed amendments and submit written comments, position, or statement for or against the proposed amendments to the Executive Director, Commonwealth Ports Authority, Saipan International Airport, P.O. Box 1055, Saipan, MP 96950, no later than thirty (30) calendar days following the date of publication of this Notice.

Dated this 30th day of March, 1999, at Saipan, Northern Mariana Islands.

COMMONWEALTH PORTS AUTHORITY

By: _____
CARLOS H. SALAS
Executive Director

SAIPAN INTERNATIONAL AIRPORT/SEAPORT *P.O. Box 1055, Saipan, MP 96950*
ROTA INTERNATIONAL AIRPORT/SEAPORT *P.O. Box 561, Rota, MP 96951*
WEST TINIAN AIRPORT/SEAPORT *San Jose Village, Tinian, MP 96952*

Pursuant to 1 CMC §2153, as amended by Public Law 10-50, the rules and regulations proposing to amend Part 12 of the Airport Rules and Regulations, a copy of which is attached hereto, have been reviewed and approved by the CNMI Attorney General's Office.

MAYA B. KAA (Acting)
Attorney General

Date: April 7, 1999

RECEIVED BY:

JOSE I. DELEON GUERRERO
Special Asst. for Administration

Date: 4/13/99

FILED BY:

SOLEDAD B. SASAMOTO
Registrar of Corporations

Date: 4-14-99

COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.csalas@saipan.com OR cpa.frosario@saipan.com

NUTISIAN PUPBLIKU

MAPROPONEN AMENDASION GI PATTE 12
(LISTAN APAS YAN PENA)
GI AREKLAMENTO YAN REGULASION SIHA

I Commonwealth Ports Authority, sigun gi aturidat para u famatinas areklamento gi papa 2 CMC § 2122(j), yan sigun gi prubinsion siha ginen 1 CMC § 9102, 9104(a), yan 9105, ginen este ha nutitisia I pupbliku put I intension-niha para u amenda kuantos na seksiona gi Areklamento yan Regulasion Palasan Batkon Aire (Airport). I mapropopone siha na amendasion para u aomenta mas I apas batkon aire yanggen tumunok gi plasa (landing fee) sigun gi Patte 12.1 yan lokkue I setbisiun fasilidat humanao pat despidida sigun gi Patte 12.3. I maomenta na apas para u alibia I Aturidat para u fanganna investment-grade rating gi Airport Revenue Bonds 1998 Senior Series A yan para u susteni I prisenti na bond interest rate yan para u asigura na I Dibision Plasan Batkon Aire u famatinas mas salape para setbisiun apas dibi siha ni man-nisisariu gi papa Airport Revenue Bond indenture.

Todu man-interesante siha na petsona sina ma eksamina I man-mapropopone siha na amendasion yan sina man-satmiti halom komentu gi tinige put pusision, sinangan osino kinentra put I man-mapropopone siha na manedasion guatu para I Direktot Eksekatibu, Commonwealth Ports Authority, Saipan International Airport, P. O. Box 1055, Saipan, MP 96950 ti u mas di trenta (30) dias despues di mapublika huyong este na nutisia.

Ma fecha gi mina 30th na dia guine na mes I March, 1999 giya Saipan, I Sangkattan siha na Islas Marianas.

COMMONWEALTH PORTS AUTHORITY

Ginen as: _____
CARLOS H. SALAS
Direktot Eksekatibu

SAIPAN INTERNATIONAL AIRPORT/SEAPORT *ROTA INTERNATIONAL AIRPORT/SEAPORT* *WEST TINIAN AIRPORT/SEAPORT*
P.O. Box 1055, Saipan, MP 96950 *P.O. Box 561, Rota, MP 96951* *San Jose Village, Tinian, MP 96952*

Sigun gi 1 CMC §2153 ni inamenda ni Lai Pupbliku 10-50, I areklamento yan regulasion siha put I mapropopone siha na amendasion gi Patte 12 gi Areklamento yan Regulasion Plasan Batkon Aire, I copia ni chechetton guine, esta manma ribisa yan apreba ginen I Ofisinan Attorney General giya CNMI.

ELLIOTT A. SATTLER

Fecha: 4.7.99

MAYA B. KARA (Acting)
Attorney General

Rinisibi as:

JOSE I. DELEON GUERRERO
Special Assistant for Administration

Fecha: 04/13/99

Ma file as:

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

Fecha: 4-14-99

COMMONWEALTH PORTS AUTHORITY

Main Office: SAIPAN INTERNATIONAL AIRPORT
P.O. BOX 1055 • SAIPAN • MP 96950
Phone: (1-670) 664-3500/1 FAX: (1-670) 234-5962
E-Mail Address: cpa.admin@saipan.com

ARONGORONGOL TOWLAP

Pwomwol Lliiwel Ngáli Peigh Seigh Me Ruuwow
Schedulyool Abwóós Me Reel Allughul Airport

Mille Commonwealth Ports Authority, sángi bwángil iye ello faal 2 CMC §2122(j), me ghol ngáli autol ailewal 1 CMC §9102, 9104(a), mr 9105, ekke issiiswow arong ngáliir towlap reel igha a tipeli ebwe lliiweli akkaw peighil seigh me ruuwow (12) reel schedulyool abwóós mellól alléghul Airport. Pwomwol lliiwel kkaal nge ebwe lapaló landing fees, iye e iischtiw llól peigh 12.1 me bwal reel departure facility service charge iye ebwal iischitiw llól peigh 12.3. Pwomwol rate increase yeel nge emwel bwe bwulasiyo yeel rebwe akkamwasch investment-grade rating reel yaar Airport Revenue Bonds reel 1998 Senior Series A, me rebwe amwuschú yaar present bond interest rate me ebwe ffééru bwe peighil Airport ebwe ammalawa ghówal revenue kka ebwe tepengi departure payments kka e required bwe ebwe ffééř faal Airport Revenue Bond indenture.

Alongeer aramas kka re mwuschel rebwe amwuri pwomwol lliiwel kkaal reel allégh kkaal me ngáre iischilong yaar mángemáng ayégh reel igha ebwe iisch ngáli Samwoolul Bwulasiyool Commonwealth Ports Authority, Saipan International Airport, P. O. Box 1055, Saipan, MP 96950, essóbw aluuw ló eliigh (30) ráál mwiiril ráál la e toolong arong yeel.

E ffééř llól ráál iye 30th llól maramal March, 1999, mewóól Seipél, metawal wóól falúw kka Marianas.

COMMONWEALTH PORTS AUTHORITY

Mereel: _____
CARLOS H. SALAS
Executive Director

SAIPAN INTERNATIONAL AIRPORT/SEAPORT *P.O. Box 1055, Saipan, MP 96950*
ROTA INTERNATIONAL AIRPORT/SEAPORT *P.O. Box 561, Rota, MP 96951*
WEST TINIAN AIRPORT/SEAPORT *San Jose Village, Tinian, MP 96952*

Sángi autol 1 CMC §2153 iye a lliiwel sángi aileewal P. L. 10-50, allégh kka e lliiwel llól peigh 12 llól alléghúl Airport nge iye e ppasch copy iye atakkal amwuri sefááli me alúghúlúgh mereel Bwulasiyool Attorney General.

ELLIOTT A. SATTLER
MAYA B. KARA (Acting)
Attorney General

4.1.99
Ráál

Bwughiyal:

JOSE I. DELEON GUERRERO
Special Assistant for Administration

Ráál: 4/13/99

Isáliyal:

SOLEDAD B. SASAMOTO
Registrar of Corporation

Ráál: 4-14-99

AMENDMENT TO PART 12
(SCHEDULE OF FEES AND CHARGES)
OF THE AIRPORT RULES AND REGULATIONS

Part 12 (Schedule of Fees and Charges) of the Airport Rules and Regulations, as promulgated by the Commonwealth Ports Authority, is hereby amended as follows:

1. Part 12.1 pertaining to Landing Fees shall hereafter read:

12.1 Landing Fees

A charge of One Dollar and Forty Cents ($1.40) per thousand (1,000) pounds certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft, for each landing at Saipan International Airport, shall be paid to the Authority.

A charge of One Dollar and Six Cents ($1.06) per thousand (1,000) pounds certified maximum gross landing weight of the aircraft as determined by the FAA for said aircraft, for each landing at West Tinian International Airport or at Rota International Airport, shall be paid to the Authority.

Exempted from paying landing fees are Diplomatic, U. S. Military, and Mariana Islands Government aircraft, and any other aircraft operator which has a valid written agreement with the Authority, which provides for landing fees other than as provided for in this Part 12.1.

2. Part 12.3 pertaining to Departure Facility Service Charge shall hereafter read:

12.3 Departure Facility Service Charge

To cover the costs of operations and maintenance of terminal buildings, a service charge calculated on the basis of Eight Dollars ($8.00) per revenue passenger at the main terminal building at Saipan International Airport, or Four Dollars and Ninety-Five ($4.95) per revenue passenger at Rota International Airport or West Tinian International Airport, and a charge of Three Dollars and Thirty-Five Cents ($3.35) per revenue passenger at the Saipan Commuter Terminal, shall be paid to the Authority by every aircraft operator transporting revenue passengers from such airports. Diplomatic aircraft, U. S. Military aircraft are exempted from this charge.

3. The foregoing amendments to Part 12: Schedule of Fees and Charges of the Airport Rules and Regulations shall become effective March 1, 2000. Until then, the existing Schedule of Fees and Charges shall apply.

CIVIL SERVICE COMMISSION

NOTICE AND CERTIFICATION OF ADOPTION OF THE PERMANENT AMENDMENT OF THE PERSONNEL SERVICE SYSTEM RULES AND REGULATIONS

I, Vicente M. Sablan, Chairman of the Civil Service Commission, which is promulgating the amendments to the Personnel Service System Rules and Regulations, published in the Commonwealth Register, Vol. 21, No.2, on February 18, 1999, at pages 16455 to 16460, by signature below hereby certify that as published such regulations are true, complete, and correct copy of the amendments of the Personnel Service Rules and Regulations proposed by the Civil Service Commission which, after the expiration of appropriate time for public comment, have been adopted with minor modification or amendment as set forth below:

1. Change the numbering system on the amendment from:

"XII.A FINANCIAL AUSTERITY MEASURES" to

"PART XII, SUB-PART A
FINANCIAL AUSTERITY MEASURES"

2. Add the following to the single paragraph in Part XII.A:

"Upon expiration of the suspension of the pay increases employees who qualified for the increases during the time of suspension shall receive the pay increases effective the date the suspension expired. The increases shall not be made retroactive to any date that occurred during the time of suspension."

By signature below, I hereby certify that the proposed Amendment to the Personnel Service System Rules and Regulations as herein amended are the true, correct, and complete amendment adopted by the Civil Service Commission. I further require and direct that this Notice and Certification of Adoption be published in the CNMI Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of April, 1999, at Saipan, Commonwealth of the Northern Mariana Islands.

Vicente M. Sablan, Chairman
Civil Service Commission

Date: 4/13/99

Received by

Jose I. Deleon Guerrero
Special Asst. For Admin.

Date: 4-14-99

Filed by:

Soledad B. Sasamoto
Registrar of Corporations

Pursuant to 1 CMC 2153 as amended by PL 10-50 the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 9th day of April, 1999.

MAYA B. KARA
Attorney General (Acting)

By:
Assistant Attorney General
Elliott A. Sattler

CIVIL SERVICE COMMISSION
NOTICE OF IMPLEMENTATION OF FINANCIAL AUSTERITY MEASURES

By memorandum of the Governor, dated January 11, 1999, the government is experiencing a period of economic difficulty, which requires financial austerity measures affecting the Civil Service System to be implemented.

Therefore, The Civil Service Commission gives public notice that, effective ten (10) days after the publication date of this volume of the Commonwealth Register, Part XII of the Personnel Service System Rules and Regulations is in effect and regulations providing pay increases due to permanent or temporary promotions, acting or detail assignments, reallocation or reclassification of positions and step increases based on attendance at workshops or other training programs will be suspended.

DECLARATION

I, Vicente M. Sablan, Chairman of the Civil Service Commission, do hereby declare that the implementation of Personnel Service System Rules and Regulations, Part XII was duly adopted by the Civil Service Commission at its January 21-22, 1999, meeting.

I declare under the penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 6th day of April, 1999, on Saipan, Commonwealth of the Northern Mariana Islands.

Vicente M. Sablan, Chairman
Civil Service Commission

EQUAL HOUSING OPPORTUNITY

NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021

NOTICE AND CERTIFICATION OF ADOPTION OF ADMINISTRATIVE PLAN FOR RENTAL ASSISTANCE PROGRAMS

We, Juan S. Tenorio, Chairman of the Board, and MaryLou S. Ada, Executive Director of the Northern Marianas Housing Corporation (NMHC), which has promulgated the Administrative Plan for Rental Assistance Programs, as published in the Commonwealth Register, Volume 21, No. 02, at pages 16471 to 16533, on February 18, 1999, by signature below, hereby certify that, those regulations, as published, is a true, complete and correct copy of the Administrative Plan for Rental Assistance Programs previously proposed by the NMHC Board which, after the expiration of appropriate time for public comment, have been adopted without modification or amendment. We further request and direct that this Notice and Certification of Adoption be immediately published in the Commonwealth Register.

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29th day of March, 1999, at Saipan, Commonwealth of the Northern Mariana Islands.

JUAN S. TENORIO
Chairman of the Board

MARYLOU S. ADA
Executive Director

4/13/99
Date

Received by:

JOSE I. DELEON GUERRERO
Special Assistant for Administration
Office of the Governor

4-14-99
Date

Filed by:

SOLEDAD SASAMOTO
Registrar of Corporation

Pursuant to 1 CMC 2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 7th day of April, 1999.

Maya Kara
Attorney General (Acting)

By: _____
Assistant Attorney General
Elliott A. Sattler

NORTHERN MARIANAS HOUSING CORPORATION

P.O. BOX 514, Saipan, MP 96950

Tels: (670) 234-6866
234-9447
234-7689
234-7670
Fax: (670) 234-9021

NOTICE AND CERTIFICATION OF ADOPTION OF GRIEVANCE PROCEDURES FOR SECTION 8 PROGRAMS

We, Juan S. Tenorio, Chairman of the Board, and MaryLou S. Ada, Executive Director of the Northern Marianas Housing Corporation (NMHC), which has promulgated the Administrative Plan for Section 8 Rental Assistance Programs, as published in the Commonwealth Register, Volume 20, No. 02, at pages 16534 to 16553, on February 18, 1999, by signature below, hereby certify that, those regulations, as published, is a true, complete and correct copy of the Grievance Procedures for Section 8 Programs previously proposed by the NMHC Board which, after the expiration of appropriate time for public comment, have been adopted without modification or amendment. We further request and direct that this Notice and Certification of Adoption be immediately published in the Commonwealth Register.

We declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 29th day of March, 1999, at Saipan, Commonwealth of the Northern Mariana Islands.

JUAN S. TENORIO
Chairman of the Board

MARYLOU S. ADA
Executive Director

4/13/99
Date

Received by:

JOSE I. DELEON GUERRERO
Special Assistant for Administration
Office of the Governor

4-14-99
Date

Filed by:

SOLEDAD SASAMOTO
Registrar of Corporation

"NMHC is an equal employment and fair housing public agency"

Rota Field Office: Tel. (670) 532-9410
Fax (670) 532-9441

Tinian Field Office: Tel. (670) 433-9213
Fax (670) 433-3690

Pursuant to 1 CMC 2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Attorney General's Office.

Dated this 2th day of April, 1999.

Maya Kara
Attorney General (Acting)

By: _____
Assistant Attorney General
Elliott A. Sattler

Northern Mariana Islands Museum
OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmimuseum@saipan.com

**NOTICE AND CERTIFICATION OF ADOPTION
OF FINAL RULES AND REGULATIONS
ON ENTRANCE FEES TO THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MUSEUM OF HISTORY AND CULTURE**

I, Herman T. Guerrero, Chairman of the Board of Governors of the Commonwealth of the Northern Mariana Islands Museum of History and Culture which is promulgating the Rules and Regulations on admission fees to the Commonwealth Museum, as published in the Commonwealth Register, Volume 20, Number 2, February 18, 1999, on pages 16554 to 16558, by signature below, hereby certify that, as published, such Rules and Regulations are a true, complete and correct copy of the regulations previously proposed by the Board of Governors which, after the expiration of appropriate time for public comment, have been adopted with minor modification or amendments as set forth below.

1. Numbers 2 and 3 were consolidated as Number 2 for all students ages 12 –54. The rest were renumbered accordingly.
2. The effective date on the implementation of admission fees is June 1, 1999.

By signature below, I hereby certify that the proposed Regulations herein amended are the true and correct amendments as adopted by the Board of Governors. I further request and direct that this Notice and Certification of Adoption be immediately published in the Commonwealth Register.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on the 30th day of March, 1999 at Saipan, Commonwealth of the Northern Mariana Islands.

Herman T. Guerrero
HERMAN T. GUERRERO, Chair, Board of Governors

Pursuant to 1 CMC 2153, amended by Public Law 10-50, the rules and regulations attached hereto have been reviewed and approved by the NMI Attorney General's Office

for
MAYA B. KARA, Attorney General (Acting)

Date: April 7, 1999

RECEIVED BY:

JOSE I. DELEON GUERRERO
Special Assistant for Administration

Dated: 4/13/99

FILED BY:

SOLEDAD B. SASAMOTO
Registrar of Corporations

Dated: 4-14-99

Northern Mariana Islands Museum
OF HISTORY & CULTURE

Caller Box 10007 Saipan, MP 96950 • Phone: (670) 664-2160 • Fax: (670) 664-2170 • E-mail: cnmimuseum@saipan.com

NOTISIA YAN SETTIFIKU
NA MA ADAPTA I OTTIMU SIHA NA REGULASION YAN AREKLAMENTON APAS PARA ENTRADA GI I MUSEUM HISTORIA YAN KUTTURA GI COMMONWEALTH I SANKATTAN SIHA NA ISLAS MARIANAS

Guaho, si Herman T. Guerrero, komo Chairman i Board Gubetno para i Museum Historia yan Kuttura gi Commonwealth I Sangkattan Siha Na Islas Marianas ni sumatmitti i regulasion yan areklamento siha put apas ENTRADA yanggen para un halom gi Museum yan komo esta ma pupblika gi Commonwealth Register, Volume 20, Numero 2, Febreru 18, 1999, pahina 16554 asta pahina 16558, sigun gi finitmaku, hu settifika na este na regulasion yan areklamento ayo siha i dinanche yan magahet ni manmapropone nu i Board Gubetno i Museum Historia yan Kuttura, yan komo esta malofan i necessario na tiempo ni ma probeniyi notisia i pupbliku henerat pot esti siha na regulasion yan areklamento, esta pago man ma adopta i regulasion yan areklamento siha yan unos kuantos na tinilaika ni man ma nota guine:

1. Numero 2 yan 3 manadaña komo Numero 2 para todo estudiante siha desdi idat 12 asta 54. I pomalu manma numero dinuebo.

2. I haane ni para u matutuhon ma implementa este siha na regulasion yan areklamento para Junio dia Uno, Mit Nuebe Sientos Nubentainuebe (June 1, 1999).

Sigun gi i na'anhu ni u fitma gi sampapa este na dokumento, hu settifika na este siha na amendasion i dinanche yan magahet na amendasion ni manma adopta nu i Board Gubetno i Museum Historia yan Kuttura. Hu gagagao yan hu diririhi na este na Notisia yan Settifikun i ma adopta na amendasion siha u ma pupblika insigidas gi Commonwealth Register.

Hu deklara, sigun gi kastigun chátmanhula, na i katgun este na dokumento dinanche yan magahet. Este na dokumento ma nota guine gi 30th ha'anen Matso, Mit Nuebe Sientos Nubentainuebe, giya Saipan, Commonwealth I Sangkattan Siha Na Islas Marianas.

Herman T. Guerrero
HERMAN T. GUERRERO, Chair, Board Gubetno

Sigun gi attikulu yan i probension 1CMC§2153, ni inamenda ni Lai Pupbliku 10-50, I areklamento yan regulasion ni chechetton guine esta manmaeksaminan maolek yan manmaapreba nu I Ofisinan I NMI Attorney General.

ELLIOTT A. SATTLER
MAYA B. KARA (Acting)
Attorney General

Fecha: 4.7.99

RINISIBI AS:

JOSE I. DELEON GUERRERO
Especiat Na Ayudante Para Asunton Administrasion

Fecha: 4/13/99

RINEKOT AS:

SOLEDAD B. SASAMOTO
Rehistradoran Kotporasion

Fecha: 4-14-99

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
MUSEUM OF HISTORY AND CULTURE

RULES AND REGULATION ON
SCHEDULE OF ADMISSION FEES

AGE GROUP	ADMISSION FEES
1. Children under 12 years of age	Free
2. Students 12-54 years of age with student identification card	$1.00
3. Students on pre-scheduled field trips	Free
4. Adults 18-54 years of age	$3.00
5. Senior citizens – 55 years of age and older	Free
6. Disabled Individuals	Free

COMMONWEALTH HEALTH CENTER
Office of the Secretary
GOVERNMENT OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF PUBLIC HEALTH SERVICES

PUBLIC NOTICE

NOTICE OF ADOPTION OF THE RULES AND REGULATIONS GOVERNING THE IMPORTATION, STORAGE, SALES, AND DISTRIBUTION OF DRUG AND PHARMACEUTICAL PRODUCTS

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Public Health of the CNMI and the Chairman of the Medical Profession Licensing Board in accordance with the authority vested in them pursuant to 1 CMC §2605 and Public Law 11-40, and 3 CMC §2214(a), respectively, adopt the Rules and Regulations Governing the Importation, Storage, Sales, and Distribution of Drug and Pharmaceutical Products. These Regulations were originally published in the December 15, 1998 Commonwealth Register, Volume 20, Number 12, pages 16330-16389. Several comments were received in response to the publication of the proposed Rules and Regulations, and these comments have been reviewed and considered by the Secretary of Health and the Medical Profession Licensing Board. After considering the comments, modifications were made to the proposed Rules and Regulations. A complete copy of the revised Rules and Regulations to be adopted is attached hereto with the amendments noted in the text. Copies of the Rules and Regulations Governing the Importation, Storage, Sales, and Distribution of Drug and Pharmaceutical Products may be obtained from the Office of the Secretary of the Department of Public Health, located on the ground floor of the Commonwealth Health Center.

By signature below, the Secretary of Health and the Chairman of the Medical Profession Licensing Board hereby certify that the attached Rules and Regulations Governing the Importation, Storage, Sales, and Distribution of Drug and Pharmaceutical Products are a true, complete, and correct copy of the Rules and Regulations now adopted by the Department of Public Health and the Medical Profession Licensing Board. The Secretary and the Chairman further request and direct that this certification be published in the Commonwealth Register and then be attached by both the Office of the Registrar of Corporations and the Office of the Governor to the Rules and Regulations.

JOSEPH K.P. VILLAGOMEZ
Secretary of Health
Department of Public Health

Date: 3/16/99

P.O. BOX 409 CK. SAIPAN, MP 96950
TELEPHONE (670) 234-8950/51/52/53/54, TELEX 783-744 PHES SPN, FAX (670) 234-8930

Date: 3/19/99

VICENTE S. ALDAN, M.D.
Chairman
Medical Profession Licensing Board

Certification by Office of the Attorney General

Pursuant to 1 CMC §2153 as amended by PL 10-50, the rules and regulations attached hereto have been reviewed and approved as to form and legal sufficiency by the CNMI Office of the Attorney General.

Date: 4/7/99

MAYA KARA
Acting Attorney General

Filed By: _____ Date: 4-14-99
SOLEDAD B. SASAMOTO
Registrar of Corporations

Received By: _____ Date: 4/13/99
JOSE I. DELEON GUERRERO
Special Assistant for Administration

RULES AND REGULATIONS GOVERNING THE IMPORTATION, STORAGE, SALES, AND DISTRIBUTION OF DRUGS AND PHARMACEUTICAL PRODUCTS

SECTION

I. Definitions.

For the purposes of these Rules and Regulations, the following terms shall have the meanings set forth below:

1.1. "Adulterated" means a drug or pharmaceutical product: (1) that consists in whole or in part of any filthy, putrid, or decomposed substance; (2) that has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; (3) where the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug or pharmaceutical product meets the requirements of the federal Food, Drug and Cosmetic Act as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to posses.

1.2. "Advertising" means any representation by any means whatsoever for the purpose of promoting directly or indirectly the sale, distribution, or disposal of any drugs.

1.3. "Automated Data Processing System" or "ADP system" means a system utilizing computer software and hardware for the purpose of record keeping.

1.4. "Board" means the Medical Profession Licensing Board of the CNMI.

1.5. "Commonwealth" or "CNMI" means the Commonwealth of the Northern Mariana Islands, including its municipalities, departments, agencies, and other instrumentalities.

1.6. "Compound" means to combine two or more elements, chemicals, or ingredients in definite proportions necessary to create a drug for dispensing.

1.7. "Controlled Substance" means a drug, substance or immediate precursor controlled pursuant to Federal or CNMI law.

1.8. "Cosmetics", which includes "soap," "dentifrice," and "toilet article" means: (1) articles intended to be rubbed, poured, or sprinkled on, introduced into, or otherwise applied to the human body, or any part thereof, for cleansing, beautifying, or promoting attractiveness; and (2) articles intended for use as a component of any such articles.

1.9. "Department" means the Department Public Health.

1.10. "Dispense" or "Dispensing" means the furnishing of drugs pursuant to a prescription in a suitable container, appropriately labeled for subsequent administration to, or use by, a patient or other individual entitled to receive the drug.

1.11. "Drug" means: (1) articles recognized in the Commonwealth Health Center formulary, official United States Pharmacopoeia, official homeopathic Pharmacopoeia of the United States, or official national formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; (2)

articles (other than food or clothing) intended to affect the structure or any function of the body of human beings or animals; and (3) articles intended for use as a component of any articles specified in clause (1) or (2), above; provided that the term "drug" shall not include ~~non-prescription medicines~~, traditional medicines, electrical or mechanical devices, cosmetics, and liquor.

1.12. "Duly Authorized Representative" means an individual appointed by the Board to act in the capacity of the Board for the purpose of fulfilling the duties and responsibilities created by these Rules and Regulations.

1.13. "Encumbered License" means a license issued by any state or territory of the United States for the practice of pharmacy which has been revoked, suspended, or made probationary or conditional by the licensing or registering authority in the respective jurisdiction as a result of disciplinary action.

1.14. "Fill" means the process of preparing a drug for dispensing in accordance with a valid prescription, which includes, but is not limited to, typing a prescription label, entering a prescription into the pharmacy computer, entering information into the patient's file, retrieving medications from stock, placing medications into prescription containers, placing the prescription label on the container, reconstituting oral liquids, and compounding medications for dispensing.

1.15. "Immediate Supervision" means that a pharmacist is physically present in the area or location to insure adequate safety controls, and performs a final assessment of each ingredient and quantity used and the prescription label to insure the correctness and accuracy thereof.

I.16. "Inspectors" means any official designated by the Department through departmental action or through a memorandum of understanding with other CNMI government agencies to act as an inspector for the purpose of enforcement of these Rules and Regulations, specifically to carry out inspections at the CNMI borders and in establishments where drugs are stored, warehoused, distributed, or sold.

1.17. "Institutional Pharmacy" means a pharmacy providing services to an institutional facility.

1.18. "Label" means any legend, word, or mark attached to, included in, belonging to, in close proximity to, or accompanying any drug.

1.19. "Non-Prescription Medicine" means any packaged, bottled, or nonbulk chemical, drug, or medicine which is legally sold without a prescription, and which is labeled with directions for use, and bears the name and address of the manufacturer or distributor; provided that the chemical, drug, or medicine meets the requirements of the pure food and drug laws of the United States and the CNMI.

1.20. "Person" means any individual, sole proprietorship, partnership, corporation, association, joint venture, or division of the CNMI Government.

1.21. "Pharmacist" means a person licensed under these Rules and Regulations to practice pharmacy except where another meaning is clearly manifested by the context.

1.22. "Pharmacy" means every store, shop, or place where: (1) prescription drugs are dispensed or sold at retail, or displayed for sale at retail; or (2) where practitioners' prescriptions or drug preparations are compounded; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "pharmacist", "pharmacy", "apothecary", "drug store", "druggist", "drugs", "medicines", "medicine store", "drug sundries", any word or words of similar or like import, or any translation of such words into another language; or (4) any store or shop or other place with respect to which any of the above words or combination of words are used in any advertisement.

1.23. "Pharmacy Technician" means an individual working in a pharmacy who, under the immediate supervision of a licensed pharmacist, assists in various pharmacy activities that do not require the professional judgment of the pharmacist.

1.24. "Physician" means a medical doctor licensed to practice medicine in the CNMI by the Board.

1.25. "Practice of Pharmacy" means the interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of non-prescription ~~drugs~~ medicines and prescription drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefor; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices.

1.26. "Practitioner" means a licensed practitioner of medicine, osteopathy, podiatry, dentistry, veterinary medicine, or other health care professional holding a current and valid license by the Board to prescribe prescription drugs.

1.27. "Prescription" means a written, facsimile, or telephone order or formula issued by a practitioner licensed in the CNMI to prescribe prescription drugs within the scope of the practitioner's practice, for the compounding or dispensing of drugs. "Prescription" also includes an order written in the chart of a patient in an institutional facility by a practitioner.

1.28. "Prescription Drug" means any human drug required by federal law or regulation to be dispensed only by a prescription, including finished dosage forms and active ingredients subject to Section 503(b) of the Federal Food, Drug, and Cosmetic Act.

1.29. "Secretary" means the Secretary of the Department of Public Health.

1.30. "Traditional Medicine" means those foods, drugs, or herbs used by the Chamorro and Carolinian people in the traditional art of healing, including the diagnosis, cure, treatment, mitigation, or prevention of a disease, disorder, or abnormal physical state, or its symptoms, in human beings or animals.

1.31. "Wholesale Distribution" means the distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(1) Intra-company sales, defined as any transaction or transfer between an entity and any division, subsidiary, parent, or affiliated or related company under common ownership and control;

(2) The purchase or other acquisition, by a hospital or other health care entity that is a member of a group purchasing organization, of a drug for the entity's own use, from the group purchasing organization or from other hospitals or health care entities that are members of the group purchasing organization;

(3) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(4) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control; for purposes of this Section, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, working rights by contract, or otherwise;

(5) The sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons; for purposes of this Section, "emergency medical reasons" includes, but is not limited to, transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage, except that the gross dollar value of such transfers shall not exceed five percent of the total prescription drug sales revenue of either the transferor or transferee pharmacy during any period of twelve consecutive months;

(6) The sale, purchase, or trade of a drug, or an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

(7) The distribution of drug samples by manufacturers' representatives or distributors' representatives. For purposes of this Section, "drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug; or

(8) The sale, purchase, or trade of blood and blood components intended for transfusion. For purposes of this Section, "blood" means whole blood collected from a single donor and processed either for transfusion or

further manufacturing; and "blood component" means that part of blood separated by physical or mechanical means.

1.32. "Wholesale Distributor" means any person in the CNMI engaged in wholesale distribution of prescription drugs, including, but not limited to, manufacturers; repackers; own label distributors; private label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; prescription drug repackagers; physicians; dentists; veterinarians; birth control and other clinics; individuals; hospitals; nursing homes and their providers; health maintenance organizations and other health care providers; and retail and hospital pharmacies that conduct wholesale distributions. The term "Wholesale Distributor" shall not include any carrier for hire or person or entity hired solely to transport prescription drugs. For purposes of this Section, "Manufacturer" means anyone who is engaged in manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling of a prescription drug.

II. Powers and Duties of the Board.

In addition to any other powers and duties authorized by law, the Board shall:

(a) Examine, license, reinstate, and renew the licenses of qualified applicants for pharmacists and wholesale prescription drug distributors, and issue and renew permits to operate pharmacies;

(b) Inspect, or may designate a duly authorized representative to inspect, whether or not in conjunction with an inspector of the Department, any pharmacy or premises in the CNMI where drugs are packed, packaged, compounded, sold, offered for sale, exposed for sale, stored, warehoused, or kept for sale or distribution to ensure compliance with these Rules and Regulations; and

(c) Fine, suspend, or revoke any license or permit for any cause prescribed by these Rules and Regulations, or for any violation of these Rules and Regulations, and refuse to grant or renew any license or permit for any cause which would be grounds for revocation or suspension of a license or permit.

III. Applications For Licensure or Permit

3.1. License or Permit Required. It shall be unlawful for a person who is not licensed to engage in the practice of pharmacy.

3.2 Information To Be Supplied for Pharmacist License.

(a) An application for licensure for a pharmacist shall be made under oath on forms provided by the Board and shall not be considered complete unless accompanied by the required documentation and fees, which shall not be refunded. It shall be each applicant's responsibility to furnish all information and any documentation requested by the Board.

(b) The application form may require the applicant to provide and certify the following:

(1) The applicant's full name;

(2) A statement that the applicant has attained the age of majority;

(3) The applicant's current business or mailing address and telephone number for publication, and the applicant's current residence address and telephone number;

(4) The applicant's social security number;

(5) That the applicant is a graduate of, and received a degree from, a college of pharmacy or department of pharmacy of a university accredited by the American Council on Pharmaceutical Education or other institution approved by the Board;

(6) That the applicant is of good moral character;

(7) The date and place of any conviction of a crime directly related to the practice of pharmacy, drugs, drug samples, wholesale or retail drug distribution, or distribution of controlled substances, unless the conviction has been expunged or annulled or is otherwise precluded from consideration;

(8) The state(s) or United States territories in which the applicant is currently licensed;

(9) Any information regarding any disciplinary proceedings pending or disciplinary actions taken by any state, territory, or jurisdiction against the license;

(10) A photograph of the applicant for identification purposes;

(11) A statement that the applicant is a United States citizen or is lawfully entitled to remain and work in the CNMI;

(12) Whether the applicant has ever submitted false or fraudulent material in connection with any application for the manufacture or distribution of ~~non-prescription medicines or~~ drugs;

(13) Whether the applicant has ever had a license for the manufacture or distribution of any ~~non-prescription medicines or~~ drugs, including controlled substances, suspended or revoked by the CNMI or Federal governments or other foreign jurisdiction in which the applicant has worked;

(14) Whether the applicant has complied with all licensing requirements for previously issued licenses for the manufacture or distribution of ~~non-prescription medicines or~~ drugs, including controlled substances;

(15) Whether the applicant has complied with the requirements of maintaining and supplying the files required by these Regulations to the Board, CNMI, and/or Federal officials authorized to access the files; and

(16) Any other information the Board may require to investigate the applicant's qualifications for licensure.

(c) Any requirement that the Board provide notice to applicants shall be deemed met if notice is sent to the address on file with the Board.

(d) Any change in the application or of any information filed with the Board shall be reported to the Board, in writing, within ten days of the change.

(e) The application shall be valid for a period of six (6) months from the date it is received by the Board unless the Board extends its period of validity.

3.3 Temporary License. An application for a temporary license for pharmacist, which shall not exceed ninety (90) days or other time period approved by the Board, shall be made under oath and shall not be considered complete unless accompanied by the required documentation and application fee which shall not be refunded. Following a determination by the Board that the qualifications for admission listed above in Section 3.2 exist, a temporary license may be issued, provided the applicant:

(a) Submits a photocopy of a current and valid license to practice pharmacy in another state or jurisdiction; and

(b) Submits evidence that the applicant has practiced for at least two thousand hours as a licensed pharmacist within the five years preceding the date of application.

3.4. Application and Requirements for Pharmacist License by Reciprocity.

(a) An application for licensure for a pharmacist by reciprocity shall be made under oath on forms provided by the Board and shall not be considered complete unless accompanied by the required documentation and fees, which shall not be refunded. The applicant shall:

(1) Submit evidence of current and valid licensure to practice pharmacy in another state or jurisdiction with qualifications which equal or exceed those of the CNMI as set forth in Section 3.2 of these Rules and Regulations;

(2) Submit information regarding any disciplinary action taken or any unresolved complaints pending against the applicant;

(3) Submit evidence of having practiced for at least two thousand hours as a licensed pharmacist within the five years preceding the date of application;

(4) Submit evidence that the applicant does not have an encumbered license or a pending disciplinary action or unresolved complaint in the practice of pharmacy in any state or territory of the United States, or if any license has been or is encumbered, the applicant shall provide any information requested by the Board;

(5) Disclose whether the applicant has ever submitted false or fraudulent material in connection with any application for the manufacture or distribution of ~~non-prescription medicines or~~ drugs;

(6) Disclose whether the applicant has ever had a license for the manufacture or distribution of any ~~non-prescription medicines or~~ drugs, including controlled substances, suspended or revoked by the CNMI or Federal governments;

(7) Disclose whether the applicant has complied with all licensing requirements for previously issued licenses for the manufacture or distribution of ~~non-prescription medicines or~~ drugs, including controlled substances;

(8) Disclose any other factors or criteria that the Board considers relevant and consistent with the public safety and welfare.

(b) If an applicant for licensure by reciprocity has a completed official National Association Pharmacy Board (NAPB) licensure transfer application that

was issued within ninety (90) days from the date the applicant submits an application to the Board, the Board may accept the NAPB licensure transfer or require the applicant to comply with the requirements of subsection (a) above.

(c) The Board may deny licensure by reciprocity if the applicant has had any disciplinary action taken or if any unresolved complaints are pending, or if the applicant has failed to comply with, or satisfy the Board with respect to any of the requirements set forth in subsection (a) above.

(d) Any requirement that the Board provide notice to applicants shall be deemed met if notice is sent to the address on file with the Board.

(e) Any change in the application or of any information filed with the Board shall be reported to the Board, in writing, within ten days of the change;

(f) The application shall be valid for a period of six (6) months from the date it is received by the Board unless the Board extends its period of validity.

3.5. Issuance of Licenses For Pharmacists. Licenses for pharmacists shall be issued to qualified applicants in the name of the individual applicant.

3.6 Pharmacy Intern License.

(a) No person shall practice as a pharmacy intern without having first obtained a license from the Board. Any person who is not a licensed pharmacist, but who is employed in the CNMI for the purpose of fulfilling the requirements to become eligible for licensure as a pharmacist, must apply to the Board to be licensed as an intern pharmacist. An applicant, to be eligible for licensure 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 accredited by the American Council on Pharmaceutical Education or other institution approved by the Board, and must provide the Board with a letter of recommendation from that college or university attesting to the applicant's competence to work as a pharmacy intern.

(b) The Board, upon approval of the application submitted by the applicant, shall issue a letter of licensure stating that the applicant is 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.

3.7. Registration of Pharmacy Technicians.

(a) All persons wishing to work as Pharmacy Technicians in the CNMI must register with the Board. An application for registration as a Pharmacy Technician shall be made under oath on forms provided by the Board and shall not be considered complete unless accompanied by the required documentation and fees which shall not be refunded. It shall be each applicant's responsibility to furnish all information and any documentation requested by the Board.

(b) The application form may require the applicant to provide and certify the following:

(1) The applicant's full name;

(2) A statement that the applicant has attained the age of majority;

(3) The applicant's current business or mailing address and telephone number for publication, and the applicant's current residence address and telephone number;

(4) The applicant's social security number;

(5) The applicant's education and training related to the work of a Pharmacy Technician;

(6) That the applicant is of good moral character;

(7) The date and place of any conviction of a crime directly related to drugs, drug samples, wholesale or retail drug distribution, or distribution of controlled substances, unless the conviction has been expunged or annulled or is otherwise precluded from consideration.

(8) The state(s), United States territories, or other jurisdictions in which the applicant has worked as a Pharmacy Technician;

(9) A photograph of the applicant for identification purposes;

(10) A statement that the applicant is a United States citizen or an alien authorized to work in the CNMI by the Department of Labor and Immigration; and

(11) Any other information the Board may require to investigate the applicant's qualifications for registration.

(c) Any requirement that the Board provide notice to applicants shall be deemed met if notice is sent to the address on file with the Board.

(d) Any change in the application or of any information filed with the Board shall be reported to the Board, in writing, within ten days of the change.

(e) The application shall be valid for a period of six (6) months from the date it is received by the Board unless the Board extends its period of validity.

3.8 Wholesale Prescription Drug Distributor License.

It shall be unlawful for any person to operate, maintain, open, change location, or establish any wholesale prescription drug distribution business within the CNMI without first having obtained a license from the Board.

3.9 Wholesale Prescription Drug Distributor License Requirements.

(a) Application for a wholesale prescription drug distributor license shall be made under oath on forms provided by the Board, and shall not be considered complete unless accompanied by the required documentation and fees which shall not be refunded. It shall be each applicant's responsibility to furnish all information and any documentation requested by the Board. The applicant shall certify the following information as it pertains to the applicant including any officer, director, manager, or other persons in charge of wholesale drug distribution, storage, or handling:

(1) The name, address, and telephone number of the applicant requesting the license;

(2) The names under which the applicant does business;

(3) The names, addresses, and telephone numbers of the responsible individuals for all of the applicant's facilities used by the applicant in the warehousing, handling, and distribution of wholesale drugs;

(4) The names of the owners of the applicant, such as:

(i) if the applicant is an individual or a sole proprietorship, such individual's name;

(ii) if the applicant is a partnership, the names and addresses of each of the partners;

(iii) if the applicant is a corporation, the names and addresses of the directors and officers of the corporation, and the place of incorporation.

(5) If the applicant is a corporation, a copy of the corporation's articles of incorporation, and a copy of a certificate of good standing with the CNMI Registrar of Corporations;

(6) A copy of the applicant's CNMI business license and, if available, a copy of the applicant's Drug Enforcement Agency registration and number;

(7) The names of the managing pharmacist(s), other pharmacists, and pharmacy technicians employed by applicant, and such individuals' license numbers, and a copy of each such individuals' license certificates;

(8) Any convictions under any federal, state, or local laws relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances;

(9) Any felony conviction under federal, state, or CNMI laws;

(10) Whether the applicant has ever submitted false or fraudulent material in connection with any application for the manufacture or distribution of ~~non-prescription medicines or~~ drugs;

(11) Whether the applicant has complied with all licensing requirements for previously issued licenses for the manufacture or distribution of ~~non-prescription medicines~~ or drugs, including controlled substances;

(12) Whether the applicant has complied with the requirements of maintaining and supplying the files required by these Regulations to the Board, CNMI, and/or Federal officials authorized to access the files;

(13) Any suspension or revocation by any federal, state, or CNMI government agency of any license currently or previously held for the manufacture or distribution of any drugs, including controlled substances;

(14) Verification of at least one year of experience in the distribution or handling of prescription drugs for any person responsible for the distribution of drugs;

(15) A current list of managers and other persons in charge of the wholesale distribution, storage, and handling of prescription drugs, including a description of each person's duties and a summary of each person's qualifications; and

(16) That no CNMI licensed practitioner is owner or part of a corporation that owns a pharmaceutical wholesale distributorship except that they may own a percentage not greater than 7% of the business operation, or own the building in which a pharmaceutical wholesale distributorship is located so long as the sale or lease price of the building is based on the fair market

value of the property, and the sale or lease price of the building is not tied to the sale of drugs by the pharmaceutical wholesale distributorship.

(b) A map of the facilities shall also be submitted. The map shall identify:

(1) The storage area for drugs;

(2) The storage area for quarantined drugs; and

(3) The placement of the lighting, ventilation, and temperature control equipment.

(c) No license shall be issued prior to receipt of a satisfactory inspection report from the Department, Division of Public Health. At a minimum, the Department shall insure that:

(1) The facilities are of suitable size and construction to facilitate cleaning, maintenance, and proper operations;

(2) The storage areas are designed to provide adequate ventilation, temperature, sanitation, humidity, space, equipment, and security conditions;

(3) A quarantine area is available for prescription drugs that are outdated, damaged, deteriorated, misbranded, or adulterated, or whose immediate or sealed outer or sealed secondary containers have been opened;

(4) The facility is maintained in a clean and orderly fashion;

(5) The facility is free from infestation by insects, rodents, birds, or vermin of any kind;

(6) The facility is secure from unauthorized entry;

(7) Access from outside the premises is kept to a minimum and well controlled;

(8) The outside perimeter of the premises is well-lighted;

(9) Entry into areas where prescription drugs are held is limited to authorized personnel;

(10) The facilities are equipped with an alarm system to detect entry after hours, or security guards have been posted on the premises after hours to ensure that only authorized personnel gain access to the facilities;

(11) The facilities are equipped with an internal security system that will provide suitable protection against theft and diversion;

(12) All prescription drugs are stored at appropriate temperatures and under appropriate conditions in accordance with requirements, if any, in the labeling of the drugs, or in accordance with the standards regarding conditions

and temperatures for the storage of prescription drugs adopted by the Department.

(A) If no storage requirements are established for a prescription drug, the drug may be held at controlled room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected;

(B) Appropriate manual, electromechanical, or electronic temperature and humidity recording equipment, devices, or logs shall be used to document the proper storage of prescription drugs;

(13) Upon receipt, each outside shipping container of prescription drugs is examined visually to confirm the identity of the drugs and to prevent the acceptance of contaminated prescription drugs that are unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage to the contents;

(14) Each outgoing shipment of prescription drugs is inspected carefully to confirm the identity of the drugs and to ensure that no prescription drugs are delivered that have been damaged in storage or held under improper conditions;

(15) Returned, damaged, outdated, deteriorated, mishandled, or adulterated prescription drugs are physically separated from other prescription drugs and stored, in such a way that no cross-contamination or confusion is possible, until they are destroyed or returned to the supplier;

(16) Any prescription drugs whose immediate or sealed outer or sealed secondary containers are found upon arrival to have been opened or used are identified as such, and are physically separated from other prescription drugs and stored in such a way that no cross contamination or confusion is possible, until they are destroyed or returned to the supplier; and

(17) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug is either destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, quality, and purity. In determining whether the conditions under which a drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, the wholesale distributor shall consider, among other things, the conditions under which the drug has been held, stored,

or shipped before or during its return and the condition of the drug and its container, carton, or labeling as a result of storage or shipping.

(d) Written policies and procedures for the receipt, security, storage, inventory, and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts and for correcting all errors and inaccuracies in inventories shall be submitted. Written policies and procedures shall include:

(1) A procedure whereby the oldest approved stock of a prescription drug is distributed first. The procedure may permit deviation from this requirement if the deviation is temporary and appropriate;

(2) A procedure for handling recalls and withdrawals of prescription drugs. The procedures shall be adequate to deal with recalls and withdrawals caused by:

(A) Any action initiated at the request of the Department, the Food and Drug Administration, or any other federal, or CNMI enforcement or other government agency;

(B) Any voluntary action by the manufacturer to remove defective or potentially defective drugs from the market; or

(C) Any action undertaken to promote public health and safety by replacing existing merchandise with an improved product or new package design;

(3) A procedure to ensure that the distributor prepares for, protects against, and handles properly any crisis that affects security or operation of any facility in the event of strike, fire, typhoon, or other natural disaster, or in other emergencies; and

(4) A procedure to ensure that all outdated prescription drugs are segregated from other drugs and either returned to the manufacturer or destroyed. This procedure shall require written documentation of the disposition of outdated prescription drugs. The documentation shall be maintained for five years after disposition of the outdated drugs.

(e) The Board may deny licensure for a wholesale prescription drug distributor license if the applicant has had any disciplinary action taken or if any unresolved complaints are pending, or if the applicant has failed to comply with, or satisfy the Board of, any of the requirements set forth in subsection (a) above;

(f) Any requirement that the Board provide notice to applicants shall be deemed met if notice is sent to the address on file with the Board.

(g) Any change in the application or of any information filed with the Board shall be reported to the Board, in writing, within ten days of the change.

(h) The application shall be valid for a period of six (6) months from the date it is received by the Board unless the Board extends its period of validity.

3.10. Issuance of Licenses For Wholesale Distributors. Licenses for wholesale distributors shall be issued to qualified applicants in the name of the individual owner, the partnership, corporation, or other organizational entity of the establishment, and will state the business name of the establishment. The license shall also include the name, license number, and a copy of the annual license certificate of the managing pharmacist and the other pharmacists who practice in the establishment.

3.11. Newly Organized Pharmacies and Wholesale Distributors. All newly organized pharmacies and wholesale distributors must obtain a permit from the Board before commencing operations. All applications for newly organized pharmacies and wholesale distributors shall be submitted to the Board no later than sixty (60) days prior to the date the newly organized pharmacy or wholesale distributor will commence operations. The Board shall carry out the inspection required pursuant to these Regulations within thirty (30) days after receiving the application. After the inspection is completed, the Board shall advise the newly organized pharmacy or wholesale distributor of whether its application for licensure has been approved within fifteen (15) business days after the inspection has been completed.

3.12. Permits For Operation Of A Pharmacy.

(a) It shall be unlawful for any person to operate, maintain, open, change location, or establish any pharmacy within the CNMI without first having obtained a permit from the Board.

(b) Application for permits shall be made under oath on a form to be prescribed by the Board. A separate application shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required. An application for a pharmacy permit must be accompanied by all required documentation and the application fee which shall not be refunded. It shall be each applicant's responsibility to furnish all information and any documentation requested by the Board.

(c) On evidence satisfactory to the Board a permit shall be issued. The application form may require the applicant to provide and certify the following:

(1) The name, address, and telephone number of the applicant requesting the license;

(2) The name(s) under which the applicant does business;

(3) The names, addresses, and telephone numbers of the responsible individuals for all of the applicant's facilities used by the applicant in the warehousing, handling, and distribution of prescription drugs;

(4) The names of the owners of the applicant, such as:

(i) if the applicant is an individual or a sole proprietorship, such individual's name;

(ii) if the applicant is a partnership, the names and addresses of each of the general and/or limited partners;

(iii) if the applicant is a corporation, the names and addresses of the directors and officers of the corporation, and the place of incorporation.

(5) If the applicant is a corporation, a copy of the corporation's articles of incorporation, and a copy of a certificate of good standing with the CNMI Registrar of Corporations;

(6) A copy of the applicant's CNMI business license;

(7) The names of the managing pharmacist(s) and other pharmacists employed by applicant, and such individuals' license numbers, and a copy of each such individuals' license certificates;

(8) Whether the applicant has ever submitted false or fraudulent material in connection with any application for the manufacture or distribution of ~~non-prescription medicines or~~ drugs;

(9) Whether the applicant has ever had a license for the manufacture or distribution of any ~~non-prescription medicines or~~ drugs, including controlled substances, suspended or revoked by either the CNMI or Federal government;

(10) Whether the applicant has complied with all licensing requirements for previously issued licenses for the manufacture or distribution of ~~non-prescription medicines or~~ drugs, including controlled substances;

(11) Whether the applicant has complied with the requirements of maintaining and supplying the files required by these Regulations to the Board, CNMI, and/or Federal officials authorized to access the files;

(12) The documentation demonstrating that the technical equipment required by these Regulations is maintained for the applicant's operations;

(13) A floor plan of the prescription area which shall diagram the space and location of fixtures such as counters, tables, drawers, shelves, storage cabinets including a locked cabinet, library, sink with hot and cold water, proper sewage outlet, and refrigeration storage equipment;

(14) The date the pharmacy will be ready for inspection;

(15) A letter of verification that the pharmacy has been bought with the effective date of sale if the pharmacy was purchased;

(16) Evidence that the trade name, if any, is properly registered with the business registration division, CNMI Department of Commerce;

(17) That the pharmacy for which the permit is sought is, or will be, in full compliance with these Rules and Regulations and any other rules of the Board;

(18) That the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety;

(19) That the pharmacy will be under the personal and immediate supervision of a pharmacist;

(20) That no CNMI licensed practitioner is an owner of the pharmacy or of a share of the pharmacy, or an officer, director, or shareholder of a corporation that owns the pharmacy, except that the practitioner may own the building in which a pharmacy is located so long as the sale or lease price of the building is based on the fair market value of the property, and the sale or lease price of the building is not tied to the sale of drugs by the pharmacy; and

(21) In any case where the applicant is a partnership, unincorporated association or corporation which has more than four (4) partners, members, or shareholders, respectively, the application shall state the names of the four (4) partners, members, or shareholders, respectively, who own the largest interests in the applicant entity and state their percentages of interest. Upon request from the Board, the applicant shall furnish information as to

partners, members, or shareholders not named in the application or shall refer the Board to an appropriate source of information.

(d) A permit shall not be issued prior to an inspection-report by the Board which indicates that the applicant has the minimum reference materials and technical clinical equipment and supplies.

(1) The minimum reference materials that a pharmacy shall possess are as follows:

(A) United States Pharmacopeia National Formulary, and all supplements;

(B) Federal Drug Enforcement Agency Regulations;

(C) prescription files.

(2) The minimum technical equipment and supplies that a pharmacy shall possess are as follows:

(A) Class A prescription balance or a balance of greater sensitivity and appropriate weights;

(B) Mortar and pestle (glass or porcelain);

(C) Bottles and vials of assorted sizes;

(D) Graduates or other similar measuring devices;

(E) Prescription labels;

(F) Refrigerator;

(G) A sink in the prescription area supplied with hot and cold running water for exclusive use in cleaning pharmaceutical equipment;

(H) A clean and sanitary disposal container for wastes.

(3) Every pharmacy shall be equipped with a wash basin, in addition to that required under subsection (2)(G) above, supplied with soap and paper towels at all times, and kept clean and in order. The washing basin shall not be used for placing, storing, or keeping materials, merchandise, or equipment of any kind.

(e) No permit shall be issued unless all deficiencies, if any, have been corrected and approved by the Board.

(f) The Board may delegate to its executive secretary the authority to issue a permit upon receipt of the inspection report verifying that all requirements have been met.

(g) Any requirement that the Board provide notice to applicants shall be deemed met if notice is sent to the address on file with the Board.

(h) Any change in the application or of any information filed with the Board shall be reported to the Board, in writing, within ten days of the change.

(i) The application shall be valid for a period of six (6) months from the date it is received by the Board unless the Board extends its period of validity.

3.13. Issuance of Permits. Permits shall be issued to qualified applicants in the name of the individual owner, the partnership, corporation, or other organizational entity of the pharmacy, and will state the pharmacy's business name. The license shall also include the name, license number, and a copy of the annual license certificate of the managing pharmacist and the other pharmacists who practice in the pharmacy.

3.14. Change of Owner or Location. If a pharmacy changes owners or physical locations, the original permit shall become void, and shall be returned to the Board before a new permit is issued. In the case of a change of owner or physical location, the application for a new permit shall comply with Section 3.12 of these Rules and Regulations.

3.15 Other Restrictions On Offers To Sell, Sales, and Distribution of Prescription Drugs. It shall be unlawful:

(a) For any person to sell or offer for sale at public auction, or to sell or offer for sale at private sale in a place where public auctions are conducted, any prescription drugs without first obtaining a permit from the Board to do so;

(b) For any person to in any manner distribute or dispense samples of any prescription drugs or medical supplies without first obtaining a permit from the Board to do so; provided that nothing in this paragraph shall interfere with the furnishing of samples or prescription drugs directly to ~~physicians,~~ pharmacists, ~~dentists, veterinarians~~ and other practitioners for use in their professional practice;

(c) For wholesale distributors to sell, distribute, or dispense any prescription drug, except to a pharmacist, ~~physician, dentist, veterinarian,~~ or other practitioner who is allowed to use pharmaceutical agents or to a generally recognized industrial, agricultural, manufacturing, or scientific user of prescription drugs for professional or business purposes;

(d) For wholesale distributors to sell to drugs stores and other retail establishments those medicines that are classified as prescription drugs, unless

the drug store or retail establishment has been issued a permit by the Board to operate a pharmacy;

(e) For wholesale distributors to retail drugs ~~and non-prescription medicines~~ directly to the public, unless they have a separate permit from the Board to do so.

(f) For pharmacies and drug stores to sell ~~prescription~~ drugs ~~and non-prescription medicines~~ on a wholesale basis without a wholesale distributor license to conduct such activities;

(g) For any person, as principal or agent, to conduct or engage in the business of preparing, manufacturing, compounding, packing, or repacking any drug without first obtaining a permit from the Board to do so; and

(h) For any out-of-CNMI pharmacy or entity engaging in the practice of pharmacy, in any manner to distribute, ship, mail, or deliver prescription drugs or devices into the CNMI without first obtaining a permit from the Board; provided that the applicant shall:

(1) Provide the location, names, and titles of all principal corporate officers;

(2) Attest that the applicant or any personnel of the applicant has not been found in violation of any CNMI or federal drug laws, including the illegal use of drugs or improper distribution of drugs;

(3) Submit verification of a valid unexpired license, permit, or registration in good standing to conduct the pharmacy in compliance with the laws of the home state and agree to maintain in good standing such license, permit, or registration; and

(4) Have in its employ a pharmacist whose license is current and in good standing.

3.16 Fees for Permits and Licenses. The Board shall collect fees for each permit to operate a pharmacy, including a mail order pharmacy as described in 3.15(h), or for each license to operate as a pharmacist, pharmacy technician, or wholesale prescription drug distributor. The fees for permits and licenses shall be published by the Board in the Commonwealth Register.

3.17 Form of Fee; Dishonored Checks Considered Failure To Meet Requirements. The fees, if in the form of a money order or check, shall be made

payable to the CNMI Treasury. The dishonoring of any check upon first deposit shall be considered a failure to meet the requirements for licensure or permit.

3.18. License or Permit Nontransferable; Changes Of Address. Any license or permit issued by the Board shall be valid only in the name issued and shall not be transferable. A permit to operate a pharmacy shall apply only to the physical location of the establishment for which it was issued. All changes of address must be reported to the Board within ten (10) days.

3.19 Criminal Conviction. When an applicant or the applicant's personnel have been convicted of a crime related to the pharmacy profession and it is determined that the conviction may be considered, the Board may request the following documents from the applicant:

(a) Copies of any court records, orders, or other documents that state the facts and statutes upon which the applicant was convicted, the verdict of the court with regard to that conviction, the sentence imposed, and the actual terms of the sentence; and

(b) Affidavits from any parole officer, employer, or other persons who can attest to a firm belief that the applicant has been sufficiently rehabilitated to warrant the public trust.

3.20 Denial or Rejection of Application.

(a) An application for issuance of a license or permit shall be denied when an application is insufficient or incomplete; is not accompanied with the required fees; or when an applicant has failed to provide satisfactory proof that the applicant meets the requirements for the license or permit. In addition, the Board may deny issuance of a license or permit:

(1) When the applicant or the applicant's personnel is known to have committed any of the acts for which a license or permit may be suspended or revoked; or

(2) If the applicant has had any disciplinary action taken in connection with the practice of pharmacy in any jurisdiction, including any federal or CNMI regulatory body.

(b) An application shall be automatically rejected and the applicant shall be denied a license or permit when the applicant, after having been notified to do so:

(1) Fails to pay the appropriate fees within sixty days from notification; or

(2) Fails to submit any of the information or documentation requested to comply with any of the requirements for licensure or permit within sixty days of notification.

(c) Any application which has been denied or rejected shall remain in the possession of the Board and shall not be returned. However, the Board shall notify the applicant by letter of the Board's action which shall include a concise statement of the reasons therefor. The notice requirement shall be deemed satisfied if notice is sent to the address on file with the Board.

(d) An applicant, whose application has been denied or rejected, may file for an administrative hearing.

3.21. Cancellation of License or Permit. A pharmacy permit, or a license for a pharmacist or wholesale distributor may be cancelled by the Board for any of the following reasons:

(a) If the individual in whose name the license was issued dies. In this circumstance, any new applicant assuming the operations of the deceased shall follow the procedures set forth in Sections 3.2 or 3.9 of these Rules and Regulations for obtaining a new license within sixty (60) days from the date of death of the prior owner of the establishment.

(b) If the pharmacy or wholesale distributorship for which the permit was issued ceases operations.

(c) If the pharmacy or wholesale distributorship for which the permit was issued is sold, leased, or transferred to another person. In this circumstance, the person who purchased, leased, or otherwise assumed the operations of the pharmacy shall be required to submit an application for a new permit as provided in Section 3.12 of these Rules and Regulations.

IV. Renewal of Licenses and Permits

4.1 Renewal of Licenses and Permits.

(a) All licenses and permits issued by the Board, which have not been revoked, suspended, or otherwise encumbered, shall be renewed every two years from the date issued. The standards for renewal of a license or permit shall be the same as those for the initial issuance of a license or permit, as set

forth in Sections 3.2, 3.6, 3.9, and 3.12 of these Rules and Regulations. Licensees shall also be required to maintain their license to practice in the jurisdiction in which they were licensed by examination.

(b) Any requirement that the Board provide notice to licensees shall be deemed met if notice is sent to the address on file with the Board.

(c) Any change in the application or of any information filed with the Board shall be reported to the Board, in writing, within ten (10) days of the change.

4.2 Date for filing All licensees and permit holders shall complete and submit a renewal application together with the required fees on or before the 60th day prior to the date of expiration (two years from the date of original or renewal of licensure or permit). A completed renewal application with the required fees sent by the United States mail shall be considered timely filed if the envelope bears a postmark no later than 60 days prior to the expiration date.

4.3 Automatic Forfeiture for Failing to Renew. The failure to timely renew the license or permit, or to pay the applicable fees, or paying fees with a check which is dishonored upon first deposit shall cause the license or permit to be automatically forfeited.

4.4 Restoration of Forfeited License or Permit.

(a) A pharmacist license which has been forfeited may be restored within six months of the forfeiture provided the applicant:

(1) Submits a notarized statement from a licensed pharmacist attesting that the applicant has been employed for a minimum of two thousand hours as a pharmacist within the previous two years; or

(2) If the applicant is licensed out-of-state, a copy of the out-of-state license and a statement signed by the out-of-state licensing official that the out-of-state license is current and in good standing and that the applicant has been employed for a minimum of two thousand hours within the preceding two years; and

(3) Pays the penalty, current biennial, and renewal fees.

(b) A pharmacy permit or a wholesale distributor license which has been forfeited may be restored within one year of the date of forfeiture provided the applicant:

(1) Pays all penalty fees, current biennial, and renewal fees; and

(2) In the case of a pharmacy, passes a pharmacy inspection conducted by the Board; or

(3) In the case of a wholesale distributor, passes a facility inspection conducted by the Department, Division of Public Health.

(c) The Board may deny restoration of a forfeited license or permit against which disciplinary action has been taken since the date of forfeiture of the license or permit, or if the applicant or applicant's personnel have been convicted of any crime directly related to the practice of pharmacy, drugs, drug samples, wholesale or retail drug distribution, or distribution of controlled substances unless the conviction has been expunged or annulled or is otherwise precluded from consideration.

(d) A person whose license or permit has been forfeited and who fails to restore the license or permit as provided in this section, shall apply as a new applicant.

4.5 Board May Refuse to Renew or Restore.

(a) The Board may refuse to renew or restore a license or permit for failure or refusal of the licensee or permit holder to:

(1) Properly complete or timely submit the renewal application form and submit all fees and required documentation;

(2) Meet and maintain the conditions and requirements necessary to qualify for the issuance of the license or permit.

(b) An applicant whose application has not been renewed or restored for the above reasons may file for an administrative hearing.

V. Scope of Practice

5.1 Display of License or Permit.

(a) The current license or permit shall be conspicuously displayed in the place of business for which the permit or license was granted and the holder of a license shall have the holder's license or evidence of current validation in the holder's possession at all times, provided that a relief pharmacist shall not be required to display a license or permit. In the case of pharmacies, the permit,

each pharmacist's license, and a recent photograph of the managing pharmacist of a size no smaller than 3x5 must be prominently displayed.

(b) A licensed pharmacist who is employed or who practices in more than one pharmacy shall post his current certificate of licensure in the pharmacy in which he or she is primarily employed. In addition, the licensed pharmacist shall post a photocopy of his or her current certificate of licensure in every other pharmacy in which he or she practices either part-time or temporarily.

5.2. Pharmacist In Charge; Pharmacy Personnel.

(a) A pharmacist shall be in personal and immediate charge of the pharmacy and personnel employed in the pharmacy. During any absence of the pharmacist, the entire stock of prescription drugs shall be secured from access to unauthorized persons and the means of access shall only be in the possession of the pharmacist; prescriptions may not be dispensed, or received by telephone and no prescription drugs shall be sold; provided that this shall not preclude the sale at those times of things that might be sold were the pharmacy a store not subject to these Rules and Regulations. No person other than a pharmacist or a pharmacy intern under the pharmacist's immediate supervision shall dispense prescriptions.

(b) A pharmacy technician may be employed to assist the pharmacist. The pharmacist shall directly supervise all activities and functions of the pharmacy technicians to insure that all activities and functions are performed in accordance with procedures and the scope of duties of a pharmacy technician and further shall initial all prescriptions filled by pharmacy technicians.

5.3 Physical Presence of a Pharmacist In Institutional Pharmacy.

(a) A pharmacist must be physically present during the hours of operation of a prescription area in an institutional pharmacy.

(b) At any time a pharmacist is not in the prescription area of an institutional pharmacy (except in cases of emergencies), the entire stock of prescription drugs shall be secured from access to unauthorized persons and the means of access shall only be in the possession of the pharmacist.

(c) A pharmacist in an institutional pharmacy shall ensure that written policies and procedures have been established by the institutional facility for provision of drugs to the medical staff and other authorized personnel of the institutional facility by use of night cabinets, and access to the institutional

pharmacy and emergency kits when the pharmacist is not in the area. A "night cabinet" is a cabinet, room, or any other enclosure not located within the prescription area. The written policies and procedures shall provide that, a pharmacist shall be "on call" during those periods and shall provide policies and procedures regarding the following:

(1) Security of the night cabinet to ensure that the night cabinet is sufficiently secured to deny access to unauthorized persons by force or otherwise;

(2) The development of an inventory listing of all drugs included in the cabinet and the requirement that the pharmacist ensures, at a minimum, that:

(A) Drugs available therein are properly labeled;

(B) Only prepackaged drugs are available therein in amounts sufficient for immediate therapeutic requirements;

(C) A prescription is attached to the inventory list for any prescription drug that was withdrawn from the cabinet;

(D) All drugs therein are inventoried no less than once per calendar quarter; and

(E) A complete audit of all activity concerning such cabinet is conducted no less than once per month.

(3) Access to the pharmacy. In the event a drug is not available from floor supplies or night cabinets and the drug is required to treat the immediate needs of a patient whose health would otherwise be jeopardized, the drug may be obtained from the institutional pharmacy in accordance with this subsection. Authorized personnel may remove drugs therefrom provided:

(A) The authorized personnel are designated, in writing, by the institutional facility;

(B) The authorized personnel have been instructed by the pharmacist of the proper methods of access, and the records and procedures regarding removal of the drugs; and

(C) The authorized personnel are required to complete a form which shall include the patient's name and room number, the name of drug, drug strength, dosage, date, time, and the signature of the authorized personnel.

(4) Use of drugs that have a "stop date." For purposes of this section, "stop date" in an institutional setting is the length of time to administer a medication as indicated on a drug order. In the absence of such a notation, if an

order is necessary or advisable to stop the particular drug, a committee of the institutional facility will have determined by policy, the length of time for administration of the drug.

5.4 Failure to Place Pharmacist In Charge. Any proprietor or manager of a pharmacy who fails or neglects to place a pharmacist in charge thereof or who permits the compounding, filling, or dispensing of prescription drugs, except by or under the immediate supervision of a pharmacist, shall be deemed to have violated these Rules and Regulations. Any person who, not being a pharmacist, compounds, fills, or dispenses prescriptions drugs while not subject to the immediate supervision of a pharmacist shall be deemed to have violated these Rules and Regulations.

5.5 Duties of Pharmacist In Charge. Every pharmacist in charge of a pharmacy shall comply with all laws governing pharmacists and the practice of pharmacy. The pharmacist in charge shall be responsible for the management of the pharmacy; and every activity thereof which is subject to these Rules and Regulations shall be under the pharmacist's complete control.

5.6 Scope of Practice Of a Pharmacy Technician. A pharmacy technician may perform the following tasks, not requiring professional judgment, under the immediate supervision of a pharmacist:

(a) Typing of prescription labels, drug packaging, stocking, delivery, record keeping, pricing, documentation of third party reimbursements, and filling, compounding, and storing medication;

(b) Mixing drugs with parenteral fluids provided that the pharmacy technician:

(1) Has a working knowledge of the pharmaceutical medical terms, abbreviations, and symbols commonly used in the prescribing, dispensing, and charting of medications;

(2) Is able to perform the arithmetic calculations required for the usual dosage determination and solution preparation;

(3) Has a thorough knowledge and understanding of the pharmacy technician's duties and responsibilities, including standards of ethics governing the practice of pharmacy;

(4) Has a working knowledge of drug dosages, route of administration, and dosage forms;

(5) Has a working knowledge of the procedures and operations relating to the manufacturing, packaging, and labeling of drug products; and

(6) Has a working knowledge of the procedures and operations relating to aseptic compounding and parenteral admixture operations.

(c) Pharmacy technicians shall not perform the following functions at any time:

(1) Consultation with the practitioner regarding the patient and his prescription;

(2) Receipt of a verbal prescription other than refill approval or denial from a practitioner;

(3) Consultation with the patient regarding the prescription, both prior to and after the prescription filling and/or regarding any information contained in a patient medication record system;

(4) Interpretation and identification of the contents of the prescription document;

(5) Determination of the product required for the prescription;

(6) Extemporaneous compounding of the prescription whereby the accuracy, correct procedure and preparation, and safety of pharmaceutical constituents cannot be verified by the pharmacist;

(7) Interpretation of data in a patient medication record system;

(8) Dispense prescriptions to patient;

(9) Final checks on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including but not limited to accuracy of the drug strength, the labeling, and the proper container provided that a pharmacy technician may perform specialized functions as approved by the Board;

(10) Any duty required by law, rule or regulation to be performed only by a pharmacist.

(d) Except for a specialized function approved by the Board for the location, a pharmacy technician shall not release any drug ordered for a specific patient from the pharmacy or satellite pharmacy that has not been checked by a licensed pharmacist.

(e) The employer, the pharmacy manager, and the pharmacist in charge are responsible and liable for the acts performed by a pharmacy technician.

5.7 Adequate Equipment. Every pharmacy compounding drugs shall be equipped with proper pharmaceutical utensils so that the prescriptions can be properly compounded, as set forth in Section 3.12(d) of these Rules and Regulations.

5.8. Security of Prescription Departments.

(a) The prescription department of every pharmacy shall be separated from the merchandising or public areas of the premises by a barrier extending not less than five (5) feet above the floor level and of sufficient width to make controlled substances, narcotics, poisons, prescription drugs, or restricted devices inaccessible to unauthorized persons. The barrier must be constructed of solid material and contain a gate 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.

(b) The Board may permit an alternative type of physical security if, in its opinion, the alternative method of security shall be sufficient to make the controlled substances, narcotics, poisons, prescription drugs, or restricted devices inaccessible to unauthorized persons.

5.9. Prescription Record. Every pharmacy or dispensing physician or clinic shall keep a suitable book or file, or a microfilm of such book or file, in which shall be preserved, for a period of not less than five years, every prescription compounded or dispensed at the pharmacy. The book, file, or microfilm of prescriptions shall at all times be open to inspection by the Board.

5.10 Emergency Kits.

(a) A pharmacist may provide emergency kits to emergency medical service units or ambulatory clinics which do not have immediate access to a pharmacy to meet the emergency therapeutic needs of patients.

(b) The pharmacist and the medical staff of the institutional facility shall jointly determine the drugs, and quantity, to be included in the emergency kit.

(c) The exterior of emergency kits shall be labeled by the pharmacist to clearly and unmistakably indicate that the kit is an emergency drug kit and that the kit is for use in emergencies only. In addition, the label shall also contain a listing of the drugs contained therein, including name, strength, quantity, and expiration date of the contents, and the name, address, and telephone number of the supplying pharmacist.

(d) All drugs contained within the emergency kit shall be labeled to identify, at a minimum, the brand or generic name, strength, route, quantity, source, lot number, expiration date, and other information as may be required by the medical staff of the institutional facility to prevent any misunderstanding or risk of harm to the patients of the facility.

(e) On or before the earliest expiration date of any drug contained in the emergency kit, the pharmacist shall replace any expired drugs, re-label, and re-seal the kit.

(f) The pharmacist shall ensure that the institutional facility has established written policies and procedures which shall provide, but not be limited to, policies and procedures covering:

(1) Storage of emergency kits in secured areas which shall be in an environment for preservation of the drugs;

(2) Procedures to ensure that prescription drugs are removed only pursuant to a valid prescription and recordation of any removal; and

(3) Procedures to notify the pharmacist within twenty-four hours of any removal of any drug from the emergency kit.

5.11 Valid Prescriptions.

(a) A pharmacist may fill and dispense prescriptions provided the prescription is valid. A valid prescription shall be legibly written and contain, at the minimum, the following information:

(1) The date of issuance;

(2) The original signature of the practitioner;

(3) The practitioner's name and business address;

(4) The name, strength, quantity, and directions;

(5) The name and address of the person for whom the prescription was filled or the name and address of the owner of the animal for which the drug is prescribed (unless the pharmacy filling the prescription has such address on file);

(6) The room number and route of administration if the patient is in an institutional facility; and

(7) If refillable, the number of allowable refills.

(b) Except where a written prescription is required by law, a phone order is acceptable from practitioners or their authorized agent provided:

(1) Only a pharmacist shall receive the oral prescription;

(2) The oral prescription is promptly reduced to writing and kept on file for five years; and

(3) The oral prescription contains all of the information required under subsection (a).

(c) A faxed prescription for a noncontrolled substance is acceptable from practitioners provided the facsimile is sent by the practitioner or the practitioner's authorized agent, and contains all of the information required under subsection (a) and is kept on file for five years. However, the original prescription must be provided to the dispensing pharmacist within a 72 hour period.

(d) All pharmacists shall comply with any applicable CNMI or federal laws or rules governing the validity of prescriptions.

5.12 Substitution: Prescription Drug Product Selection.

(a) It shall be unlawful to dispense a different drug in place of the prescription drug prescribed without the express consent of the practitioner prescribing it. This limitation shall not include generic drug substitutions unless the practitioner restricts such substitution by writing on the prescription "Dispense As Written," or other phrase indicating the same.

(b) Drug product selection shall comply with the federal Food and Drug Administration therapeutic rating (A or B).

5.13 Transfer of Prescriptions. Transfers of prescription information for the purpose of refill dispensing is permissible between pharmacies. At the time of the transfer the transferring pharmacist and receiving pharmacist must provide the following:

(a) The pharmacist transferring the prescription must provide all information necessary for a valid prescription, and write the words "void" and "invalid" on the face of the prescription or in the computer data base in the patient profile and code the data to ensure that there can be no refill of the

prescription; and record on the reverse side of the prescription, the name of the pharmacist receiving the prescription information, the date of transfer, and the name of the pharmacist transferring the prescription. The pharmacist transferring the prescription shall indicate on the dispensing record or the ADP system the date of the transfer and the name of the pharmacy and pharmacist to which the prescription was transferred.

(b) The pharmacist receiving the transferred prescription information shall write the word "Transfer" on the face of the valid transferred prescription; and the name of the pharmacist transferring the prescription and pharmacy's name, location, and the date the original prescription was written.

5.14. Prescriptions Subject To Right Of Privacy.

(a) 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:

(1) The patient for whom the original prescription was issued;

(2) The practitioner who originally issued the prescription;

(3) A practitioner who is currently treating the patient;

(4) Another licensed pharmacist, upon request by the patient for a transfer of the prescription

(5) A member of the Board, or duly authorized representative, for purposes of Board investigations;

(6) Employees of the Department who are licensed or ancillary health care professionals charged with the responsibility of providing medical care for the patient or charged with the responsibility of handling administrative matters related to the medical care provided for the patient;

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

(8) Any person duly authorized by a court order.

(b) Any copy of a prescription for a controlled substance or a prescription 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.

5.15. Return or Exchange of Prescription Drugs Prohibited. No prescription drug shall be accepted for return or exchange by a pharmacy or pharmacist after such drug has been taken from the premises where dispensed or sold by prescription.

VI. Sale of Non-Prescription Medicines

6.1. Sale of Non-Prescription Medicines. Products considered as non-prescription medicines, as set forth in the definitions of these Rules and Regulations, may be sold without the intervention of a pharmacist in permitted pharmacies, by licensed wholesale drug distributors, and those retail dealers selling non-prescription medicines. Only those ~~drugs~~ non-prescription medicines approved by the United States federal Food and Drug Administration for import into the United States or for over-the-counter sale in the United States may be sold over-the-counter in the CNMI.

6.2. Storage and Dispensing of Non-Prescription Medicines. Non-prescription medicines shall be stored and dispensed in their original containers, with proper labels that indicate the name of the manufacturer, and shall be stored in an environment that avoids deterioration of their quality, purity and potency.

VII. Record Keeping Requirements

7.1 Records of Dispensing.

(a) Records of dispensing for original and refill prescriptions are to be made and kept by pharmacies for five years and shall include, but not be limited to, the following:

(1) Quantity prescribed and quantity dispensed;

(2) Date of dispensing;

(3) Serial number or, if an institution, equivalent control system;

(4) Identification of the pharmacist responsible for dispensing;

(5) Record of refills to date.

(b) An institutional pharmacy will have fulfilled the requirements of this section if the information required by paragraphs (1) to (4) of subsection (a) is kept on accurate patient profiles or medication administration records showing all

drugs administered to the patient for five years; and the institutional facility keeps the original patient charts evidencing the prescription orders and medication administration records in the institutional facility's files for at least five years.

7.2 Automated Data Processing Systems. As an alternative to procedures set forth in Section 7.1, an automated data processing (ADP) system may be employed for the record keeping system provided the following conditions have been met:

(a) The ADP system shall have the capability of producing hard copy documents of all drug orders of original and refilled prescription information. The hard copy produced must be of a print size that is readable without the aid of any special device;

(b) Information to be kept on the ADP system shall include, but not be limited to, the information required in Section 5.11, "Valid Prescriptions," and Section 7.1, "Records of Dispensing";

(c) The pharmacist responsible for pharmacy order entries into the ADP system shall ensure that the information entered into the computer is accurate and complete;

(d) The documentation used to satisfy the above requirements shall be provided to the pharmacy within seventy-two hours of the date of dispensing;

(e) An auxiliary record keeping system shall be established for the dispensing and documentation of refills in the event the ADP system is inoperative for any reason. The auxiliary system shall insure that all refills are authorized by the original prescription and that the maximum number of refills is not exceeded. When the ADP system is restored to operation, the information regarding drug orders and prescriptions filled and refilled during the inoperative period shall be entered in the ADP system within two working days;

(f) Any pharmacy using an ADP system shall comply with all applicable CNMI and federal laws and regulations; and

(g) A pharmacy shall make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have adequate and complete records for any drug order, prescription, and dispensing if the relationship with such supplier terminates for any reason. The pharmacy shall assure continuity in the maintenance of records.

7.3 Security of Records. To maintain the confidentiality of patient's prescriptions or drug orders, there shall exist adequate safeguards for security of the records whether kept manually or in an ADP system.

7.4 Record Keeping for Wholesale Prescription Drug Distributors.

(a) Wholesale distributors shall establish and maintain inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs. These records shall include the following information:

(1) The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(2) The identity and quantity of the drugs received and distributed or disposed of; and

(3) The dates of receipt and distribution or other disposition of the drugs;

(b) The wholesale distributor shall also maintain records to reflect:

(1) Storage. That all prescription drugs are stored at appropriate temperatures and under appropriate conditions in accordance with the requirements, if any, in the labeling of the drugs, or in accordance with the standards regarding conditions and temperatures for the storage of prescription drugs.

(A) If no storage requirements are established for a prescription drug, that the drug is held at controlled room temperature, as defined in an official compendium, to help ensure that its identity, strength, quality, and purity are not adversely affected.

(B) That appropriate manual, electromechanical, or electronic temperature and humidity recording equipment, devices, or logs are used to document the proper storage of prescription drugs.

(2) Examination of materials.

(A) That each outside shipping container of prescription drugs was examined visually to confirm the identity of the drugs and to prevent the acceptance of contaminated prescription drugs or prescription drugs that are otherwise unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.

(B) That each outgoing shipment of prescription drugs was inspected carefully to confirm the identity of the drugs and to ensure that no prescription drugs were delivered that have been damaged in storage or held under improper conditions.

(3) Returned, damaged, outdated, deteriorated, misbranded, and adulterated prescription drugs.

(A) That prescription drugs that are damaged, outdated, deteriorated, misbranded, or adulterated are physically separated from other prescription drugs and stored in such a way that no cross-contamination or confusion are possible, until they are destroyed or returned to the supplier.

(B) That any prescription drugs whose immediate or sealed outer or sealed secondary containers are found upon arrival to have been opened or used are identified as such, and are physically separated from other prescription drugs and stored in such a way that no cross-contamination or confusion are possible, until they are destroyed or returned to the supplier.

(C) That if the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality, or purity, then the drug is either destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the drug meets appropriate standards of safety, identity, strength, **quality, and purity.** In determining whether the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, quality, or purity, the wholesale distributor considers, among other things, the conditions under which the drug has been held, stored, or shipped before or during its return and the condition of the drug and its container, carton, or labeling as a result of storage or shipping.

(c) Inventories and records shall be made available for inspection and photocopying by the Department or any authorized federal or CNMI law enforcement officials for a period of five years following disposition of the prescription drugs.

(d) Records described in this section that are kept at the inspection site or that can be retrieved immediately by computer or other electronic means shall be readily available for authorized inspection during the retention period. Records kept at a central location apart from the inspection site and not electronically retrievable shall be made available for inspection within two working days of a request by the Department or any authorized official of a federal or CNMI law enforcement agency.

VIII. Advertising Practices

8.1. Restrictions on Advertising.

No person may:

(a) (i) display a sign outside an establishment; (ii) advertise in newspapers, on the radio, on television, through printed flyers or other promotional means; or (iii) advertise in an other manner the name of an establishment that includes the words "drug store," "pharmacy," "apothecary," or a combination of these, or whatever related words or phrases; or

(b) display any insignia or emblem that might indicate or imply to the public that the establishment is a drug store, pharmacy, or apothecary;

unless the establishment is actually a permitted pharmacy, or licensed wholesale distributor.

The restrictions on advertising in subsection (a) (i) and (ii) shall not apply to retail dealers of non-prescription medicines.

8.2 Procedures to Advertise Prescription Drugs.

(a) Advertising of prescription drugs shall be done for the purpose of providing the public with information in a manner consistent with public health and safety. Prescription drug advertising shall be done for the purpose of providing information, and not to create a demand for drugs. A pharmacy, if it chooses to advertise, shall advertise prescription prices, drugs, and reference to prescription prices and drugs in accordance with this section:

(1) A pharmacy may post its prices for prescription drugs on a prescription price poster. The form of such posting shall be legible.

(2) A pharmacy may advertise prescription prices by publication or display in any media. For purposes of this section, "media" includes, but is not limited to, newspapers, magazines, calling cards, and directories, including all listings in telephone directories.

(3) Any advertisement for prescription drugs shall be made in three commonly prescribed quantities.

(4) Any advertisement for prescription drugs shall contain the brand name of that drug, if it is sold under a brand name.

(5) Any advertisement for prescription drugs or prices shall be truthful, reasonable, fully informative, and understandable to the public and shall not be false or misleading.

(6) Any advertisement for prescription drugs shall state the time period during which the prices advertised will be effective.

(b) The price for prescription drugs advertised shall not be below cost.

(c) A pharmacist or the pharmacist's agent, upon request, however communicated to the pharmacist, shall give the current price for any drug sold at the pharmacist's pharmacy for informational purposes only and such price quoted shall not be false or misleading but must be truthful, reasonable, informative, and understandable to the public.

8.3 Procedures to Advertise Related Pharmacy Services. Advertising of related pharmacy services shall be done for the purpose of providing the public with information in a manner consistent with public health and safety and shall be truthful, reasonable, fully informative, and understandable to the public and shall not be false or misleading. A pharmacy may advertise that it performs the following services:

(a) Personal medication record. To qualify as providing a personal medication record, a system must be maintained which enables the immediate retrieval of information concerning individual pharmacy patients which is of sufficient scope to enable a determination by the pharmacist of rational drug utilization. In accomplishing this purpose the design and use of the system must be to ascertain and record all patient information necessary to assist the pharmacist in avoiding adverse drug reactions, drug-drug interactions, and inappropriate use of drugs.

(b) Professional consultation with patient and physician. The availability of patient consultation means that the pharmacist routinely informs the patient, either directly or indirectly, on what the patient is taking, how to take it, what to expect, what special precautions should be observed, and how the medication is to be properly stored. This service is to assure that the patient understands the proper use of the drug and that the physician's intentions will materialize in a drug regimen of optimal effectiveness, safety, and duration. Physician or practitioner consultation denotes the availability and practice of pharmacists acting as drug information specialists who discuss with practitioners drug effect, interactions, side effects, and drugs of choice for disease conditions.

(c) "Emergency prescription service" means the providing of pharmaceutical services, which includes prescription dispensing, at any time after usual pharmacy hours. This means that a pharmacist is available, can be readily contacted, and will respond with reasonable expediency at any hour, day or night, in a manner consistent with security and personal safety.
Should the pharmacy choose to advertise the performance of the foregoing services, it must conform with the definition of that service as herein set forth.

8.4 Advertising of Controlled Substances Prohibited. No person shall advertise or promote to the public in any manner the sale of a Schedule II, III, IV, or V controlled substance as defined in the Federal Controlled Substances Act, and the rules promulgated thereunder, or as defined in the Commonwealth Controlled Substances Act, 6 CMC §2101 - §2150.

IX. Labeling

9.1. Labels Must Be In Official Language. The minimum label requirements for drugs ~~and non-prescription medicines~~ sold in the CNMI are set forth below in Section 9.3. All label information for drugs ~~and non-prescription medicines~~ shall be in at least one of the three official languages of the CNMI.

9.2. Drug Information Sheets. The following minimum information shall be included on all drug information sheets provided to physicians and health-related professionals by the drug manufacturer for prescription ~~medications~~ drugs.

(a) The international nonproprietary name of each active substance;

(b) Pharmacological data, including a brief description of the pharmacological effects and the mechanism of action;

(c) Clinical information, including: (1) indications: whenever appropriate, simple diagnostic criteria should be provided; (2) dosage regimen, including routes of administration, and relevant pharmacokinetics data: (A) average and range of dosage for adults, children, and the elderly; (B) dosage interval; (C) average duration of treatment; (D) special conditions, (i.e., renal, hepatic, cardiac, or nutritional insufficiencies that require either increased or reduced dosages); (3) contraindications; (4) precautions and warnings (i.e., use during pregnancy, lactation, and other special conditions); (5) adverse effects,

qualified by category, if possible; (6) drug interactions, but only if clinically relevant (i.e., interactions with drugs used for self-medication, and with foods.); (7) overdose information, including: (A) brief, clinical description of information; (B) non-drug treatment and supportive therapy; (C) specific antidotes;

(d) Pharmaceutical Information: (1) dosage forms; (2) strength of dosage forms; (3) excipient; (4) storage conditions and shelf-life (expiration date); (5) package sizes; (6) description of the product and the package; (7) legal category (i.e., narcotic or other controlled drug, prescription, or non-prescription); and (8) name and address of manufacturer(s) and/or importer(s).

9.3. Labeling. Labels for drugs ~~and non-prescription medicines~~ shall contain, at minimum, the following information:

(a) Labels for prescription drugs dispensed in their original package must contain the following information: (1) the nonproprietary name (the brand name may also be included); (2) the strength; (3) the name and address of the manufacturer and importer; (4) the storage conditions; (5) the expiration date; (6) the batch identification number; and (7) package size.

(b) Labels for prescription drugs dispensed in other quantities than the package size of the original manufacturer must contain the following information: (1) the brand name and/or nonproprietary name; (2) the patient's name; (3) the strength; (4) the prescriber's name; (5) the manufacturer and importer; (6) the dosage instructions; (7) the expiration date; (8) the storage conditions; (9) the batch identification number: either the manufacturer's code or the pharmacist's prescription number; and (10) the indication (whenever appropriate).

(c) Labels for non-prescription medicines that may be legally sold over-the-counter must contain the following information: (1) the name of the product; (2) the name and address of the manufacturer, packer, or distributor; (3) the net contents of the package; (4) the established name of all active ingredients and the quantity of other ingredients regardless of whether they are active; (5) the name of any habit-forming drug contained in the preparation; (6) cautions and warnings that are needed for the protection of the user; and (7) directions for safe and effective use.

X. Importation of Drugs

10.1. General Prohibition On Importation. Drugs imported, sold, or otherwise distributed in the CNMI must be approved by the Food and Drug Administration for sale in the United States. Except as provided in Section 10.3 of the Regulations, the importation of any drug ~~or non-prescription medicine~~ into the CNMI that does not comply with any section of these Rules and Regulations is hereby prohibited. Any person who imports any drug in contravention of these Rules and Regulations shall be guilty of an offense punishable under Section 12.3 herein.

10.2. Seizure and Detention of Imported Drugs.

(a) The Secretary, acting in conjunction with the Department of Finance, Division of Customs, may seize and detain any drugs ~~or non-prescription medicines~~ being imported into the CNMI that the Secretary has reason to believe may contravene any section of these Rules and Regulations. Once seized, the Secretary may order that the drugs ~~and non-prescription medicine~~ be delivered to the Department for identification, and a determination of compliance with these Rules and Regulations.

(b) Upon a finding by the Department that the seized drugs ~~or non-prescription medicines~~ contravene any section of these Rules and Regulations, the owner or person found to be in possession (the "custodian") of the drugs ~~or non-prescription medicines~~ shall be contacted and advised in writing of the Department's determination of violation. The owner or custodian of the drugs ~~or non-prescription medicines~~ shall have the option of sending the contravening drugs ~~or non-prescription medicines~~ back to their country of origin or having them destroyed in the CNMI, however either election shall be at the owner's or custodian's expense.

10.3. Importation of Drugs For Personal Use. The Secretary, or his or her designee, through advisories, may exempt from these Regulations personal shipments of drugs intended for personal use if the following criteria are satisfied:

(a) The intended use of the drug is unapproved and for a serious condition for which effective treatment may not be available domestically either through commercial or clinical means;

(b) There is no known commercialization or promotion to persons residing in the CNMI by those involved in the distribution of the drug at issue;

(c) The drug is not considered to represent an unreasonable risk; and

(d) The individual seeking to import the product affirms in writing that it is for the individual's own use for a period not to exceed three months (90 days), and provides the name and address of the CNMI practitioner responsible for his or her treatment with the product or provides evidence that the product is for the continuation of a treatment begun in a foreign country.

XI. Inspections, Seizures, and Forfeitures

11.1. Inspection.

(a) Inspectors. The Secretary may designate any person employed by the Department as an inspector for the purpose of enforcing these Rules and Regulations. By Memorandum of Understanding, the Secretary may work in conjunction with the Department of Finance, Division of Customs; Department of Labor & Immigration; the Department of Public Safety, and the Office of the Attorney General to perform inspections for the purpose of enforcing these Rules and Regulations.

(b) Identification badges or credentials to be produced. All individuals designated as inspectors shall be provided identification badges or other evidence of his or her credentials as an inspector. Upon entering any establishment pursuant to Section 11.1(c) of these Rules and Regulations, an inspector shall produce the identification badge or other credentials to the person in charge of such establishment.

(c) Entry and inspection. An inspector may at any reasonable time enter any place of operations where the inspector believes, based on administrative probable cause, any article to which these Rules and Regulations apply is prepared, preserved, packaged, imported, sold, distributed, or stored, and may:

(1) examine any such article and take samples thereof, and examine anything that the inspector believes, based on administrative probable cause, is used or capable of being used for the preparation, preservation, packaging or storing of such article;

(2) enter any conveyance that the inspector believes, based on administrative probable cause, is used to carry any article to which these Rules

and Regulations apply, and examine any such article found therein and take samples thereof;

(3) open and examine any receptacle or package that the inspector believes, based on administrative probable cause, contains any article to which these Rules and Regulations apply;

(4) examine and make copies of, or extracts from, any books, documents, or other records found in any place referred to in this subsection 11.1(c) that the inspector believes, based on administrative probable cause, contain any information relevant to the enforcement of these Rules and Regulations with respect to any article to which these Rules and Regulations apply;

(5) seize and detain for such time as may be necessary any article by means of, or in relation to which the inspector believes, based on administrative probable cause, contravenes any provision of these Rules and Regulations.

(d) Warrant required to enter dwelling-house.

(1) Where any place mentioned in subsection 11.1(c) is a dwelling-house, an inspector may not enter that dwelling-house without the consent of the occupant, except under the authority of a warrant issued in accordance with subsection 11.1(d)(2), below.

(2) Where on ex-parte application by an inspector, a judge for the CNMI is satisfied by information on oath that : (i) the conditions for entry described in subsection 11.1(c) exist with respect to a dwelling-house; (ii) entry to the dwelling-house is necessary for any purpose relating to the administration or enforcement of these Rules and Regulations; and (iii) entry to the dwelling-house has been refused or that there are reasonable grounds to believe that entry thereto will be refused, the judge may issue a warrant under his or her hand authorizing the inspector named therein to enter the dwelling-house subject to such conditions as may be specified in the warrant.

(e) Use of force. In executing a warrant issued pursuant to subsection 11.1(d)(2), the inspector named therein shall not use force unless the inspector is accompanied by a police officer, and the use of force has been specifically authorized in the warrant.

(f) Definition of "Article to Which These Rules and Regulations Apply." As used in this Section 11, "article to which these Rules and Regulations apply" shall include: (1) drugs ~~or non-prescription medicines~~; (2) anything used for the

preparation, preservation, packaging, or storing thereof; and (3) any labeling or advertising material.

(g) Assistance and information to be provided inspector.

(1) Cooperation with inspectors. The owner or individual in charge of an establishment being inspected by an inspector pursuant to this Section 11, and every individual found therein, shall give the inspector all reasonable assistance, and furnish the inspector with any information he or she may require, as provided in these Rules and Regulations.

(2) Obstruction and false statements. No person shall obstruct or hinder, or knowingly make any false or misleading statement, either orally or in writing, to an inspector while the inspector is engaged in carrying out his or her duties and functions under these Rules and Regulations.

(3) Interference. Except pursuant to the approval of the inspector, no person shall remove, alter, or interfere in any way with anything seized pursuant to these Rules and Regulations.

11.2. Analysis.

(a) Analysts. The Secretary may designate any person as an analyst for the purpose of enforcement of these Rules and Regulations.

(b) Analysis and Examination. An inspector may submit to an analyst, for analysis or examination, any article or sample seized by the inspector, or a sample of the article seized.

(c) Certificate or Report. An analyst who has made an analysis or examination may issue a certificate or report setting out the results of the analysis or examination.

11.3. Storage and Removal. Any article seized pursuant to this Section 11 may, at the option of the inspector, be kept or stored in the building or place where it was seized, or at the direction of the inspector, the article may be removed to any other place designated by the Secretary or his designee.

11.4. Release of Seized Articles. An inspector who has seized any article pursuant to this Section 11 shall release it when he or she is satisfied that the owner or other person in charge of the establishment has complied with the provisions of these Rules and Regulations.

11.5. Destruction With Consent; Return To Country Of Origin. Where an inspector has seized an article pursuant to this Section 11, and its owner or the person in whose possession the article was found at the time of seizure consents to its destruction, the article shall thereupon be forfeited to the CNMI, and may be destroyed or otherwise disposed of as the Secretary may direct. The cost of such disposal shall be born by the owner of the article or the person in whose possession the article was found. At the discretion of the Secretary, the owner of the article or the person in whose possession the article was found may be allowed to send the article back to its country of origin at their own expense. The packaging and shipping of the article shall be subject to the supervision of the Secretary or a designee.

11.6. Forfeiture on Conviction. Where a person is found to have violated the provisions of these Rules and Regulations, the Court may order that any article related to the violation, and anything of a similar nature belonging to, or in the possession of the person, or found with the article, be forfeited, and on the issuance of the order the article and other things be forfeited to the CNMI, and may be disposed of as the Secretary may direct, at the expense of the person.

11.7. Order For Forfeiture On Application of Inspector. Notwithstanding Section 11.6, a Court may, upon the application of the inspector, and on such notice to such persons as the Court directs, order that the article and anything of a similar nature found therewith, be forfeited to the CNMI, and may be disposed of as the Secretary may direct, at the expense of the person, if after inquiry, the Court considers such forfeiture to be necessary to prevent a violation of the Rules and Regulations from the sale, distribution, dispensing, or use of the article.

XII. Disciplinary Sanctions, Hearings, Administrative Procedure

12.1 Disciplinary Action.

(a) In addition to any other actions authorized by law, the Board shall have the power to revoke, suspend, refuse to renew, deny, or condition a license or permit in accordance with these Rules and Regulations, and to fine or otherwise discipline a licensee or permit holder for any cause authorized by law, including but not limited to the following:

(1) Procuring a license or permit through fraud, misrepresentation, or deceit;

(2) Failing to meet or maintain the requirements or conditions necessary to qualify for license or permit;

(3) Conviction of, or pleading *nolo contender* to a crime that is substantially related to the qualifications, functions, or duties of a pharmacist;

(4) Committing any act or omission in the practice of pharmacy or wholesale distribution which constitutes dishonesty, fraud, or misrepresentation with the intent to substantially benefit the pharmacist or wholesale distributor or with the intent to substantially injure another person;

(5) Aiding or abetting an unlicensed person to directly or indirectly evade these Rules and Regulations;

(6) Failing to maintain records or to make accessible any records as required in Sections 7 and 11 of these Rules and Regulations;

(7) Violating any Rules and Regulations of the Department or Department of Public Safety;

(8) Accepting returns or exchanges of prescription drugs after such drugs have been taken from the premises where they were dispensed or sold by a prescription;

(9) Dispensing a different prescription drug or brand in place of the drug or brand prescribed without the express consent of the person prescribing, except as provided in Section 5.12 of these Rules and Regulations;

(10) Interfering with the performance of the functions and duties of the Board or its duly authorized representatives, or any of the Secretary's inspectors.

(11) Professional misconduct, gross carelessness, or manifest incapacity;

(12) Permitting an unlicensed person to perform activities which require a license under these Rules and Regulations;

(13) Violation of any of the provisions of these Rules and Regulations;

(14) Violation of any CNMI or federal drug, controlled substance, or poison law;

(15) False, fraudulent, or deceptive advertising;

(16) Any other conduct constituting fraudulent or dishonest dealings;

(17) Failure to comply with a Board order;

(18) Making a false statement on any document submitted or required to be filed by these Rules and Regulations; or

(19) Habitual intemperance or addiction to the use of habit-forming drugs.

(b) The violation of any condition or limitation on a license or permit may be cause to impose additional sanctions against the licensee or permit holder.

(c) All proceedings for revocation, suspension, refusal to renew, denial, or conditioning of a license or permit on any grounds specified in subsection (a) shall be conducted pursuant to the Medical Practice Act, 3 CMC §2252 and the Administrative Procedures Act, 1 CMC §9101 - §9115. However, the following conditions shall also govern the procedure for hearings.

(1) Default. If a party does not appear at any scheduled settlement conference, is not present at the hearing during any stage of the proceeding, or if the party fails to comply with any provision or order of the examining officer, default may be entered against such party, and the hearing may continue without the party's continued participation. Notice of such default shall be sent to the party's address of record.

(2) Discovery. Within a reasonable time prior to the date scheduled for the hearing, the affected party may request the following information from the Board: (i) all documents in the possession of the Board related to the hearing which the Board proposes to use in the case; and (ii) a list of the witnesses who will appear to testify at the hearing on behalf of the Board. The examining officer may authorize the use of any discovery mechanism, at his or her discretion.

(3) Sanctions and Fines. Any individual who, during the course of the hearing or other proceedings, acts in a disrespectful manner toward the examining officer or toward any of the individuals attending the hearing, or who intentionally interrupts or delays the proceedings without just cause, may be sanctioned with an administrative fine at the discretion of the examining officer, which fine shall not exceed Three Hundred Dollars ($300.00).

12.2. Failure to Correct Cited Violations. When a license or permit has been suspended for violation of these Rules and Regulations, and the licensee or permit holder has failed to take the corrective action cited in the notice of

suspension within ninety (90) days, at the expiration of the ninety (90) day time period, the license or permit shall be automatically revoked, unless an extension is granted by the Board.

12.3 Penalties For Violations of These Rules and Regulations. Any person who violates any of the provisions of these Rules and Regulations shall be fined not less than One Hundred Dollars ($100.00) and no more than Five Hundred Dollars ($500.00) for each violation. Each distinct violation of these Rules and Regulations shall be regarded as a separate offense.

12.4. Proceedings of Immediate Action.

(a) The Board may use emergency adjudicative proceedings, including revocation of a license, in a situation where there exists imminent risk to the public health, safety, and welfare, or which otherwise requires immediate action by the Board.

(b) In taking immediate action, the Board shall issue an order or resolution which includes a concise statement of the findings of fact, conclusions of law, and public policy reasons justifying the decision that the Board needs to take immediate action.

(c) The Board shall give whatever notice it deems most appropriate to the persons who are required to comply with the order or resolution. The order shall become effective upon its issuance.

(d) The Board's power to take immediate action shall also include the issuance of a general warning to the public of the existence of a violation of these Rules and Regulations through all available news media, including television, radio, newspaper, and other available means of communication whenever the Board determines that such warning is in the public interest.

12.5. Right of Injunction. The Department may, in addition to any other remedies available, apply to a Court having competent jurisdiction for an injunction to restrain any violation of these Rules and Regulations.

12.6. Cumulative Remedies. The remedies or penalties provided by these Rules and Regulations are cumulative to each other and to the remedies or penalties available under all other laws of the CNMI.

XIII. Application of Law.

These Rules and Regulations shall not apply to any practitioner legally licensed by the CNMI to prescribe prescription drugs within the scope of the practitioner's practice when the practitioner is handling drugs in the course of the practitioner's professional duties, or prohibit the practitioner from personally supplying the practitioner's own patients with such prescription drugs if the prescription drugs fall within the practitioner's scope of authorized practice. The practitioner shall be required to follow all requirements and restrictions as per labeling, record keeping, dispensing and storage as are required or restricted to a licensed pharmacist.

XIV. Severability

If any provision of these Rules and Regulations or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of these Rules and Regulations or the application of its provisions to persons or circumstances other than those to which it was held invalid shall not be affected thereby.

XV. Repeal Clause

All other Department Rules and Regulations that conflict with the provisions of these Rules and Regulations are hereby repealed, including Chapter VIII of the Medical Profession Licensing Board Rules and Regulations published in Volume 11, Number 9 of the Commonwealth Register, 6432-6448 (September 15, 1989).