

TITLE 180: CNMI CANNABIS COMMISSION

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Subchapter Authority: 4 CMC § 53008.

Subchapter History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 001 - Issuance of Regulations; Construction; Definitions

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§ 180-10.1-001 Promulgation, Amendment, Modification and Repeal

The following regulations are issued pursuant to Public Law 20-66 and Public Law 21-05, in accordance with the procedures promulgated by the Administrative Procedures Act, 1 CMC § 9101 et seq. The Commission will, from time to time, promulgate, amend and repeal such regulations, consistent with the policy, objects and purposes of Public Law 20-66 and Public Law 21-05, as the Commission may deem necessary or desirable in carrying out the policy and provisions of the laws of the Commonwealth. These regulations supersede any other regulations previously promulgated.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-005 Construction

(a) Nothing contained in these regulations shall be construed as to conflict with any provision of the Act.

(b) These rules and regulations shall be interpreted in accordance with generally accepted principles of statutory construction.

(c) These rules and regulations shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

(d) Nothing in these rules exempts a licensee or licensee representative from complying with any other applicable local laws.

(e) Licensure under these rules does not protect a person from possible criminal prosecution under federal law.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-010 Severability

If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these entire rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of these rules and regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-015 Preemption

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The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its power under the provisions of the Act and these Regulations. These Regulations supersede any bylaws of the Commission.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-020 Practice where Regulations Do Not Govern

In any matter not governed by these Regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-025 Suspension of Regulations

On its own or a party's motion, the Commission may - to expedite its decision or for other good cause - suspend any provision of these Regulations in a particular matter and order proceedings as it directs, except the Commission may not contradict any explicit requirement of the Act

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-030 Definitions, Words and Terms; Tense, Number and Gender

In interpreting these regulations, except when otherwise plainly declared or clearly apparent from the context: Words in the present tense include the future tense; The singular includes the plural and the plural includes the singular; and words of one gender include the other genders.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-035 Headings

The heading of a title, subtitle, chapter, subchapter, part, subpart, section or subsection does not limit or expand the meaning of a regulation.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-040 Applicability

A person may not produce, process, store, transport, sell, sample, test, or deliver marijuana for commercial recreational use without a license from the Commission or as otherwise authorized under these rules.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-045 Definitions

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In this Subchapter 180-10.1 the following words have the following meanings, unless some contrary meaning is required:

- (a) “Act” means Public Law 20-66, as amended by Public Law 21-05 and as it may be amended or supplemented by subsequent legislation.
- (b) “Cannabis” means a genus of flowering plants that includes three putative varieties; cannabis sativa, cannabis indica, and cannabis ruderalis. The cannabis genus has two main species popularly known as cannabis sativa and cannabis indica:
 - (1) Cannabis sativa plants are known to stretch to extraordinary heights of up to 20 feet when grown outside, and have much longer vegetation periods. Once the plant begins to flower, it can take anywhere from ten to sixteen weeks to fully mature. Since vegetation periods are so long, these plants typically produce a much higher yield than indica strains (3 ounces to 1 pound per plant), but possess a lower THC percentage than indica on average (around 12–16%);
 - (2) Cannabis indica are short and stout in composure (2–4 feet tall), and typically yield smaller (1.5 to 2.5 ounces per plant), higher quality crops (- 18% THC) than cannabis sativa. The plants are believed to have originated in the Middle East (Pakistan & Afghanistan), and thrive in cooler environments. Indica strains are typically darker green than sativa and have shorter, fatter leaves.
 - (3) The main active ingredient in cannabis is called delta-9 tetrahydrocannabinol, commonly known as THC. This is the part of the plant that gives the “high.” There is a wide range of THC potency between cannabis products.
 - (4) Cannabis is used in three main forms: marijuana, hashish, and hash oil. Marijuana is made from dried flowers and leaves of the cannabis plant. It is the least potent of all the cannabis products and is usually smoked or made into edible products like cookies or brownies. Hashish is made from the resin (a secreted gum) of the cannabis plant. It is dried and pressed into small blocks and smoked. It can also be added to food and eaten. Hash oil, the most potent cannabis product, is a thick oil obtained from hashish. It is also smoked.
 - (5) Cannabis is usually smoked in hand-rolled cigarettes (known as “joints”) or in special water pipes (“bongs”). These pipes or bongs can be bought or made from things such as orange juice containers, soft drink cans, or even toilet paper rolls.
- (c) “Caregiver” means a person who is 21 years of age or older who is responsible for the medical marijuana patient’s needs to the production, processing, keeping, or storage of homegrown marijuana at a household or cultivation site.
- (d) “Commerce” means the Department of Commerce.
- (e) “Commission” means the Cannabis Commission.
- (f) “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.
- (g) “Commonwealth” or “CNMI” means the Commonwealth of the Northern Mariana Islands.

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(h) “Cultivation site” means a site in which marijuana is produced other than a household for non-commercial purposes. A cultivation site may include, but is not limited to, a farm, ranch, land parcel, lot, greenhouse, warehouse, building, room, or container.

(i) “Debilitating medical condition” means:

(1) cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, ulcerative colitis, agitation of Alzheimer’s disease, post-traumatic stress disorder, or the treatment of these conditions;

(2) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: stroke, diabetes, Parkinson’s disease, Wilson’s disease, traumatic brain injury, ADD/ADHD, muscular dystrophy (MD), cerebral palsy, asthma, and other types of immunomodulated inflammatory diseases, cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis; or

(3) any other serious medical condition or its treatment provided for by the Commission regulation in consultation with the Commonwealth Healthcare Corporation (CHCC) or other medical professionals.

(j) “Division of Agriculture” means the Department of Lands and Natural Resources Division of Agriculture.

(k) “Controlled substance” means a drug or its immediate precursor classified in Schedules I through V by 6 CMC §§ 2111–2123. The term “controlled substance,” as used in the Commonwealth Code does not include marijuana.

(l) “Financial consideration,” except as provided in of this subsection, means value that is given or received directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.

(1) “Financial consideration” does not mean any of the following:

(i) Homegrown marijuana made by another person.

(ii) Homemade marijuana products made by another person.

(m) “Hemp” means the plant of the genus cannabis and any part of the plant, whether growing or not, with a delta9-tetrahydrocannabinol concentration that does not exceed three tenths percent (0.3%) on a dry weight basis for any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.

(n) “Homegrown” or “homemade” means grown or made by a person 21 years of age or older for non-commercial purposes.

(o) “Homegrown marijuana registry” means a record maintained by the Commission of the names and addresses of persons who are 21 years of age or older or medical marijuana patients authorized to produce, process, keep, or store homegrown marijuana at a household or a cultivation site for non-commercial purposes.

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- (p) “Homegrown marijuana registry card” means a card issued by the Commission to a person who is 21 years of age or older or a medical marijuana patient that is authorized to produce, process, keep, or store homegrown marijuana at a household or a cultivation site for non-commercial purposes.
- (q) “Household” means a housing unit, and includes any place in or around the housing unit at which the occupants of the housing unit are producing, processing, keeping, or storing marijuana, marijuana products, or marijuana extracts, whether homemade or purchased.
- (r) “Housing unit” means a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied as separate living quarters, in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.
- (s) “Immature marijuana plant” means a marijuana plant with no observable flowers or buds.
- (t) “Licensee” means any person holding a license issued under this chapter, or any person holding a license or permit issued under any regulation promulgated pursuant to this chapter.
- (u) “Licensee representative” means an owner, director, officer, manager, employee, agent, or other representative of a licensee, to the extent such person acts in such representative capacity.
- (v) “Marijuana” means all parts of the plant of the genus *cannabis*, the seeds thereof, and every compound, manufacture, salt derivative, mixture, or preparation of the plant and its seeds whether growing or not, regardless of moisture content, other than marijuana extracts. “Marijuana” does not include hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- (w) “Marijuana establishment” means an entity licensed by the Commission as a marijuana producer, marijuana lounge, marijuana testing facility, marijuana processor, a marijuana retailer, or a marijuana wholesaler.
- (x) “Marijuana extract” or “Marijuana concentrate” means a product obtained by separating resins from marijuana by solvent extraction, using solvents other than water or vegetable glycerin, such as butane, hexane, isopropyl alcohol, ethanol, and carbon dioxide: which is produced only by a licensed marijuana establishment.
- (y) (1) “Marijuana flowers” means the flowers of the plant *cannabis* family *Moraceae*.
(2) “Marijuana flowers” does not include any part of the plant other than the flowers.
- (z) “Marijuana items” means marijuana, marijuana products, and marijuana extracts.
(1) “Marijuana leaves” means the leaves of the plant *Cannabis* family *Moraceae*.
(2) “Marijuana leaves” does not include any part of the plant other than the leaves.

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- (aa) “Marijuana Lounge” means an entity licensed by the Commission to sell and/or allow for the on-site consumption of marijuana items.
- (1) “Class 1” means an entity licensed to sell marijuana items for on-site consumption.
- (2) “Class 2” means an entity licensed to allow for the on-site consumption of marijuana items, but for which the sale of marijuana items is prohibited.
- (bb) “Marijuana processor” means a person who processes marijuana items in this Commonwealth.
- (cc) “Marijuana producer” means a person who produces marijuana in this Commonwealth.
- (dd) (1) “Marijuana products” means products that contain marijuana or marijuana extracts and are intended for consumption, that include, but are not limited to, being edible, drinkable, or topical.
- (2) “Marijuana products” does not mean:
- (i) Marijuana, by itself; or
- (ii) A marijuana extract, by itself.
- (ee) “Marijuana retailer” means a person who sells marijuana items to a consumer in this Commonwealth.
- (ff) “Marijuana testing facility” means an entity licensed by the Commission to analyze and certify the safety and potency of marijuana items.
- (gg) “Marijuana wholesaler” means a person who purchases marijuana items in this Commonwealth for resale to a person other than a consumer in this Commonwealth, such as a licensed marijuana establishment.
- (hh) “Mature marijuana plant” means any marijuana plant that is not an immature marijuana plant. A mature marijuana plant has observable flowers or buds.
- (ii) “Medical marijuana” or “medicinal marijuana” means marijuana used by a person for medical or medicinal purposes.
- (jj) “Medical marijuana patient” means a person who uses marijuana as recommended by a doctor or other medical authority in the treatment of a debilitating medical condition or any other medical condition.
- (kk) “Micro producer” means a person with a micro production license to produce marijuana in this Commonwealth.
- (ll) “Minor” means a person under the age of 21 years old for purposes of this chapter.
- (mm) “Non-commercial” means not dependent or conditioned upon the provision or receipt of financial consideration.

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(nn) “Person” means any natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, profit or nonprofit unincorporated association, business trust, limited liability company, general or limited partnership, joint venture, or any other legal entity.

(oo) “Premises” or “licensed premises” or “marijuana establishment” means a location licensed under this chapter and includes:

(1) All enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms, and storerooms, including all public and private areas;

(2) All areas outside of a building that the Commission has specifically licensed for the consumption, production, processing, wholesale sale, or retail sale of marijuana items; and

(3) For a location that the Commission has specifically licensed for the production of marijuana outside of a building, the entire lot or parcel, that the licensee owns, leases, or has a right to occupy.

(pp) (1) “Processes” means:

(i) The processing, compounding, or conversion of marijuana into marijuana products or marijuana extracts;

(ii) The processing, compounding, or conversion of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis;

(iii) The packaging or repackaging of marijuana items; or

(iv) The labeling or relabeling of any package or container of marijuana items.

(2) “Processes” does not include:

(i) The drying of marijuana by a marijuana producer, if the marijuana producer is not otherwise processing marijuana; or

(ii) The packaging and labeling of marijuana by a marijuana producer in preparation for delivery to a marijuana processor, marijuana retailer, marijuana wholesaler, or marijuana lounge.

(qq) (1) “Produces” means the manufacture, planting, cultivation, growing, or harvesting of marijuana.

(2) “Produces” does not include:

(i) The drying of marijuana by a marijuana processor, if the marijuana processor is not otherwise producing marijuana; or

(ii) The cultivation and growing of an immature marijuana plant by a marijuana processor, marijuana lounge, marijuana wholesaler, or marijuana retailer if the marijuana processor, marijuana lounge, marijuana wholesaler, or marijuana retailer purchased or otherwise received the plant from a licensed marijuana producer.

(rr) “Public place” or “public property” means a place to which the general public has access and includes, but is not limited to, beaches, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation or any property owned by the CNMI or Department of Public Lands (DPL).

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(ss) “Sale” or “sold” means:

(1) Any transfer, exchange, or barter, in any manner or by any means, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling marijuana, for advertising, as a means of evading this chapter, or for any other purpose.

(2) If a marijuana producer also holds one or more processor licenses, one or more wholesale licenses, one or more marijuana lounge licenses, or one or more retail licenses, a sale of marijuana flowers, marijuana leaves, or immature marijuana plants will be deemed to occur if and when the marijuana producer processes or takes any other action with respect to such marijuana flowers, marijuana leaves, or immature marijuana plants for which a processor license, wholesale license, marijuana lounge license, or retail license is required, regardless of whether the marijuana producer continues to own or possess the marijuana flowers, marijuana leaves, or immature marijuana plants.

(tt) “Single Serving” of marijuana is defined as containing 10 mg of delta-9 tetrahydrocannabinol

(uu) (1) “Useable marijuana” means the dried leaves and flowers of marijuana.

(2) “Useable marijuana” does not include:

(i) Marijuana seeds;

(ii) The stalks and roots of marijuana; or

(iii) Waste material that is by-product of producing or processing marijuana.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-050 Further Definitions

[Reserved.]

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 100 - CNMI Cannabis Commission: Organization and Administration

§ 180-10.1-101 CNMI Cannabis Commission

(a) Commonwealth of the Northern Mariana Islands (CNMI) Cannabis Commission herein thereafter referred to as “The Commission.”

(b) The Commission was established pursuant to Public Law 20-66, and as amended in Public Law 21-5, herein thereafter referred to as “The Act.”

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-105 Powers and Duties

The Commission shall have all the powers and authority necessary to carry out the purposes of The Act, including, without limitation, the responsibility:

(a) To conduct hearings pertaining to the violation of the Act or regulations promulgated thereto; including hearings for the purpose of approving marijuana or hemp licenses and other business allowed under the Act.

(b) To promulgate such rules and regulations, as may be necessary to fulfill the intent, policies and purposes of this chapter. The Commission may use such rules and regulations to interpret, enlarge upon, except provisions defining the authority and powers of the Commission, or define, or any provision of this chapter to the extent that such provision is not specifically defined by the Act. The rules and regulations, at a minimum, provide for the following:

- (1) A code of ethics for the members of the Commission and its officers and employees.
- (2) Supervision, monitoring and investigation or other means to ensure suitability and compliance with the legal, statutory and contractual obligations of owners, operators, and employees of the marijuana or hemp businesses and other persons licensed under this title.
- (3) The examination, supervision and monitoring of the continuing fiscal and financial capability and transactions of marijuana or hemp business owners, operators, concessionaires and other parties with any direct relation to the marijuana or hemp business operators and to protect the public in the event that such capability is significantly diminished.
- (4) To collaborate in the definition, coordination and execution of the social, environmental and economic policies for the operations of the marijuana and hemp businesses.
- (5) To authorize and certify all the equipment, facilities, and tools or utensils used by the operations of marijuana or hemp businesses.
- (6) To issue licenses for marijuana and hemp businesses and other authorized activities under the Act.
- (7) To examine, supervise and monitor the eligibility of all authorized and licensed marijuana and hemp businesses or activities authorized under this title; including their partners and principal employees.
- (8) To investigate and penalize any administrative infractions practiced according to the appropriate substantial and procedural legislations.
- (9) To ensure that the relationship of the licenses marijuana and hemp businesses and individuals or entities authorized for personal or medicinal use of marijuana with the government and the public is in compliance with the Commission's regulations and provides the highest interest to the CNMI.
- (10) The exclusion and removal of undesirable persons from the marijuana and hemp businesses.
- (11) Civil penalties for the violation of provisions or regulations imposed under The Act.
- (12) Penalties for the late payment of applicable fines, or fees.

(c) To levy fines and penalties for the violation of provisions of The Act and the regulation promulgated by the Commission.

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- (d) To require and demand access to and inspect, examine, photocopy, and audit all papers, books and records of the license marijuana and hemp businesses on its premises or elsewhere as practical, including inspecting the gross income produced by the marijuana and hemp businesses and verification of their income, and all other matters affecting the enforcement of the Commission's policy or as required pursuant to The Act.
- (e) For the types of licenses or permits to be covered by the marijuana and hemp license and their structure.
- (f) The Commission shall regulate fees.
- (g) To regulate the purchase, sale, production, processing, transportation, and delivery of marijuana items in accordance with the provisions of the Act.
- (h) To grant, refuse, suspend or cancel licenses for the sale, processing, or production of marijuana items, or other licenses in regard to marijuana items, and to permit, in its discretion, the transfer of a license of any person.
- (i) To investigate and aid in the prosecution of every violation of CNMI statutes relating to marijuana items, and cooperating in the prosecution of offenders before the Superior Court for the CNMI.
- (j) To adopt such regulations as necessary and feasible for carrying out the intent and provisions of The Act and to amend or repeal such regulations. When such regulations are adopted they shall have the full force and effect of law.
- (k) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of The Act.
- (l) To regulate and prohibit any advertising by manufacturers, processors, wholesalers or retailers of marijuana items by the medium of newspapers, letters, billboards, radio, online social media platforms, or otherwise.
- (m) To regulate the use of marijuana items for scientific, pharmaceutical, manufacturing, mechanical, industrial and other purposes.
- (n) To adopt separate regulations as are necessary and feasible for the development of a medical marijuana program.
- (o) To adopt separate regulations as are necessary and feasible for the development of a hemp program for strains of cannabis that do not exceed three tenths percent (0.3%) on a dry weight basis of any part of the plant cannabis, or per volume or weight of marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant cannabis regardless of moisture content.

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- (p) To conduct an annual summit with the Commonwealth Healthcare Corporation, the Department of Public Safety, the Department of Lands and Natural Resources and other stakeholders in the government and private sectors to discuss the regulation of cannabis in the Commonwealth.
- (q) Develop an educational curriculum piece for Homegrown Registry applicants to enroll in prior to issuance of licenses by the Commission.
- (r) Update such curriculum as necessary to meet with population demands.
- (s) Monitor and study federal laws, regulations and policies regarding cannabis.
- (t) Determine if the limitation of licenses is necessary for the viability of the industry.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-110 Commissioners

Pursuant to The Act, the composition of the Commission will be as follows:

- (a) The Commission is an autonomous public agency of the government of the Commonwealth of the Northern Mariana Islands and shall consist of five (5) Commissioners:
 - (1) The Governor shall appoint from the Third Senatorial District three (3) members to the Commission, subject to the advice and consent of the Saipan and Northern Islands Legislative Delegation, provided that one of the three members appointed by the Governor shall be a voter from the Northern Islands and selected by the Northern Islands' mayor.
 - (2) The Mayor of Rota shall appoint from the First Senatorial District one (1) member to the Commission, subject to the advice and consent of the Rota Legislative Delegation.
 - (3) The Mayor of Tinian shall appoint from the Second Senatorial District one (1) member to the Commission, subject to the advice and consent of the Tinian and Aguiguan Legislative Delegation.
- (b) Terms of Office
 - (1) Each member shall serve for a term of four (4) years, except that of the members first appointed, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of four (4) years, however, each member shall serve no more than two (2) terms.
 - (2) A term of a member is defined as the time a member serves as a Commissioner regardless of duration.
 - (3) The Terms of all the members first appointed shall begin from September 12, 2019, regardless of the actual date of appointment.
 - (4) Any vacancy shall be filled in the same manner as the original appointment and for the unexpired term thereof.
 - (5) A member removed from the Commission for cause shall not be re-appointed to the Commission.

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(c) Removal of a Commissioner: For Cause Only

(1) The Governor may, for cause only, suspend or remove any Commission member, without regard to who appointed said member, subject to judicial review by the Superior Court, which may stay such removal or suspension pending such review.

(2) Membership on the Commission shall be automatically forfeited upon violation of subsection (e) of Article V, upon conviction of a felony, or upon conviction of any crime or offense involving moral turpitude.

(3) The Commission shall not be considered an agency of the local government for purposes of Article VI, Section 8, of the Constitution.

(d) Members of the Commission shall each be compensated pursuant to law.

(e) The members of the Commission are not employees of the Commission or the CNMI government.

(f) The minimum number of members needed to constitute a quorum for the conduct of Commission business shall be three (3) members; provided at least one member of the Senatorial District of Tinian or Rota is counted in the quorum. A member who appears at a meeting telephonically or via videoconference shall be deemed present to constitute a quorum.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-115 Limitations on Powers

The Commission itself has no power to purchase, own, sell, or possess any marijuana items.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-120 Managing Director

The Commission shall hire a Managing Director who will be responsible for the overall administration of the Commission and the supervision of the marijuana and hemp licensees and others pursuant to the Act.

(a) Qualifications of the Managing Director

The Managing Director shall possess the following minimum qualifications:

(1) A bachelor's degree from a United States accredited educational institution; and

(2) Five years' work experience in professional, administrative, or management in government or private sectors; and

(3) Good ethical and moral character; and

(4) The Commission shall not hire any person for the Managing Director's position who has been convicted of a crime in any jurisdiction of the United States, or any foreign country carrying a minimum sentence of imprisonment of more than six months, excepting traffic offenses.

(5) The Managing Director shall not have any interest, directly or indirectly, in any business under the jurisdiction of the Commission.

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- (b) The Managing Director shall be the head of the administration of the Commission, and subject to the general oversight and direction of the Commission, shall organize the work of the Commission in a manner that will ensure its efficient and effective operation and, subject to the budgetary authority, the Managing Director may hire and terminate such staff necessary to carry out the purpose of the Commission. Such staff shall be exempt from the civil service. The Managing Director shall obtain such equipment, rent or build such additional office space, and generally make such regular office expenditure and acquisitions as necessary to establish and maintain a working office suitable for the Commission to effectively function pursuant to the Act.
- (c) The Managing Director shall have such other duties as may be assigned or delegated by the Commission.
- (d) The Managing Director serves at the pleasure of the Commission.
- (e) The Managing Director's annual salary shall be established by the Commission, not to exceed seventy thousand dollars (\$70,000.00) per year.
- (f) The Managing Director shall be reimbursed for actual, necessary, and reasonable expenses incurred in the performance of his or her duties as allowed by the Commission, but in event not to exceed Twenty-Five Thousand Dollars (\$25,000.00) in reimbursements per calendar year. All travel will be subject to 1 CMC § 7407.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-125 Delegation of Officers

- (a) Delegation to Chair
- (1) The Commission hereby delegates to the Chairman the authority to issue preliminary rulings on scheduling, procedural, and evidentiary matters, and other matters provided by these Regulations, that may be presented to the Commission during the course of conducting a meeting, or that may arise when the Commission is not meeting.
- (2) The Commission may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted pursuant to subsection (a) of this section.
- (3) Any specific ruling or decision of the Chairman pursuant to subsection (a) of this section is subject to consideration by the entire Commission upon request of any Commissioner, or upon timely motion of a person affected by the ruling or decision.
- (4) The Commission shall be deemed to have ratified an action of the Chairman taken pursuant to subsection (a), under the following circumstances:
- (i) If the Chairman's action occurred at the time other than during a meeting, the Chairman's action is ratified if the Commission does not overturn or address the action at that meeting.
- (ii) If the Chairman's action occurred at a time other than during a meeting, if the Commission does not overturn or address the Chairman's action at the next meeting concerning that particular matter.
- (5) The Chairman may sign all orders on behalf of the Commission.
- (6) Where the Commission is a party to civil litigation, the Chairman may give guidance regarding the course of the litigation to the attorney for the Commonwealth.

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(7) The Chair will preside over CCC meetings. In case of a scheduled absence of both the Chair and Vice-chair, the Chair will select another member to preside over that upcoming meeting.

(8) The Chair will be the Expenditure Authority for the Commission and may delegate this authority as necessary.

(b) Delegation to Vice-chair

(1) The Vice-chair has all the rights, duties and responsibilities of a regular Commissioner, including the right to introduce motions and proposals, as well as to speak and vote on issues before the board.

(2) The Vice-chair will act for the Chair in the Chair's absence.

(3) The Vice-chair will assist the Chair in performing Commission duties as delegated by the Chair.

(c) Delegation to Treasurer. The Treasurer of the Commission has primary responsibility for the financial well-being of the corporation but does not take day-to-day responsibility, included in the board treasurer's duties are:

(1) Creates and maintains the Commission's annual budget for each fiscal (financial) year. This responsibility includes presenting the budget to the Commission for approval.

(2) Creates, implements and reviews financial policies for the Commission.

(3) Reviews the investment activities of the Commission.

(4) Oversees the annual financial audit of the Commission (if public) and other audits of Commission records and finances.

(5) Chairs the Board's Finance Committee.

(6) Represents Commission on legislative meetings involving budgetary appropriations.

(d) Delegation to Secretary

(1) Records minutes and circulates to commissioners for review; all minutes should be provided to commission members prior to commission's next meeting in preparation for adoption on subsequent agenda.

(2) Stores all pertinent meeting minutes for shared access by all commissioners; this information should be readily available for the Commission to review at any time.

(3) Solicits meeting agendas for draft review by the Commission and garners final approval by Chairperson for circulation to the rest of the Commission.

(4) Keeps all records in a safe place for sharing with commissioners or in preparation of audits, if needed.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-130 Commission Meetings

(a) Regular meetings of the Commission shall be held at least once per month in the CNMI, on such dates and at such times as the Commission shall establish. All public meetings must conform to the Open Government Act as stated on 1 CMC Section 9901.

(b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient.

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- (c) Except as otherwise specifically provided by these regulations, any member of the Commission may place an item on a Commission agenda for consideration by the entire Commission.
- (d) The Chairman may alter the order in which matters on the Commission agenda are heard.
- (e) Requests for special meetings will be granted only upon a showing of exceptional circumstances. The Commission may require that a person requesting a special meeting pay the costs associated with such meeting, in addition to those costs usually assessed against an applicant.
- (f) In the absence of incapacity of the Chairman, the Vice-chairman may call a special meeting. In the absence or incapacity of both, any two (2) members of the Commission may call a special meeting.
- (g) Unless otherwise ordered by the Chairman, requests for continuances of any matter on the Commission agenda must be in writing, must set forth in detail the reasons a continuance is necessary, and must be received by the Secretary no later than two (2) calendar days before the meeting.
- (h) Unless otherwise ordered by the Chairman, the original of any documentation supplementing an application as required by the Commission must be received by the Secretary no later than eight (8) calendar days before the meeting. Documentation not timely received will not be considered by the Commission unless the Commission, in its discretion, otherwise consents.
- (i) The Chairman may defer to another meeting any matter with respect to which documentation has not been timely submitted. The applicant and its enrolled attorney or agent, if any, must appear at the meeting to which the matter is deferred, unless the Chairman waives their appearances.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-135 Resolutions and Minutes

- (a) The records of the Commission shall include a minute book and a resolution book which may be stored electronically. The vote on any matter before the Commission shall be set forth in the minutes in substantial compliance with requirements of (b) below, unless the Chairman or the Commission determines otherwise. If the Commission determines to memorialize the vote on a particular matter by the preparation of a formal resolution, the resolution shall be prepared in substantial compliance with the requirements of (c) below and shall be recorded in the resolution book.
- (b) Every vote of the Commission recorded in the minutes shall include the following information:
 - (1) The substance of the matter considered;

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- (2) The vote of the Commission, including the names of any Commissioner dissenting or abstaining;
 - (3) If appropriate, reference to the existence of a formal resolution concerning the matter; and
 - (4) Certification by the Secretary of the Commission.
- (c) Every formal resolution of the Commission shall include the following information:
- (1) A concise statement of the issues presented and the relevant procedural history;
 - (2) The statutory authority for the action taken;
 - (3) A precise statement of the action taken by the Commission, including any terms or conditions attached thereof; and
 - (4) Certification by the Secretary of the Commission.
- (d) The failure to substantially comply with the requirements of (a), (b), or (c) above shall not invalidate the vote of the Commission.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-140 Appearances

- (a) Except as provided in § 180-10.1-140(b) or unless an appearance is waived by the Chairman, all persons, and their enrolled attorneys and agents, if any, must appear at the Commission meeting at which their matter is to be heard. Requests for waivers of appearances must be in writing, must be received by the Secretary no later than eight (8) business days before the meeting, and must explain in detail the reasons for requesting the waiver. If at the time of its meeting the Commission has any questions of an applicant who has been granted a waiver and is not present, the matter may be deferred to another meeting of the Commission.
- (b) Unless the Commission otherwise instructs, the following persons, and their enrolled attorneys and agents, are hereby granted a waiver of appearance for the Commission meeting:
- (1) Applicants who have received unanimous recommendation of approval from the Commission;
 - (2) Licensees and Commission counsel on stipulations between the licensees and the Commission, where the stipulations fully resolve petitions for redeterminations, claims for refunds or other issues.
 - (3) Where the Commission is to consider a stipulation between the Managing Director and a licensee settling a disciplinary action and revoking, suspending or conditioning a license, the licensee shall be prepared to respond on the record to questions regarding the terms of the stipulation and the licensee's voluntariness in entering into the stipulation.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-145 Recessed Meetings

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(a) Any meeting of the Commission may be recessed to consider matters which were duly noticed as items on the agenda of that meeting and must not exceed a time period of more than 24 hours.

(b) Notice of a recessed meeting to consider matters which were duly noticed as items on the agenda may be given by announcement at the meeting, but where any other matters are to be considered at a recessed meeting, such matters must be duly noticed as required by these Regulations or as otherwise required by statute.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-150 Investigative Hearings

Investigative hearings may be conducted by one (1) or more members of the Commission with the concurrence of a majority of the Commission at such times and places, within the Commonwealth, as the member or members may deem convenient.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-155 Appointment of Committees

The Chairman may at his or her discretion appoint committees to study and report to the Commission any matter appropriate to the Commission's administration of The Act or these regulations, subject to objection by majority vote by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-160 Service of Notice in General

(a) Each licensee and applicant shall provide an electronic mail address to the Commission for the purposes of sending notices and other communications from the Commission. Each licensee and applicant shall update this electronic mail address immediately as often as it is otherwise necessary. The original provision and subsequent updates of electronic mail addresses shall be made to the Commission's custodian of records by means designated by the Chairman. The Applicant or Licensee is accountable for the monitoring and the function of their email addresses provided to the Commission.

(b) Except as otherwise provided by law or in these regulations, notices and other communications may be sent to an applicant or licensee by electronic mail at the electronic mail address of the establishment as provided to the Commission for the purpose of sending notices and other communications. Except as otherwise provided by law or in these regulations, notices and other communications sent by electronic mail shall satisfy any requirement to mail a notice or other communication.

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(c) Notices shall be deemed to have been served on the date the Commission sent such notices to the electronic mail address provided to the Commission by a licensee or applicant, and the time specified in any such notice shall commence to run from the date of such mailing.

(d) Any applicant or licensee who desires to have notices or other communications mailed to a physical address shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address, but the Commission may charge a fee therefore.

(e) An applicant or licensee will be addressed under the name or style designation in the application or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the Commission. In the absence of such specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-165 Subpoenas

[Reserved.]

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-170 Employment and Termination of Employees

The Managing Director shall be responsible for the employment and termination of Commission employees. Members of the Commission are responsible only for the employment of the Managing Director and shall not interfere with the Managing Director's employment decisions. The Managing Director shall create, and from time to time, update, an employee handbook or manual which reflect the Commission's personnel policies. At a minimum, the handbook or manual shall provide for the hiring, discipline (up to and including termination), and appeal processes governing employment with the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 200 - Information and Filings

§ 180-10.1-201 Office Mailing Address and Hours

Office Mailing Address and Hours. The main mailing address of the Commission is:

CNMI Cannabis Commission
P.O. Box 500135

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Saipan, MP 96950

The normal office hours of the Commission are:

8:00 am to 5:00 pm, Monday through Friday, unless otherwise authorized by the Commission.

The office of the Commission is closed to the public on legal holidays authorized by the CNMI government. The Commission may maintain work schedules for Commission employees during any hour of any day.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-205 Official Records; Fees for Copies

(a) No original official record of the Commission shall be released from the custody of the Commission unless upon the express direction of the Chairman or Managing Director or upon the order of a court of competent jurisdiction.

(b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in Article XXVI, and upon the payment of appropriate fees.

(c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by proper authority.

(d) No application, petition, notice, report, document, or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or requests are accompanied by the required fees, charges, or deposits.

(e) The cost of copies of official records of the Commission which are required by law to be made available for public inspection where copies are provided shall be One Dollar (\$1.00) per page. Where copies are not provided, the cost for the mere inspection of documents is seventy cents (\$0.70) per minute of the Commission's legal counsel's time reviewing, redacting and copying the inspected documents.

(f) All payments of taxes, fees, deposits, and charges which are to be made to the Commonwealth Treasury shall be made by check payable to the order of the Commonwealth Treasurer and mailed to the Department of Finance with an original receipt delivered to the main office of the Commission or posted by certified mail to the mailing address of the Commission.

(g) The Commission may provide for payment by wire transfer.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

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§ 180-10.1-210 Communications/Notices to Commission

(a) Except as otherwise provided, all papers, process, or correspondence other than fees deposits or charges, relating to the Commission should be addressed to or served upon the Commonwealth Cannabis Commission main office.

(b) All such papers, process, or correspondence shall be deemed to have been received or served when delivered to the main office of the Commission but a Commissioner or such individual members of the Commission's staff as the Chairman may designate, may in his or her discretion receive papers or correspondence or accept service of process.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-215 Public Information Office

Requests for information regarding the Commission may be sent to:

CNMI Cannabis Commission
Attn: Managing Director
Caller Box 10007
Saipan, MP 96950

The official spokesperson for the Commission shall be the Chairperson, Managing Director or their designated appointee.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-220 Filing of Petitions and Applications

Petitions for formal action by the Commission shall be addressed to the Chairman of the Commission and should be certified mailed or delivered to:

CNMI Cannabis Commission
Attn: Chairman
Caller Box 10007
Saipan, MP 96950

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-225 Petitions for Rulemaking

(a) Any interested person may file a petition with the Commission for the adoption, amendment, or repeal of any rule, pursuant to Commission regulation. Such petition shall be in writing, be signed by the petitioner, and include the following information:

- (1) The name and address of the petitioner;
- (2) The substance or nature of the requested rulemaking;
- (3) The reasons for the request;

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- (4) The specific legal rights, duties, obligations, privileges, benefits, or other specific legal relations of the interested persons which are affected by the requested rulemaking; and
- (5) Reference to the statutory authority under which the Commission may take the requested action; and

(b) A petition for rulemaking shall be scheduled for consideration at a public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.

(c) Within thirty (30) days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition, which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.

(d) Commission action on a petition for rulemaking may include:

- (1) Approval or denial of the petition;
- (2) Filing a notice of proposed rule; or
- (3) Referral of the matter for further deliberations, the nature of which will be specified, and which conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 300 - License and Registration Requirements

§ 180-10.1-301 Receipt

All application papers, unless otherwise directed by the Commission or these Regulations, shall initially be submitted to and received by the Managing Director, or such members of the Commission staff, or partnering government entities as the Managing Director may designate.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-305 Filing

(a) The Managing Director, or such members of the Commission staff as the Managing Director may designate, shall determine the date of filing as to each application received and shall issue cause to be endorsed thereon the date of such filing. No application shall deem filed until the applicant satisfies all appropriate requirements, to wit:

- (1) That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, and copies;
- (2) That all appropriate application, business entity disclosure forms, personal history disclosure forms, and supplemental to personal history disclosure forms have been properly completed and presented;
- (3) That all required consents, waivers, photographs or handwriting exemplars have been properly presented;

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- (4) That all other information, documentation, assurances, and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
- (5) That all required fees have been properly paid and all required bonds have been properly furnished.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-310 Processing

(a) A person may submit an application to the Commission, on a form prescribed by the Commission, for a marijuana producer, processor, wholesaler, retail, lounge, research certificates, or laboratory license.

(b) An application for a license and all documentation required in the application instructions and in subsection § 180-10.1-310(c) of this provision must be submitted in a manner specified by the Commission. The application fee specified in 4 CMC § 53036 must also be paid in a manner specified by the Commission.

(c) An individual or legal entity are applicants if any individual or legal entity that has an ownership interest in the business proposed to be licensed.

(d) If a legal entity is an applicant, the following individuals within a legal entity are also applicants:

- (1) All general partners in a limited partnership;
- (2) Limited partners whose investment commitment is ten percent or more of the total investment commitment;
- (3) All members in a limited liability company or partnership whose investment commitment or membership interest is ten percent or more;
- (4) All directors who own or control three percent or more of the voting stock
- (5) Principal officers of corporate applicants and;
- (6) All natural person stockholders owning or controlling ten percent or more of the voting stock of a corporate entity.

(e) Applicants must submit the following:

- (1) Information for individual applicants and individuals within a legal entity who have been identified as applicants;
- (2) Any forms required by the Commission and any information identified in the form that is required to be submitted;
- (3) A map or sketch of the premises proposed for licensure, including the defined boundaries of the premises and the location of any primary residence located on the same lot as the licensed premises;
- (4) A scaled floor or plot plan sketch of all enclosed areas with clear identification of walls, partitions, counters, windows, all areas of ingress and egress, and all limited access areas;
- (5) Proof of right to occupy the premises proposed for licensure;

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- (6) An operating plan that demonstrates at a minimum, how the applicant's proposed premises and business will comply with the applicable laws and rules regarding:
- (i) Security;
 - (ii) Employee qualifications and training;
 - (iii) Transportation of product;
 - (iv) Prevention of minors from entering the licensed premises;
 - (v) Preventing minors from obtaining or attempting to obtain marijuana items; and
 - (vi) Disposal of marijuana waste plan
- (7) For producers:
- (i) The proposed canopy size and tier as described in 4 CMC § 53036 and a designation of the canopy area within the license premises.
 - (ii) A report describing the applicant's electricity and water usage, on a form prescribed by the Commission.
 - (A) For initial licensure and renewal, the report must describe the estimated electricity and water usage taking into account all portions of the premises and expected requirements of the operation for the next twelve months.
 - (B) In addition to requirements of § 180-10.1-310(f)*(7)(ii)(A), for renewal, the report must describe the actual electricity and water usage for the previous year taking into account all portions of the premises.
 - (iii) A description of the growing operation including growing media, a description of equipment to be used in the production, and whether production will be indoor, outdoor or both.
 - (iv) Proof of a legal source of water as evidenced by a statement that water is supplied from a public or private water provider.
- (8) For processors:
- (i) On a form prescribed by the Commission, the proposed endorsements as described in these regulations.
 - (ii) A description of the type of products to be processed, a description of equipment to be used, including any solvents, gases, chemicals or other compounds used to create extracts or concentrates.
- (9) For lounges:
- (i) On form prescribed by the Commission, applicants shall submit in addition to the requirements under § 180-10.1-310(f)*(1)-(6):
 - (A) A description or rendering of the interior design schematics;
 - (B) Hours of operation
 - (ii) If the proposed lounge will be providing food intended to be consumed, the applicant shall submit the necessary permits from the CNMI Bureau of Environmental Health and must maintain compliance and good standing with the standards set by the Bureau of Environmental Health
- (f) In addition to submitting the application form and the items described in § 180-10.1-310(e), the Commission may require the following to be submitted:
- (1) Any forms required by the Commission and any information identified in the form that is required to be submitted.
 - (2) Any additional information if there is a reason to believe that the information is needed to determine the merits of the license application.

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(g) The Commission must review an application to determine if it is complete. An application will be considered incomplete if an application form is not complete, the full application fee has not been paid, or some or all of the additional information required under these rules is not submitted.

(h) An applicant may submit a written request for reconsideration of a decision that an application is incomplete. Such request must be received by the Commission within ten (10) days of the date the incomplete notice was mailed to the applicant. The Commission shall give the applicants the opportunity to be heard if an application is rejected. A hearing under this subsection will be held within the standards set by Commission regulations.

(i) If, prior to an application being acted upon by the Commission, there is a change with regard to who is an applicant or who is a person with a financial interest in the proposed business, the new applicant or person with a financial interest must submit a form, prescribed by the Commission, that:

(1) Identified the individual or person;

(2) Describes the individual's or person's financial interest in the business proposed for licensure; and

(3) Includes any additional information required by the Commission, including but not limited to information required for a criminal background check.

(j) Failure to comply with § 180-10.1-310(j)[†] may result in an application being denied.

* So in original. Correct reference might be to subsection (e).

† So in original.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-315 True Name on Application

(a) True name on application. An application for a license must specify the real and true names of all individuals and legal entities that have an ownership interest in the business proposed to be licensed by identifying all such persons and legal entities as applicants.

(b) License privileges. License privileges are available only to applicants identified in the application and their authorized representatives and only for the premises designated by the licenses.

(c) Ownership interest. The Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed, a person with an ownership interest is not identified as an applicant, or an undisclosed ownership interest exists. For the purposes of this provision, an "ownership interest, is indicated by the following behaviors, benefits or obligations:

(1) Any person or legal entity, other than an employee acting under the direction of the owner, that exercises control over, or is entitled to exercise control over, the business;

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- (2) Any person or legal entity, other than an employee acting under the direction of the owner, that incurs, or is entitled to incur, debt or similar obligations on behalf of the business;
- (3) Any person or legal entity, other than an employee acting under the direction of the owner, that enters into, or is entitled to enter into, a contract or similar obligations on behalf of the business; or
- (4) Any person or legal entity identified as the lessee of the premises proposed to be licensed.

Modified, 1 CMC § 3806(a), (f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-320 Fees

- (a) If the Commission approves an application and grants an annual license, the following fees must be paid:
 - (1) Producers:
 - (i) Micro Production
 - (A) \$250 Application Fee
 - (B) \$500 License Fee
 - (ii) Class 1 – Less than 750 square feet under cultivation
 - (A) \$500 Application Fee
 - (B) \$1000 License Fee
 - (iii) Class 2 – 750 to 2,999 square feet under cultivation
 - (A) \$750 Application Fee
 - (B) \$3,700 License Fee
 - (iv) Class 3 – 3,000 to 5,000 square feet under cultivation
 - (A) \$1,000 Application Fee
 - (B) \$6,500 License Fee
 - (2) Processor License
 - (i) \$1,000 Application Fee
 - (ii) \$4,500 License Fee
 - (3) Wholesale License
 - (i) \$250 Application Fee
 - (ii) \$2,000 License Fee
 - (4) Retail License
 - (i) \$1,000 Application Fee
 - (ii) \$6,000 License Fee
 - (5) Marijuana Lounge License
 - (i) Class 1
 - (A) \$1,500 Application Fee
 - (B) \$5,000 License Fee
 - (ii) Class 2
 - (A) \$1,500 Application Fee
 - (B) \$3,500 License Fee
 - (6) Marijuana Testing Facility License
 - (i) \$1,500 Application Fee
 - (ii) \$4,500 License Fee

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- (7) Transfer of Ownership
 - (i) \$500 Application Fee
- (b) If the Commission approves an application and grants a research certificate, the fee is \$4,000 for a three-year term with an application fee of \$500.
- (c) Applicants must pay the non-refundable application fee at the time of license or certificate application renewal.
- (d) If the Commission approves a renewal application the renewal license or certificate fees must be paid in the amounts specified in subsection (a)(1)-(6) of this provision.
- (e) The Commission shall charge the following fees:
 - (1) Transfer of location of premises review: \$1,000 per license
 - (2) Packaging preapproval: \$100
 - (3) Labeling preapproval: \$100
 - (4) Change to previously approved package or label: \$25

Modified, 1 CMC § 3806(a), (g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-325 Application Review

- (a) Once the Commission has determined that an application is complete it must review the application to determine compliance with the Act and these regulations.
- (b) The Commission:
 - (1) Must, prior to acting on an application for a new license, a change to a larger producer canopy designation, a change to producer cultivation method designation or change in processor endorsement type, receive the appropriate zoning authorizations (if applicable) for the applicant's proposed premises is located.
 - (2) May, in its discretion, prior to acting on an application:
 - (i) Contact any applicant or individual with a financial interest and request additional documentation or information; and
 - (ii) Verify any information submitted by the applicant.
- (c) The requirements of § 180-10.1-325(b)(1) of this rule do not apply to applicants for a producer license if the applicant demonstrates in a form and manner specified by the Commission that:
 - (1) The applicant is applying for a license at a location where a marijuana grow site registered under 4 CMC § 53021 is located; or
 - (2) The location is within the municipalities of Rota, or Tinian;
- (d) The Commission must inspect the proposed premises prior to issuing a license.

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(e) If during an inspection the Commission determines the applicant is not in compliance with these rules, the applicant will be provided with a notice of the failed inspection and the requirements that have not been met.

(1) An applicant that fails an inspection will have 15 calendar days from the date the notice was sent to submit a written response that demonstrates the deficiencies have been corrected.

(2) An applicant may request in writing one extension of the 15-day time limit in § 180-10.1-325(d)(1)* of this provision, not to exceed 30 days.

(f) If an applicant does not submit a timely plan of correction or if the plan of correction does not correct the deficiencies in a manner that would bring the applicant into compliance, the Commission may deny the application.

(g) If the plan of correction appears, on its face, to correct the deficiencies, the Commission will schedule another inspection.

(h) If an applicant fails a second inspection, the Commission may deny the application unless the applicant shows good cause for the Commission to perform additional inspections.

* So in original. Correct reference might be to subsection (e)(1).

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-330 Approval of Application and Issuance of License

(a) If, after the application review and inspection, the Commission determines that an applicant is in compliance with these regulations the Commission must notify the applicant in writing that the application has been approved and after payment by the applicant of the license fee, provide the applicant with proof of licensure that includes a unique license number, the effective date of the license, date of expiration, and a description of premises for which the license was issued. If the applicant paid the license fee with a check the Commission will not issue a license until it has confirmation that the check has cleared.

(b) A licensee:

(1) May not operate until on or after the effective date of the license.

(2) Must display proof of licensure in a prominent place on the premises.

(3) May not use the Commission name or logo on any signs at the premises, on the business' website, or in any advertising or social media, except to the extent that information is contained on the proof of licensure or is contained in part of warnings, signage or other documents required by these rules.

(c) Licensure is only valid for the premises indicated on the license and is only issued to the individuals or entities listed on the application or subsequently approved by the Commission.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-335 Denial of Application

- (a) The Commission must deny an initial or renewal application if:
- (1) An applicant is under the age of 21.
 - (2) The applicant's location is within an area that is determined to be prohibited in the applicable zone, if a zoning permit is required.
 - (3) The proposed licensed premises is located:
 - (i) On federal property.
 - (ii) CNMI Public Lands, with the exemption provided under 4 CMC § 53074
 - (iii) At the same location or address, as a retail, processor or wholesale license, unless all of the licenses at the address or location are held or sought by identical applicants.
 - (iv) The location proposed to be licensed is prohibited under 4 CMC § 53021.
 - (v) The proposed licensed premises of a producer is located on the same lot, as a site registered with the Commission for the production of industrial hemp, unless the applicant submits and the Commission approves a control plan describing how the registered site will be separated from the premises proposed to be licensed and how the applicant will prevent transfer of industrial hemp to the licensed premises.
 - (vi) The proposed licensed premises of a processor who has applied for an endorsement to process extracts is located in an area that is zoned exclusively for residential use.
 - (vii) The proposed licensed premises of a retail applicant is located at the time the license is issued:
 - (A) Within 500 feet of:
 - (I) A public or private school;
 - (II) Any church, hospital, medical clinic;
 - (III) Daycare center;
 - (IV) Youth center; or
 - (V) In an area that is outside of the approved location for marijuana retail establishments.
 - (4) The proposed licensed premises of a wholesaler applicant is in an area zoned exclusively for residential use.
- (b) The Commission may deny an initial or renewal application, unless the applicant shows good cause to overcome the denial criteria, if it has reasonable cause to believe that:
- (1) The applicant:
 - (i) Has made false statements to the Commission.
 - (ii) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
 - (iii) Is not of good repute and moral character.
 - (iv) Does not have a good record of compliance with this Act to, or these regulations, prior to or after licensure including but not limited to:
 - (A) The giving away of marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or skill, or competition of any kind, in violation of 4 CMC § 53046;
 - (B) Providing marijuana items to an individual without checking that the individual is 21 or older;
 - (C) Unlicensed transfer of marijuana items for financial consideration; or

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(D) Violations of Commonwealth law adopted, pending or adjudicated by the Commonwealth government

(v) Does not have a good record of compliance with this Act or any regulations adopted thereunder.

(vi) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(vii) Is unable to understand the laws of the Commonwealth relating to marijuana or these Regulations. Inability to understand laws and rules of the Commonwealth related to marijuana may be demonstrated by violations documented by the Commission.

(2) Any individual listed on the application has been convicted of violating CNMI law or law of another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license, except as specified in 4 CMC § 53037(c).

(3) Any applicant is not the legitimate owner of the business proposed to be licensed, or other persons have an ownership interest in the business have not been disclosed to the Commission.

(4) The proposed licensed premises of a producer applicant is on the same lot, as another producer licensee under common ownership.

(5) The proposed licensed premises of a producer applicant is on the same lot, as another producer licensee under diverse ownership if the Commission reasonably believes that the presence of multiple producers on the same lot creates a compliance risk or other risk to public health and safety.

(c) The Commission may refuse to issue a license to any license applicant or refuse to renew the license of any licensee when conditions exist in relation to any person having a financial interest in the business or in the place of business which would constitute grounds for refusing to issue a license or for revocation or suspension of a license if such person were the license applicant or licensee.

(d) If the Commission denies an application because an applicant submitted false or misleading information to the Commission, the Commission may prohibit the applicant from re-applying for five years.

(e) A notice of denial must be issued in accordance with § 180-10.1-160.

(f) Notwithstanding § 180-10.1-335(b), in determining whether the Commission may refuse to license an applicant, the Commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent, or other representative of the applicant for:

(1) The manufacture of marijuana, if:

(i) The date of the conviction is more than ten years before the date of the application; and

(ii) The person has not been convicted more than once for the manufacture or delivery of marijuana;

(2) The delivery of marijuana to a person 21 years of age or older, if:

(i) The date of the conviction is more than ten years before the date of the application; and

(ii) The person has not been convicted more than once for the manufacture or delivery of marijuana; or

- (3) The possession of marijuana.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-340 Public Inspection of Information

No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the rules and regulations. Thereafter, the Commission may release information to the public on its own initiative or upon proper request as may be required by law.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-345 Amendment

It shall be the duty of each applicant to promptly file with the Commission, or such members of the Commission staff as the Managing Director shall designate, a written amendment to the application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Managing Director or designee to file any other amendment to the application at any time prior to final action made by the Commission.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-350 Withdrawal

(a) Except as otherwise provided in § 180-10.1-350(b), a written notice of withdrawal of application may be filed by any applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be consistent with the public interest and policies of the Act. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable in whole or in part by reason of withdrawal of the application. The Commission shall not direct the refunding, in whole or in part, of any fee or other payment relating to any application unless the Commission determines that the refunding of the fee is in the best interest of the Commonwealth.

(b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:

(1) The application matter has been assigned to any other hearing examiner authorized by law or these Regulations to hear such matter; or

(2) The Commission has made a determination to hear the application matter directly.

(3) Notwithstanding the foregoing, the Commission may accept and consider written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-355 Limitation on Number of Licenses

By resolution of the Commission, the number of available licenses may be limited. Once the number of approved licenses is reached, the Commission shall not receive additional applications until such time limitations are increased or removed.

Modified, 1 CMC § 3806(f).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 400 - Licensee Responsibilities; General Responsibilities

§ 180-10.1-401 Financial and Business Records

In addition to any other recordkeeping requirements in these rules, a licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records may be kept in either paper or electronic form and must be maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission:

- (a) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase;
- (b) Bank statements for any accounts relating to the licensed business;
- (c) Accounting and tax records related to the licensed business;
- (d) Audited Financial Statements
- (e) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business; and
- (f) All employee records, including training.

Modified, 1 CMC § 3806(a).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-405 Licensee Responsibility

A licensee is responsible for:

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- (a) The violation of any administrative rule of the Commission; any provision of affecting the licensee's license privileges.
- (b) Any act or omission of a licensee representative in violation of any administrative rule of the Commission or any provision of the regulations or Commonwealth law affecting the licensee's license privileges.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-410 Licensee Prohibitions

- (a) A licensee may not:
 - (1) Import into the Commonwealth or export from the Commonwealth any marijuana items unless permitted by the Commission;
 - (2) Give marijuana items as a prize, premium or consideration for a lottery, contest, game of chance or game of skill, or competition of any kind;
 - (3) Sell, give or otherwise make available any marijuana items to any person who is visibly intoxicated;
 - (4) Make false representations or statements to the Commission in order to induce or prevent action by the Commission;
 - (5) Maintain a noisy, disorderly or unsanitary establishment or supply adulterated marijuana items;
 - (6) Misrepresent any marijuana item to a customer or to the public;
 - (7) Sell any marijuana item through a drive-up window;
 - (8) Deliver marijuana to any consumer off the licensed premises except as permitted by [the provision regarding the delivery of marijuana items by retailers];*
 - (9) Sell or offer to sell a marijuana item that does not comply with the minimum standards prescribed by the laws of the Commonwealth; or
 - (10) Use or allow the use of a mark or label on the container of a marijuana item that is kept for sale if the container does not precisely and clearly indicate the nature of the container's contents or in any way might deceive a customer as to the nature, composition, quantity, age or quality of the marijuana item.
 - (11) Sell any marijuana items during elections.
 - (12) Sell a whole marijuana plant [Addition]*
- (b) No licensee or licensee representative may be under the influence of intoxicants while on duty.
 - (1) For purposes of this rule "on duty" means:
 - (i) The beginning of a work shift that involves the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, to the end of the shift including all breaks;
 - (ii) For an individual working outside a scheduled work shift, the performance of acts on behalf of the licensee that involve the handling or sale of marijuana items, checking identification or controlling conduct on the licensed premises, if the individual has the authority to put himself or herself on duty; or

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- (iii) A work shift that includes supervising those who handle or sell marijuana items, check identification or control the licensed premises.
- (iv) Whether a person is paid or scheduled for work is not determinative of whether the person is considered “on duty” under this subsection

* So in original.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 500 - License Premises

§ 180-10.1-501 Licensed Premises Restrictions and Requirement

- (a) A licensed premises may not be located:
 - (1) On federal property; or
 - (2) CNMI Public Lands, with the exemption provided under 4 CMC § 53074.
- (b) The licensed premises of a producer applicant may not be on:
 - (1) Public land, with the exemption provided under 4 CMC § 53074; or
 - (2) The same lot as another producer licensee under common ownership.
- (c) The licensed premises of a retailer may not be located:
 - (1) Within 500 feet of:
 - (i) A public or private school;
 - (ii) Any church, hospital, medical clinic;
 - (iii) Daycare center;
 - (iv) Youth center; or
 - (v) In an area that is outside of the approved location for marijuana retail establishments.
- (d) The licensed premises of a processor who has an endorsement to process extracts may not be located in an area that is zoned exclusively for residential use.
- (e) The licensed premises of a processor, wholesaler, laboratory, research certificate holder, and retailer must be enclosed on all sides by permanent walls and doors.
- (f) A licensee may not permit:
 - (1) Any minor on a licensed premises except as described in § 180-10.1-501(g) and (h); or
 - (2) On-site consumption of a marijuana item, by any individual, except if the premises is licensed under 4 CMC § 53026.
- (g) Notwithstanding § 180-10.1-501(f)(1), a minor, other than a licensee’s employee, who has a legitimate business purpose for being on the licensed premises, may be on the premises for a limited period of time in order to accomplish the legitimate business purpose. For example, a minor plumber may be on the premises in order to make a repair.
- (h) Notwithstanding § 180-10.1-501(f)(1), a minor who resides on the lot where a marijuana producer is licensed may be present on those portions of a producer’s licensed premises that do

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not contain usable marijuana or cut and drying marijuana plants or have marijuana items in view or accessible range of the minor.

(i) A licensee must clearly identify all limited access areas in accordance with § 180-10.1-501(e).

(j) All employees, contractors and licensee representatives present on the licensed premises must wear clothing or a badge issued by the licensee that easily identifies the individual as an employee, contractor or licensee representative.

(1) A licensee must record the name of every current employee and license representative.

(2) The licensee must record the name and date of birth for that individual.

(k) The general public is not permitted in limited access areas on a licensed premises, except for the consumer sales area of a retailer and as provided by § 180-10.1-501(n). In addition to licensee representatives, the following visitors are permitted to be present in limited access areas on a licensed premises, subject to the requirements in § 180-10.1-501(l) and (m):

(1) Laboratory personnel, if the laboratory is licensed by the Commission;

(2) A contractor, vendor or service provider authorized by a licensee representative to be on the licensed premises;

(3) Another licensee or that licensee's representative;

(4) Invited guests subject to requirements of § 180-10.1-501(l); or

(5) Tour groups as permitted under § 180-10.1-501(n).

(l) Prior to entering a licensed premises all visitors permitted by § 180-10.1-501(k) must be documented and issued a visitor identification badge from a licensee representative that must remain visible while on the licensed premises. A visitor badge is not required for government officials. All visitors described in § 180-10.1-501(k) must be accompanied by a licensee representative at all times.

(m) A licensee must maintain a log of all visitor activity allowed under § 180-10.1-501(k). The log must contain the first and last name and date of birth of every visitor and the date they visited. A licensee is not required to record the date of birth for government officials.

(n) A marijuana producer or research certificate holder may offer tours of the licensed premises, including limited access areas, to the general public if the licensee submits a control plan in writing and the plan is approved by the Commission.

(1) The plan must describe how conduct of the individuals on the tour will be monitored, how access to usable marijuana will be limited, and what steps the licensee will take to ensure that no minors are permitted on the licensed premises.

(2) The Commission may withdraw approval of the control plan if the Commission finds there is poor compliance with the plan. Poor compliance may be indicated by, for example, individuals on the tour not being adequately supervised, an individual on the tour obtaining a marijuana item while on the tour, a minor being part of a tour, or the tours creating a public nuisance.

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(o) Nothing in this rule is intended to prevent or prohibit Commission employees or contractors, or other government officials that have jurisdiction over some aspect of the licensed premises or licensee from being on the licensed premises.

(p) A licensee may not sublet any portion of a licensed premises unless approved by the Commission.

(q) A licensed premises may receive marijuana items only from a marijuana producer, marijuana processor, or marijuana wholesaler for whom a premises has been licensed by the Commission or as otherwise provided by these regulations.

(r) Notwithstanding § 180-10.1-501(f)(1) of this rule, a minor may pass through the licensed area of an outdoor producer in order to reach an unlicensed area, so long as the minor does not have access to areas that contain marijuana items.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-505 Signage

(a) A licensee must post:

(1) At every licensed premises signs that read:

(i) “No Minors Permitted Anywhere on This Premises”; and

(ii) “No On-Site Consumption of Marijuana” if the location is not licensed under 4 CMC § 53026 [lounge area];* and

(2) At all areas of ingress or egress to a limited access area a sign that reads: “Do Not Enter – Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors.”

(b) All signs required by § 180-10.1-505(a) must be:

(1) Legible, not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height;

(2) In English; and

(3) Posted in a conspicuous location where the signs can be easily read by individuals on the license premises.

* So in original.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 600 - Marijuana Producers

§ 180-10.1-601 Privileges; Prohibitions

(a) A producer may:

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- (1) Plant, cultivate, grow, harvest and dry marijuana in the manner approved by the Commission and consistent with 4 CMC § 53022 and these regulations;
 - (2) Engage in indoor or outdoor production of marijuana, or a combination of the two;
 - (3) Sell or transport:
 - (i) Usable marijuana to the licensed premises of a marijuana processor, wholesaler, retailer, marijuana lounge, laboratory, or research certificate holder;
 - (ii) Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana processor, wholesaler, , or research certificate holder;
 - (iii) Immature marijuana plants and seeds to the licensed premises of a marijuana producer, wholesaler, retailer or research certificate holder;
 - (iv) Marijuana waste to a producer, processor, wholesaler, or research certificate holder, an approved waste disposal service.
 - (4) Purchase and receive:
 - (i) Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;
 - (ii) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
 - (5) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules.
- (b) A producer may not sell, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-601(a).

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-605 Operating Procedures

- (a) A producer must:
- (1) Establish written standard operating procedures for the production of marijuana. The standard operating procedures must, at a minimum, include when, and the manner in which, all pesticide and or other chemicals are to be applied during the production process; and
 - (2) Maintain a copy of all standard operating procedures on the licensed premises.
- (b) If a producer makes a material change to its standard operating procedures it must document the change and revise its standard operating procedures accordingly. Records detailing the material change must be maintained on the licensed premises by the producer.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-610 Start-up Inventory

- (a) Marijuana producers may not receive immature marijuana plants or seeds from any source other than from another licensee, except:

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(1) Between January 1, 2020 and January 1, 2021 a marijuana producer may receive immature marijuana plants and seeds from any source within the Commonwealth for up to one year following initial licensure by the Commission;

(b) The marijuana producer shall report receipt of the number of immature marijuana plants or seeds received under this section within 24 hours of the plants or seeds arriving at the licensed premises. A producer does not have to document the source of the immature plants or seeds during the one-year start-up period.

(c) Failure to comply with this rule is a violation and could result in license revocation.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-615 Micro Producers

(a) A micro producer may:

(1) Possess no more than twenty-five (25) mature marijuana plants;

(2) Harvest and dry marijuana in the manner approved by the Commission and consistent with 4 CMC § 53022 and these regulations;

(3) Engage in indoor or outdoor production of marijuana, or a combination of the two if the micro producer has entered into an agreement with a licensed marijuana wholesaler;

(4) Sell or transport:

(i) Usable marijuana to the licensed premises of a licensed wholesaler in which the micro producer has an existing and valid agreement;

(ii) Whole, non-living marijuana plants that have been entirely removed from any growing medium to the licensed premises of a marijuana wholesaler in which the micro producer has an existing and valid agreement;

(iii) Marijuana waste to a producer, processor, wholesaler, or research certificate holder, an approved waste disposal service.

(5) Purchase and receive:

(i) Immature marijuana plants and seeds from a producer, wholesaler, or research certificate holder;

(ii) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and

(6) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these rules.

(b) A micro producer may not sell, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-615(a).

(c) Valid agreements between micro producers and wholesaler must contain:

(1) the type of marijuana item to be produced by the micro producer;

(2) the location and license information of the wholesaler; and

(3) terms in which the wholesaler will purchase marijuana items from the micro producer.

(d) Micro producers must adhere to the requirements listed in § 180-10.1-610.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-620 Record Keeping

Every marijuana producer shall keep a complete and accurate record of all sales of marijuana flowers, marijuana leaves, and immature marijuana plants, and a complete and accurate record of the number of ounces of marijuana flowers produced, the number of ounces of marijuana leaves produced, the number of immature marijuana plants produced, and the dates of production. The producers shall submit a report to the Commission on the last Wednesday of each month reporting the total quantity of marijuana items sold, the date of sale, the type of marijuana product, the purchaser of the product, a copy of the transaction invoice, and the total cost of the sale.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 700 - Marijuana Retailers

§ 180-10.1-701 Retailer Privileges; Prohibitions

- (a) A retailer may:
 - (1) Between the hours of 7:00 AM and 10:00 PM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
 - (2) Sell:
 - (i) Marijuana items to a consumer 21 years of age or older within a licensed premises.
 - (ii) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
 - (iii) Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
 - (3) Deliver:
 - (i) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
 - (ii) Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
 - (4) Purchase and receive:
 - (i) Usable marijuana, immature marijuana plants, and seeds from a producer or from a research certificate holder;
 - (ii) Cannabinoid concentrates, extracts, and products from a processor or from a research certificate holder;
 - (iii) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
 - (iv) Any marijuana item from a laboratory.
 - (5) Refuse to sell marijuana items to a consumer;
 - (6) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations;
 - (7) Accept returned marijuana items that the retailer sold to a consumer and provide a refund or exchange with a product of equal or lesser value;

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- (8) Sell marijuana items that have not been tested in a marijuana testing facility so long as the marijuana item marks or labels the product with a disclaimer that clearly reads “UNTESTED PRODUCT”; and
- (9) May sell immature marijuana plants and seeds to consumers, provided that the consumer presents valid homegrown marijuana registry information as determined by the Commission, and that the retailer maintains adequate records of sale.
- (b) A retailer may not:
- (1) Sell more than the following amounts to an individual at any [*one time transaction*]:*
 - (i) 1 ounce of usable marijuana to recreational consumers;
 - (ii) 16 ounces of a cannabinoid product in solid form;
 - (iii) 72 ounces of a cannabinoid product in liquid form;
 - (iv) Five grams of cannabinoid extracts or concentrates, whether sold alone or contained in an inhalant delivery system; and
 - (v) Ten marijuana seeds.
 - (2) Sell more than six immature marijuana plants to a single Homegrown Registry permit holder within a 90-day period.
 - (3) Provide free marijuana items to a recreational consumer.
 - (4) Sell or give away pressurized containers of butane or other materials that could be used in the home production of marijuana extracts.
 - (5) Discount a marijuana item if the retail sale of the marijuana is made in conjunction with the retail sale of any other items, including other marijuana items.
 - (6) Sell a marijuana item at a nominal price for promotional purposes.
 - (7) Permit consumers to be present on the licensed premises or sell to a consumer between the hours of 10:00 p.m. and 6:59 a.m. local time the following day.
 - (8) Sell an product that contains cannabinoids and is intended for human consumption, unless that product has been labeled and packaged in accordance with the applicable sections of these rules.
 - (9) Sell or transfer a returned marijuana item where the original package has been altered, opened, damage, or tampered to another consumer.
 - (10) Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in § 180-10.1-701(a) of this rule.
 - (11) Permit a consumer to open or alter a package containing a marijuana item or otherwise remove a marijuana item from packaging required by these rules within the licensed premises or in an area that the licensee controls;
 - (12) Sell a marijuana item whose container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age or quality of such marijuana items.
 - (13) Permit a consumer to bring marijuana items onto the licensed premises except for marijuana items being returned for refund or exchange as allowed by this rule.

* So in original.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-705 Retailer Operational Requirements

(a) Prior to completing the sale of a marijuana item to a consumer, a retailer must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:

- (1) Passport;
- (2) Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
- (3) United States military identification card; or
- (4) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

(b) Marijuana items offered for sale by a retailer must be stored in such a manner that the items are only accessible to authorized representatives until such time as the final sale to the consumer is completed.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-710 Retailer Premises

(a) The licensed premises of a retailer:

- (1) May not be located in an area that is outside of the approved location for marijuana retail establishments.
- (2) May not be located within 500 feet of:
 - (i) A public or private school;
 - (ii) Any church, hospital, medical clinic;
 - (iii) Daycare center; or
 - (iv) Youth center;
- (3) Must be enclosed on all sides by permanent walls and doors.

(b) A retailer must post in a prominent place signs that read:

- (1) "No Minors Permitted Anywhere on the Premises";
- (2) "No On-Site Consumption"; and
- (3) Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".

(c) A retailer must designate a consumer sales area on the licensed premises where consumers are permitted. The area shall include the portion of the premises where marijuana items are displayed for sale to the consumer and sold and may include other contiguous areas such as a lobby or a restroom. The consumer sales area is the sole area of the licensed premises where consumers are permitted.

(d) All inventory must be stored on the licensed premises.

(e) For purposes of determining the distance between a retailer and a school referenced in § 180-10.1-710(a)(2), "within 500 feet" means a straight line measurement in a radius extending for

500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 500 feet of a school as described § 180-10.1-710(a)(2) an applicant will not be licensed.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 800 - Marijuana Processors

§ 180-10.1-801 General Processor Requirements

(a) A processor must:

- (1) Use equipment, counters and surfaces for processing that are food-grade and do not react adversely with any solvent being used.
- (2) Have counters and surface areas that are constructed in a manner that reduce the potential for development of microbials, molds and fungi and that can be easily cleaned.
- (3) Maintain the licensed premises in a manner that is free from conditions which may result in contamination and that is suitable to facilitate safe and sanitary operations for product preparation purposes.
- (4) Store all marijuana items not in use in a locked area, including products that require refrigeration in accordance with plans submitted in § 180-10.1-310(f).

(b) A processor may not process, transfer or sell a marijuana item:

- (1) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
 - (i) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
 - (ii) Products in the shape of an animal, vehicle, person or character.
- (2) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items.
- (3) That contains Dimethyl sulfoxide (DMSO).

(c) A processor may not treat or otherwise adulterate a cannabinoid product, concentrate or extract with any non-cannabinoid additive that would increase potency, toxicity or addictive potential, or that would create an unsafe combination with other psychoactive substances. Prohibited additives include but are not limited to nicotine, caffeine, chemicals that increase carcinogenicity or cardiac effects.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-805 Privileges; Prohibitions

(a) A processor may:

- (1) Transfer, sell or transport:

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- (i) Cannabinoid concentrates, extracts, and products for which the processor has an endorsement to a processor, class 1 lounge, wholesaler, retailer, or research certificate holder;
 - (ii) Marijuana waste to a producer, processor, wholesaler, or research certificate holder.
 - (2) Purchase and receive:
 - (i) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer, wholesaler, or from a research certificate holder;
 - (ii) Usable marijuana from a producer, wholesaler, or from a research certificate holder;
 - (iii) Cannabinoid concentrates, extracts and products from a processor with an endorsement to manufacture the type of product received, or from a research certificate holder;
 - (iv) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder; and
 - (v) Cannabinoid concentrates, extracts, and products produced by the licensee that have been held in bailment by a licensed wholesaler.
 - (3) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations.
- (b) A processor may not transfer, sell transport, purchase, or receive any marijuana item other than as provided in § 180-10.1-805(a).

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-810 Endorsements

- (a) A marijuana processor may only process and sell cannabinoid products, concentrates or extracts if the processor has received an endorsement from the Commission for that type of processing activity. Endorsements types are:
- (1) Cannabinoid edible processor;
 - (2) Cannabinoid topical processor;
 - (3) Cannabinoid concentrate processor; and
 - (4) Cannabinoid extract processor.
- (b) An applicant must request an endorsement upon submission of an initial application but may also request an endorsement at any time following licensure.
- (c) In order to apply for an endorsement an applicant or processor licensee must submit a form prescribed by the Commission that includes a description of the type of products to be processed, a description of equipment to be used, and any solvents, gases, chemicals or other compounds proposed to be used to create extracts or concentrates.
- (d) Only one application and license fee is required regardless of how many endorsements an applicant or licensee requests or at what time the request is made.
- (e) An individual processor licensee may hold multiple endorsements.

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- (f) For the purposes of endorsements any cannabinoid product that is intended to be consumed or ingested orally or applied in the mouth is considered a cannabinoid edible.
- (g) If a processor is no longer going to process the product for which the processor is endorsed the processor must notify the Commission in writing and provide the date on which the processing of that product will cease.
- (h) The Commission may deny a processor's request for an endorsement if the processor cannot or does not meet the requirements stated in these regulations for the endorsement that is requested.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-815 Processor Policies and Procedures

A processor must create and maintain written, detailed standard policies and procedures that include but are not limited to:

- (a) Instructions for making each cannabinoid concentrate, extract or product.
- (b) The ingredients and the amount of each ingredient for each process lot;
- (c) The process for making each product;
- (d) The number of servings in a process lot;
- (e) The intended amount of THC per serving and in a unit of sale of the product;
- (f) The process for making each process lot homogenous;
- (g) If processing a cannabinoid concentrate or extract:
 - (1) Conducting necessary safety checks prior to commencing processing;
 - (2) Purging any solvent or other unwanted components from a cannabinoid concentrate or extract;
- (h) Procedures for cleaning all equipment, counters and surfaces thoroughly;
- (i) Procedures for preventing growth of pathogenic organisms and toxin formation;
- (j) Proper handling and storage of any solvent, gas or other chemical used in processing or on the licensed premises in accordance with material safety data sheets and any other applicable laws;
- (k) Proper disposal of any waste produced during processing in accordance with all applicable local, state and federal laws, rules and regulations;

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- (l) Quality control procedures designed to maximize safety and minimize potential product contamination;
- (m) Appropriate use of any necessary safety or sanitary equipment; and
- (n) Emergency procedures to be followed in case of a fire, chemical spill or other emergency.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-820 Processor Training Requirements

- (a) A processor must have a comprehensive training program that includes, at a minimum, the following topics:
 - (1) The standard operating policies and procedures;
 - (2) The hazards presented by all solvents or other chemicals used in processing and on the licensed premises as described in the material safety data sheet for each solvent or chemical; and
 - (3) Applicable Commission statutes and rules.
- (b) At the time of hire and prior to engaging in any processing, and once yearly thereafter, each employee involved in the processing of a cannabinoid concentrate, extract or product must be trained in accordance with the processor's training program.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-825 Cannabinoid Concentrate and Extract Processor Requirements

- (a) Cannabinoid Concentrates or Extracts. A processor with a cannabinoid concentrate or extract endorsement:
 - (1) May not use Class I solvents as those are classified in the Federal Drug Administration Guidance, Table I, published in the Federal Register on December 24, 1997 (62 CFR 67377).
 - (2) Must:
 - (i) Only use a hydrocarbon-based solvent that is at least 99 percent purity.
 - (ii) Only use a non-hydrocarbon-based solvent that is food-grade.
 - (iii) Work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.
 - (iv) Use only potable water and ice made from potable water in processing.
 - (v) If making a concentrate or extract that will be used in a cannabinoid edible, be endorsed as a cannabinoid edible processor and comply with [above provision on edible processor requirements].*
- (b) Cannabinoid Extracts. A processor with an endorsement to make cannabinoid extracts:
 - (1) May not use pressurized canned flammable fuel, including but not limited to butane and other fuels intended for use in camp stoves, handheld torch devices, refillable cigarette lighters and similar consumer products.
 - (2) Must:
 - (i) Process in a:

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- (A) Fully enclosed room clearly designated on the current floorplan of the licensed premises.
- (B) Room and with equipment, including all electrical installations that meet the requirements of the CNMI Department of Public Work's building code, and the CNMI Fire Code.
- (ii) Use a professional grade closed loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted good engineering standards, such as those of:
 - (A) American National Standards Institute (ANSI);
 - (B) Underwriters Laboratories (UL); or
 - (C) The American Society for Testing and Materials (ASTM).
- (iii) If using carbon dioxide in processing, use a professional grade closed loop carbon dioxide gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch.
- (iv) Have equipment and facilities used in processing approved for use by the CNMI Department of Fire and Emergency Services.
- (v) For extraction system engineering services, including but not limited to consultation on and design of extraction systems or components of extraction systems, use the services of a professional engineer registered with the CNMI Board of Professional Licensing.
- (vi) Have an emergency eye-wash station in any room in which cannabinoid extract is being processed.
- (vii) Have all applicable material safety data sheets readily available to personnel working for the processor.

* So in original.

Modified, 1 CMC § 3806(a).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-830 Recordkeeping

- (a) A processor must keep records documenting the following:
 - (1) How much marijuana is in each process lot;
 - (2) If a product is returned by a licensee, how much product is returned and why;
 - (3) If a defective product was reprocessed, how the defective product was reprocessed; and
 - (4) Each training provided in accordance with § 180-10.1-820, the names of employees who participated in the training, and a summary of the information provided in the training.
- (b) A processor must obtain a material safety data sheet for each solvent used or stored on the licensed premises and maintain a current copy of the material safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process on the licensed premises.
- (c) If the Commission requires a processor to submit or produce documents to the Commission that the processor believes falls within the definition of a trade secret, the processor must mark each document "confidential" or "trade secret".

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 900 - Marijuana Wholesaler

§ 180-10.1-901 Privileges; Prohibitions

- (a) A wholesale licensee may:
- (1) Sell, including sale by auction, transfer and or transport:
 - (i) Any type of marijuana item to a retailer, wholesaler, Class 1 lounge, or research certificate holder, except that whole, non-living marijuana plants may not be transferred to a retailer;
 - (ii) Immature marijuana plants and seeds to a producer, or retailer;
 - (iii) Usable marijuana to a producer that the wholesaler has stored on the producer's behalf;
 - (iv) Usable marijuana, cannabinoid extracts and concentrates to a processor licensee, or retailer; and
 - (v) Marijuana waste to a producer, processor, wholesaler, research certificate holder, or an approved waste disposal service.
 - (2) Purchase or receive:
 - (i) Any type of marijuana item from a wholesaler;
 - (ii) Cannabinoid concentrates, extracts, and products from a processor with an endorsement to manufacture the type of product received;
 - (iii) Seeds, immature plants or usable marijuana from a producer, or wholesaler;
 - (iv) Whole, non-living marijuana plants that have been entirely removed from any growing medium from a producer; and
 - (v) Marijuana waste from a producer, processor, wholesaler, retailer, laboratory, or research certificate holder.
 - (3) Transport and store marijuana items received from other licensees, pursuant to the requirements of [transport and storage provisions below]*
 - (4) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations.
- (b) A wholesale licensee may not sell, deliver, purchase, or receive any marijuana item other than as provided in section (a) of this rule.
- (c) For purposes of this rule, "marijuana item" does not include a mature marijuana plant.

* So in original.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-905 Marijuana Wholesaler Reserve Requirements

[Reserved.]

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 1000 - Marijuana Lounge

§ 180-10.1-1001 Class 1 Lounge Privileges; Prohibitions

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- (a) A Class 1 Lounge may:
 - (1) Between the hours of 7:00 AM and 2:00 AM local time, sell marijuana items from the licensed premises to a consumer 21 years of age or older;
 - (2) Sell:
 - (i) Marijuana items to a consumer 21 years of age or older within a licensed premises.
 - (ii) Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
 - (iii) Returned marijuana items to a producer, processor or wholesaler who transferred the item to the Class 1 Lounge.
 - (3) Deliver:
 - (i) Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
 - (ii) Returned marijuana items to a producer, processor or wholesaler who transferred the item to the retailer.
 - (4) Purchase and receive:
 - (i) Usable marijuana from a producer, wholesaler, processor, retailer or from a research certificate holder;
 - (ii) Cannabinoid concentrates, extracts, and products from a processor, retailer or from a research certificate holder;
 - (iii) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
 - (iv) Any marijuana item from a laboratory.
 - (5) Refuse to sell marijuana items to a consumer;
 - (6) Allow a laboratory licensee to obtain samples for purposes of performing testing as provided in these regulations;
 - (7) Allow for the on-site consumption of marijuana, marijuana extracts, or marijuana products within the licensed premises;
 - (8) Sell marijuana items that have not been tested in a marijuana testing facility so long as the marijuana item is sold to a consumer with a disclaimer that clearly reads “UNTESTED PRODUCT”; and
- (b) A Class 1 lounge may not:
 - (1) Sell a product that contains cannabinoids and is intended for human consumption, unless that product has been labeled and packaged in accordance with the applicable sections of these rules.
 - (2) Sell edible marijuana items intended for human consumption to a consumer if the premises have not received the necessary food handler’s certifications from the CNMI Bureau of Environmental Health.
 - (3) Sell or transfer a returned marijuana item where the original package has been altered, opened, damage, or tampered to another consumer.
 - (4) Sell, transfer, deliver, purchase, or receive any marijuana item other than as provided in section (a) of this rule.
 - (5) Sell, serve, distribute or allow the consumption of alcohol on the marijuana lounge premises;
 - (6) Permit a consumer under the age of 21 to enter the licensed premises unless that individual meets the requirements of 4 CMC § 53026(f).

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- (7) Permit a consumer to bring marijuana items onto the licensed premises.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1005 Class 1 Lounge Operational Requirements

- (a) Prior to completing the sale of a marijuana item to a consumer, a Class 1 Lounge licensee must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
- (1) Passport;
 - (2) Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
 - (3) United States military identification card; or
 - (4) Any other identification card issued by a state or country that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1010 Class 1 Lounge Premises

- (a) The licensed premises of a Class 1 Lounge:
- (1) May not be located in an area that is outside of the approved location for Class 1 Lounge establishments.
 - (2) May not be located within 500 feet of:
 - (i) A public or private school;
 - (ii) Any church, hospital, medical clinic;
 - (iii) Daycare center; or
 - (iv) Youth center;
 - (3) Must be enclosed on all sides by walls and doors.
- (b) A Class 1 Lounge must post in a prominent place signs that read:
- (1) "No Minors Permitted Anywhere on the Premises";
 - (2) Exit from the licensed premises that reads: "Marijuana or Marijuana Infused Products May Not Be Consumed In Public".
- (c) A Class 1 Lounge must designate a consumer consumption area on the licensed premises where consumers are permitted to consume marijuana, marijuana extracts, or marijuana products
- (d) All inventory must be stored on the licensed premises.
- (e) For purposes of determining the distance between a Class 1 Lounge and a school referenced in subsection (a)(2) of this rule, "within 500 feet" means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a Class 1 Lounge. If any portion of the licensed premises is within 500 feet of a school as described subsection (a)(2) of this rule an applicant will not be licensed.

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History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1015 Class 2 Lounge Privileges; Prohibitions

- (a) A Class 2 Lounge may:
 - (1) Deliver:
 - (i) Marijuana waste to a producer, processor, wholesaler, retailer, or research certificate holder.
 - (2) Refuse to entry into a Class 2 lounge to a consumer;
 - (3) Allow for the on-site consumption of marijuana, marijuana extracts, or marijuana products within the licensed premises;
 - (4) Permit a consumer to bring marijuana items onto the licensed premises.
 - (b) A Class 2 lounge may not:
 - (1) Sell:
 - (i) Marijuana items to consumers within a licensed premise.
 - (2) Purchase and receive:
 - (i) Usable marijuana, immature marijuana plants, and seeds from a producer, retailer or from a research certificate holder;
 - (ii) Cannabinoid concentrates, extracts, and products from a processor, retailer or from a research certificate holder;
 - (iii) Any marijuana item, except for whole, non-living marijuana plants, from a wholesaler; and
 - (iv) Any marijuana item from a laboratory.
 - (3) Sell a product that contains cannabinoids and is intended for human consumption.
 - (4) Allow the consumption of alcohol on the marijuana lounge premises;
 - (5) Permit a consumer under the age of 21 to enter the licensed premises unless that individual meets the requirements of 4 CMC § 53026(f);
 - (6) Permit the commercial sale of marijuana items on the license premises.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1020 Class 2 Lounge Operational Requirements

- (a) Prior to allowing entry into the licensed premises, a Class 2 Lounge licensee must verify that the consumer has a valid, unexpired government-issued photo identification and must verify that the consumer is 21 years of age or older by viewing the consumer's:
 - (1) Passport;
 - (2) Driver license, whether issued in this state or by any other state, as long as the license has a picture of the person;
 - (3) United States military identification card; or
 - (4) Any other identification card issued by a state that bears a picture of the person, the name of the person, the person's date of birth and a physical description of the person.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1025 Class 2 Lounge Premises

- (a) The licensed premises of a Class 2 Lounge:
 - (1) May not be located within 500 feet of:
 - (i) A public or private school;
 - (ii) Any church, hospital, medical clinic;
 - (iii) Daycare center; or
 - (iv) Youth center;
 - (2) Must be enclosed on all sides by permanent walls and doors.

- (b) A Class 2 Lounge must post in a prominent place signs that read:
 - (1) “No Minors Permitted Anywhere on the Premises”;
 - (2) Exit from the licensed premises that reads: “Marijuana or Marijuana Infused Products May Not Be Consumed In Public”.

- (c) The consumer consumption area is the sole area of the licensed premises where consumers are permitted.

- (d) For purposes of determining the distance between a Class 2 Lounge and a school referenced in § 180-10.1-1025(a)(2), “within 500 feet” means a straight line measurement in a radius extending for 500 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a Class 2 Lounge. If any portion of the licensed premises is within 500 feet of a school as described § 180-10.1-1025(a)(2) an applicant will not be licensed.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 1100 - Packaging Labeling and Advertising

§ 180-10.1-1101 Packaging and Labeling – Definitions

For the purposes of these regulations:

- (a) “Attractive to minors” means packaging, labeling and marketing that features:
 - (1) Cartoons;
 - (2) A design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors;
 - (3) Symbols or celebrities that are commonly used to market products to minors;
 - (4) Images of minors; and
 - (5) Words that refer to products that are commonly associated with minors or marketed by minors.

- (b) “Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

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- (c) “Cannabinoid concentrate or extract” means a substance obtained by separating cannabinoids from marijuana by a mechanical, chemical or other process.
- (d) “Cannabinoid edible” means food or potable liquid into which a cannabinoid concentrate or extract or the dried leaves or flowers of marijuana have been incorporated.
- (e) “Cannabinoid product” means a cannabinoid edible or any other product intended for human consumption or use, including a product intended to be applied to a person’s skin or hair, that contains cannabinoids or the dried leaves or flowers of marijuana.
- (f) “Cannabinoid product” does not include:
- (1) Usable marijuana by itself;
 - (2) A cannabinoid concentrate or extract by itself; or
 - (3) Industrial hemp.
- (g) “Cartoon” means any drawing or other depiction of an object, person, animal, creature or any similar caricature that satisfies any of the following criteria:
- (1) The use of comically exaggerated features;
 - (2) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or
 - (3) The attribution of unnatural or extra-human abilities, such as imperviousness to pain or injury, X-ray vision, tunneling at very high speeds or transformation.
- (h) “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open and not difficult for adults to use properly.
- (i) “Container” means a sealed, hard or soft-bodied receptacle in which a marijuana item is placed prior to being sold to a consumer.
- (j) “Exit Package” means a sealed container provided at the retail point of sale in which any marijuana items already within a container are placed.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1105 Packaging, Labeling for Sale to Consumer

The purpose of this provision is to set the minimum standards for the packaging of marijuana items that are sold to the consumer, applicable to a licensee.

- (a) Containers or packaging for marijuana items must protect a marijuana item from contamination and must not impart any toxic or deleterious substance to the marijuana item.
- (b) No licensee shall use or allow the use of any mark or label on the container of any marijuana items which are kept for sale, if the container does not precisely and clearly indicate the nature of its contents or in any way might deceive any customer as to the nature, composition, quantity, age, or quality of such marijuana items. Marijuana items that have been tested and satisfactorily

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complied with the minimum standards set forth by the Commission shall bear a label that reads: “CERTIFIED”; and whereas, in the absence of a marijuana testing facility or in the absence of testing a marijuana item, marijuana establishments are required to mark or label the marijuana item with a disclaimer that clearly reads: “UNTESTED PRODUCT.” All marijuana items which are kept for sale shall bear a label that reads: “This product has not been evaluated by the FDA.”

(c) Marijuana items for ultimate sale to a consumer, except for immature plants and seeds, must:

- (1) Not be packaged or labeled in a manner that is attractive to minors; and
- (2) Marijuana items for sale must have the following label and container standards:
 - (i) The length of time it typically takes for a product to take effect;
 - (ii) The amount of marijuana the product is considered the equivalent to;
 - (iii) Ingredients and possible allergens;
 - (iv) A nutritional fact panel;
 - (v) Opaque, child resistant packaging, which must be designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995);
 - (vi) Marijuana products must be clearly identifiable, when practicable, with a standard symbol indicating that it contains marijuana
 - (vii) Label must state the number of servings contained within a container

(d) Packaging may not contain any text that makes an untruthful or misleading statement.

(e) Nothing in this rule:

- (1) Prevents the re-use of packaging that is capable of continuing to be child-resistant, as permitted by rules established by the Commission; or
- (2) Prohibits the Commission from imposing additional packaging requirements in their respective rules governing licensees.

Modified, 1 CMC § 3806(g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1110 Advertising – Restrictions

(a) Marijuana advertising may not:

- (1) Contain statements that are deceptive, false, or misleading;
- (2) Contain any content that can reasonably be considered to target individuals under the age of 21, including but not limited to images of minors, cartoon characters, toys, or similar images and items typically marketed towards minors, or references to products that are commonly associated with minors or marketed by minors;
- (3) Specifically encourages the transportation of marijuana items across state lines;
- (4) Assert that marijuana items are safe because they are regulated by the Commission or have been tested by a certified laboratory or otherwise make claims that any government agency endorses or supports marijuana;
- (5) Make claims that recreational marijuana has curative or therapeutic effects;
- (6) Display consumption of marijuana items;

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- (7) Contain material that encourages the use of marijuana because of its intoxicating effect; or
 - (8) Contain material that encourages excessive or rapid consumption.
- (b) A licensee may not make any deceptive, false, or misleading assertions or statements on any informational material, any sign, or any document provided to a consumer.
- (c) A licensee must include the following statement on all print, billboard, television, radio and internet advertising in font size legible to the viewer:
- (1) “Do not operate a vehicle or machinery under the influence of this drug”.
 - (2) “For use only by adults twenty-one years of age and older.”
 - (3) “Keep out of the reach of children.”

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1115 Advertising Media, Coupons, and Promotions

- (a) The Commission prohibits advertising through handbills that are posted or passed out in public areas such as parking lots and publicly owned property.
- (b) A licensee who advertises via web page must utilize appropriate measures to ensure that individuals visiting the web page are over 21 years of age.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 1200 - Licensee Conduct, Inspections and Suspension

§ 180-10.1-1201 Prohibited Conduct

- (a) Sale to a Minor. A licensee may not sell, deliver, transfer or make available any marijuana item to a person under 21 years of age.
- (1) Violation of this section for an intentional sale to a minor by a licensee, permittee or license representative will result in a penalty to the licensee.
- (b) Identification. A licensee or license representative must require a person to produce identification before selling or providing a marijuana item to that person as required by 4 CMC § 53019.
- (c) Access to Premises.
- (1) A licensee may not:
 - (i) During regular business hours for the licensed premises, refuse to admit or fail to promptly admit a Commission regulatory employee who identifies him or herself and who enters or wants to enter a licensed premises to conduct an inspection to ensure compliance with the Act affecting the licensed privileges; or these regulations;
 - (ii) Outside of regular business hours or when the premises appear closed, refuse to admit or fail to promptly admit a Commission regulatory employee who identifies him or herself and

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requests entry on the basis that there is a reason to believe a violation of the Act affecting the licensed privileges; or these regulations is occurring; or

(iii) Once a regulatory employee is on the licensed premises, ask the regulatory employee to leave until the employee has had an opportunity to conduct an inspection to ensure compliance with the Act affecting the licensed privileges; or these rules.

(d) Use or Consumption of Intoxicants on Duty and Under the Influence on Duty.

(1) No licensee, or licensee representative may consume any intoxicating substances while on duty, except for employees as permitted under regulations.

(2) No licensee, licensee representative, or permittee may be under the influence of intoxicating substances while on duty.

(3) Whether a person is paid or scheduled for a work shift is not determinative of whether the person is considered “on duty.”

(4) As used in this section:

(i) “On duty” means:

(A) From the beginning to the end of a work shift for the licensed business, including any and all coffee, rest or meal breaks; or

(B) Performing any acts on behalf of the licensee or the licensed business outside of a work shift if the individual has the authority to put himself or herself on duty.

(ii) “Intoxicants” means any substance that is known to have or does have intoxicating effects, and includes alcohol, marijuana, or any other controlled substances.

(e) Permitting Use of Marijuana at Licensed Premises. A licensee may not permit the use or consumption of marijuana, or any other intoxicating substance, anywhere in or on the licensed premises, or in surrounding areas under the control of the licensee, except for [those* licensed under 4 CMC 53026.

(f) Import and Export. A licensee may not import marijuana items into the Commonwealth or export marijuana items out of the Commonwealth unless authorized by the Commission.

(g) Permitting, Disorderly or Unlawful Conduct. A licensee may not permit disorderly activity or activity that is unlawful under Commonwealth law on the licensed premises or in areas adjacent to or outside the licensed premises under the control of the licensee.

(1) If the prohibited activity under this section results in death or serious physical injury, or involves unlawful use or attempted use of a deadly weapon against another person, or results in a sexual offense which is a Class A felony such as first degree rape, sodomy, or unlawful sexual penetration, the violation could result in license revocation.

(2) If the prohibited activity under this section involves use of a dangerous weapon against another person with intent to cause death or serious physical injury, it is a punishable violation.

(3) As used in this section:

(i) “Disorderly activities” means activities that harass, threaten or physically harm oneself or another person.

(ii) “Unlawful activity” means activities that violate the laws of the Commonwealth, including but not limited to any activity that violates a Commonwealth’s criminal statute.

(4) The Commission does not require a conviction to establish a violation of this section.

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(h) Marijuana as a Prize, Premium or Consideration. No licensee may give or permit the giving of any marijuana item as a prize, premium, or consideration for any lottery, contest, game of chance or skill, exhibition, or any competition of any kind on the licensed premise.

(i) Visibly Intoxicated Persons. No licensee may sell, give, or otherwise make available any marijuana item to any person who is visibly intoxicated.

(j) Additional Prohibitions. A licensee may not:

(1) Sell or deliver any marijuana item through a drive-up window.

(2) Use any device or machine that both verifies the age of the consumer and delivers marijuana to the consumer; or

(3) Deliver marijuana to a consumer off the licensed premises.

* So in original.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1205 Dishonest Conduct

(a) False Statements. A licensee may not:

(1) Make a false statement or representation to the Commission or law enforcement in order to induce or prevent action or investigation by the Commission or law enforcement.

(2) If the Commission finds that the false statement or representation was intentional, the Commission may charge a violation and could result in license revocation.

(b) Marijuana Item Misrepresentations.

(1) A licensee may not misrepresent any marijuana item to a consumer, licensee, or the public, including:

(i) Misrepresenting the contents of a marijuana item;

(ii) Misrepresenting the testing results of a marijuana item;

(iii) Misrepresenting the potency of a marijuana item; or

(iv) Making representations or claims that the marijuana item has curative or therapeutic effects.

(2) A licensee may not treat or otherwise adulterate usable marijuana with any chemical, biologically active drug, plant, substance, including nicotine, or other compound that has the effect or intent of altering the usable marijuana's color, appearance, weight or smell or that has the effect or intent of increasing potency, toxicity or addictiveness.

(3) A knowing or intentional violation of this section could result in license revocation.

(c) Supply of Adulterated Marijuana Items.

(1) A licensee may not supply adulterated marijuana items.

(2) Violation of this section could result in license revocation.

(d) Evidence. A licensee may not:

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- (1) Intentionally destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so. Violation of this subsection could result in license revocation.
- (2) Destroy, damage, alter, remove or conceal potential evidence, or attempt to do so, or ask or encourage another person to do so, in any manner other than intentional.
- (3) Refuse to give, or fail to promptly give, a Commission regulatory employees or law enforcement officer evidence when lawfully requested to do so.

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1210 Inspections

- (a) The Commission may conduct:
 - (1) A complaint inspection at any time following the receipt of a complaint that alleges a licensee is in violation of 4 CMC § 53001 et seq or these regulations;
 - (2) A random inspection at any time in order to determine compliance with 4 CMC § 53001 et seq or these regulations; or
 - (3) Compliance transactions in order to determine whether a licensee is complying with 4 CMC § 53001 et seq or these regulations.
- (b) A licensee, or licensee representative must cooperate with the Commission during an inspection.
- (c) If licensee or licensee representative fails to permit the Commission to conduct an inspection the Commission may seek an investigative subpoena to inspect the premises and gather books, payrolls, accounts, papers, documents or records.

Modified, 1 CMC § 3806(a), (g).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

§ 180-10.1-1215 Suspended Licenses

- (a) Before 7:00 a.m. on the date a license suspension goes into effect, and until the suspension is completed, Commission staff must ensure that a suspension notice sign is posted on each outside entrance or door to the licensed premises.
- (b) The suspension notice sign must be posted in a way that allows any person entering the premises to read it. Licensees must use the suspension notice sign provided by the Commission. The sign will state that the license has been suspended by order of the Commission due to violations of the Commonwealth laws (statutes or administrative rules). If there are multiple licenses at the location, the sign will specify which license privileges have been suspended.
- (c) During the period of license suspension, the licensee is responsible for ensuring:
 - (1) Compliance with all applicable laws and rules; and
 - (2) That the suspension notice sign is not removed, altered, or covered.

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(d) A licensee or licensee representative may not allow the sale, delivery to or from, or receipt of marijuana items at the licensed premises during the period of time that the license is under suspension. During a period of time that the license is under suspension, a marijuana licensee may operate the business provided there is no sale, delivery to or from, or receipt of a marijuana item.

Modified, 1 CMC § 3806(a).

History: Adopted 42 Com. Reg. 43719 (July 28, 2020); Proposed 42 Com. Reg. 43356 (Mar. 18, 2020).

Part 1300 - Medicinal Marijuana [Reserved]

Part 1400 - Laboratory License [Reserved]

Part 1500 - Marijuana Events [Reserved]