

§ 3901. Definitions.

(a) Bioprospecting defined.

(1) “Bioprospecting” means any search, analysis or study of naturally occurring biological processes, organic compounds, living or dead organisms, genetic information and DNA, and any other naturally occurring substances, processes and outputs found in the CNMI, for purposes of discovering something useful or commercially valuable, whether or not the search, analysis or study is conducted on-site or if materials were removed for off-site investigative processing.

(2) “Bioprospecting” does not include:

(i) horticultural cultivation, except for horticultural genetic engineering conducted in a manner otherwise constituting bioprospecting;

(ii) an agricultural enterprise;

(iii) a forest and range management practice;

(iv) invasive weed management; or

(v) incidental removal of materials while engaged in bona fide research or commercial enterprises provided removed materials are not used for bioprospecting.

(b) “Non-federal lands and waters” means lands and above-water and submerged lands and natural bodies of water in the CNMI that:

(1) is not owned or controlled by the federal government or within the exclusive and permanent jurisdiction of the federal government; and

(2) is owned by the CNMI, its municipality, or any other government agency that is not the federal government.

Source: PL 22-19, § 3(101) (June 24, 2022), modified.

Commission Comment: *Short Title.*— PL 22-19, § 1, provided that: “This act may be cited as the Richard B. Seman Bioprospecting Act of 2021.”

Legislative Findings of 2022 Legislation.— In addition to severability and savings clause provisions, PL 22-19 included the following Findings and Purposes section:

Section 2. Findings and Purposes.

The Legislature believes that the time has come to safeguard both our ownership of as well as our rights to the use of our local natural and biological resources, including biological processes, organic compounds, living and dead organisms, genetic information and DNA, and any other naturally occurring substances, processes and outputs found in the Commonwealth of the Northern Mariana Islands, hereinafter, “CNMI”.

Modifications.— In codifying PL 22-19, the Commission numbered this chapter, this article, and its sections, pursuant to 1 CMC § 3806(a), and redesignated 1st level subsections to lowercase letters and 2nd level subsections to Arabic numeral paragraphs, pursuant to 1 CMC § 3806(a), to ensure consistency in numbering hierarchy.