

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 50144. Fines and Penalties.

(a) *Suspension or Revocation of License.* The Secretary of Commerce shall have the power to suspend or revoke the license of any person or business that violates this chapter, as set forth below.

(b) *Penalties and Fines for Illegal Sales of Tobacco.* Any business establishment that gives, sells, or permits to be given or sold any tobacco product to an individual under the age of 21 shall, upon issuance of a notice of violation to the owner, agent, or employee in charge of the business by any representative of a Department authorized to enforce this chapter who has properly identified him or herself, be fined and penalized in the following manner:

(1) *First Offense:* A maximum fine of \$500 in addition to undergoing re-certification training.

(2) *Second Offense:* A maximum fine of \$1,000 and a license suspension of up to seven days in addition to undergoing re-certification training.

(3) *Third Offense:* A minimum fine of \$5,000 and a suspension of the license for up to six months in addition to undergoing re-certification training.

(4) *Fourth Offense:* Revocation of the license for up to one year.

(c) *Violations Relating to Vending Machines.* Any business establishment that places a stocked or operational cigarette vending machine in a location other than a bar, cabaret, or any establishment for which the minimum age for admission is 18 years, shall be subject to a fine of up to a maximum of \$500 for a first offense, up to \$750 for a second offense, up to a 90 day suspension of the license for a third offense, and revocation of the license for up to one year for a fourth offense.

(d) *Establishment Operating Without License.* Any person found to be engaged in the sale, distribution, or other transfer of tobacco products without a valid license from the Department of Commerce, Alcohol Beverage and Tobacco Control Division, shall be liable for a fine of up to \$1,000 per business establishment.

(e) *Revocation or Voluntary Surrender; Disposal of Stock.* A person or business establishment in possession of a stock of lawfully acquired tobacco products following the revocation or voluntary surrender of, or failure to renew a license, may sell such stock, under supervision of the Department of Commerce, Alcohol Beverage and Tobacco Control Division, in such a manner as the division shall provide to a licensee authorized to sell tobacco products.

(f) *Right to Administrative Hearing.* Any person or business establishment found subject to a fine or penalty, including suspension or revocation of a tobacco license, for an offense established in this section shall have the right to an administrative hearing pursuant to the procedures established under the Administrative Procedures Act, 1 CMC §§ 9108 to 9115, upon the filing of a request for such hearing with the Department of Commerce, Alcohol Beverage and Tobacco Control Division.

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Source: PL 11-75, § 16, modified; amended subsection (b) by PL 21-40 § 2 (Jan. 21, 2021).