

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 51917. Inspection Authority.

(a) The Department of Commerce, ABTC Division and the Commonwealth Health Care Corporation, Community Guidance Center, shall have the right to conduct inspections of business establishments licensed to sell areca nut (betel nut), without prior notice during the business establishment's regular business hours. During such inspection, the representatives from both Departments shall have the right without legal process to inspect every part of the premises to ensure compliance of this chapter.

(b) The Department of Commerce, ABTC Division and the Commonwealth Health Care Corporation Community Guidance Center, through a memorandum of understanding, may use persons under the age of 18 years in the enforcement of this chapter to penalize licensees, employees or agents of licensees, or other persons who offer, give, sell or permit areca nut (betel nut) to any person who is under the age of 18 (a minor). Provided however, that no person under the age of 18 posing as a decoy may so assist or be requested to so assist law enforcement agencies as a condition of probation or in connection with a court's disposition or sentencing in any court proceedings. Notwithstanding this subsection, any person under the age of 18 years who purchases or attempts to purchase any areca nut (betel nut) while under the direction of a peace officer is immune from prosecution for that purchase or attempt to purchase areca nut (betel nut). Guidelines with respect to the use of persons under the age of 18 years as decoys shall be adopted and published by both Departments in accordance with the rulemaking portion of the Administrative Procedure Act. Law enforcement-initiated minor decoy programs in operation prior to the effective date of regulatory guidelines adopted by both Departments shall be authorized as long as the minor decoy displays to the seller of areca nut (betel nut) the appearance of a person under the age of 18 years. This subsection shall not be construed to prevent both Departments from taking disciplinary action against a licensee who sells areca nut (betel nut) to a minor decoy prior to the Departments' final adoption of regulatory guidelines. During the course of every minor decoy program performed under this subsection, both Departments using the decoy shall notify the licensees in writing of the results whether or not they pass or fail the compliance checks. When the use of a minor decoy results in the issuance of a citation, the notification required shall be given to licensees within 72 hours of the issuance of the citation. Both Departments may comply with this requirement by leaving a written notice at the licensed premises addressed to the licensee, or by mailing such notice addressed to the licensee.

Source: [PL 19-66](#) § 2 (Sept. 23, 2016), modified.

Commission Comment: The Commission substituted “this chapter” for “this Act” in (a) and (b) pursuant to [1 CMC § 3806\(d\)](#). The Commission changed “MOU” to “memorandum of understanding”, “posting” to “posing”,

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

“subdivision (b)” to “this subsection” and “This subdivision” to “This subsection” in (b) pursuant to [1 CMC § 3806\(g\)](#).