

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 53005. Definitions.

As used in this chapter:

(a) “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.

(b) “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.*

(c) “Commerce” means the Department of Commerce.

(d) “Commission” means the Cannabis Commission.

(e) “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.

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(f) “Commonwealth” or “CNMI” means the Commonwealth of the Northern Mariana Islands.

(g) “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.

(h) “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 immune-modulated 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.

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

(j) “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.

(k)(1) “Financial consideration,” except as provided in paragraph (2) (b)* of this subsection, means value that is given or received directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations.

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

(i) Homegrown marijuana made by another person.

(ii) Homemade marijuana products made by another person.

(l) “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.

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

(n) “Homegrown marijuana registry” means a record maintained by the Commission of the names and addresses of persons who are 21 years of age or

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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.

(o) “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.

(p) “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.

(q) “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.

(r) “Immature marijuana plant” means a marijuana plant with no observable flowers or buds.

(s) “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.

(t) “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.

(u) “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.

(v) “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.

(w) “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.

(x)(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.

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(y) “Marijuana items” means marijuana, marijuana products, and marijuana extracts.

(z)(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.

(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

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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).

(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)(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.

* So in original.

Source: PL 20-66 § 2(105) (Sept. 21, 2018), modified.

Commission Comment: The Commission changed “Act” to “chapter” pursuant to 1 CMC § 3806(g). The Commission changed “12-16” to “12–16” in (a)(1); changed “2-4” to “2–4” in (a)(2); and changed “2111-2113” to “2111–2113” in (j) pursuant to 1 CMC § 3806(g). The Commission inserted a comma after: “hashish” in (a)(3); “cans” in (a)(5); “include” and “limited to” in (g); “contributions” in (k)(1); “limited to” in (dd)(1); “rooms” in (oo)(1); “playgrounds” in (rr); and “exchange” in (ss)(1) pursuant to 1 CMC § 3806(g). The Commission changed “noncommercial” to “non-commercial” pursuant to 1 CMC § 3806(g). The Commission changed the capitalization of “Marijuana” in (jj) and “Public” in (rr) pursuant to 1 CMC § 3806(f). The Commission inserted quotes after “place” and before “public” in (rr) pursuant to 1 CMC § 3806(g). The Commission re-numbered the subsections in (tt)(2) pursuant to 1 CMC § 3806(a).