

TITLE 4: ECONOMIC RESOURCES
DIVISION 5: BUSINESS REGULATION

§ 53049. Prohibition Against Person Under 21 Years of Age Possessing, Attempting to Purchase, or Purchasing Marijuana Item; Penalty.

(a)(1) A person under 21 years of age may not possess, attempt to purchase, or purchase a marijuana item.

(2) For purposes of this subsection, purchasing a marijuana item includes accepting a marijuana item, and possessing a marijuana item includes consuming a marijuana item, provided that the consumption of the marijuana item occurred no more than 24 hours before the determination that the person consumed the marijuana item.

(b) Except as authorized under this chapter, or as necessary in an emergency, a person under 21 years of age may not enter or attempt to enter any portion of a premises that is posted or otherwise identified as being prohibited to the use of persons under 21 years of age.

(c)(1) Except as provided in subsection(c)(2), a person who violates subsection (a) or (b) is punishable by a fine of \$250 for the first offense, or \$1,000 for a second and subsequent offense.

(2) A person who violates subsection (a) by reason of possessing a marijuana item while the person is operating a motor vehicle is punishable by a fine \$500 for the first offense, or \$2,000 for a second and subsequent offense.

(d) In addition to or in lieu of any other penalty established by law:

(1) The court may require a person who violates subsection (a) to perform not less than 80 hours but not more than 250 hours community service; and

(2) The court shall order that, when a person violates subsection (a), the person's driving privileges and right to apply for driving privileges be suspended for up to one (1) year.

(e) In addition to and not in lieu of any penalty established by law, the court may order a person who violates this section to undergo assessment and treatment. The court shall order a person to undergo assessment and treatment if the person has previously been found to have violated this section.

(f) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of the Commission or under the direction of CNMI enforcement agencies for the purpose of investigating possible violations of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

(g) The prohibitions of this section do not apply to a person under 21 years of age who is acting under the direction of a licensee for the purpose of investigating possible violations by employees of the licensee of laws prohibiting sales of marijuana items to persons who are under 21 years of age.

(h)(1) A person under 21 years of age is not in violation of, and is immune from prosecution under, this section if:

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(i) The person contacted emergency medical services or a CNMI Law enforcement agency in order to obtain medical assistance for another person who was in need of medical assistance because that person consumed a marijuana item and the evidence of the violation was obtained as a result of the person's having contacted emergency medical services or a law enforcement agency; or

(ii) The person was in need of medical assistance because the person consumed a marijuana item and the evidence of the violation was obtained as a result of the person's having sought or obtained the medical assistance.

(i) The prohibitions of this section do not apply to a person between the age of 18 to 21 years of age who has a valid recommendation for marijuana issued by a doctor licensed in the Northern Mariana Islands, or by a country of origin for the non-CNMI resident patient.

Source: PL 20-66 § 2(149) (Sept. 21, 2018), modified; amended by PL 21-05, § 2(I) (Aug. 21, 2019).

Commission Comment: In codifying PL 20-66, the Commission changed the capitalization of the section title pursuant to 1 CMC § 3806(f). The Commission inserted a comma after "purchase" in the section title and in (a)(1); changed "Act" to "chapter" in (b); changed "paragraph (2) of this subsection" to "subsection (c)(2)" in (c)(1); and struck "of this section" in (c)(1)–(2) and (d)(1)–(2) pursuant to 1 CMC § 3806(g). The Commission re-numbered the subsections of (h)(1) pursuant to 1 CMC § 3806(a).