

TITLE 6: CRIMES AND CRIMINAL PROCEDURES
DIVISION 3: MISCELLANEOUS OFFENSES

§ 3110. Use or Possession of Tobacco by Persons Under the Age of Twenty-One (21)

(a) It is unlawful for any person to give, or permit to be given, or in any way furnish to an individual under the age of 21, any tobacco product. It shall not be a defense to a prosecution for a violation of this section that a person under the age of 21 acted, or was believed by the defendant to be acting, as an agent or representative of another. It shall be an affirmative defense that a defendant reasonably believed that an individual to whom tobacco products were given was 21 years of age or older, if at the time of such gift, the defendant was shown a driver's license from any United States jurisdiction, a passport from any jurisdiction, or a United States military identification card by the individual, which was not expired and valid, and indicated the individual to be over the age of 21.

(b) It is unlawful for any person to sell, or permit to be sold to an individual under the age of 21, any tobacco products. Unless based on actual knowledge or reasonable certainty that the person buying any tobacco products is at least 21 years old, no person or business establishment shall sell or permit his/her employee or agent to sell tobacco products to any person without first demanding that the person present an official government document of identification issued by the CNMI Government, Municipalities of the CNMI, the United States Government, United States states, United States territories, or by foreign governments which bears the persons full name, current photograph, sex, and date of birth indicating that the possessor is 21 years of age or older and that said presentation and verification occurs.

(c) It shall be unlawful for any minor to smoke, use, or possess tobacco products, nor shall a minor be allowed to handle tobacco products in retail establishments as part of his or her official duties.

(d) Any person who violates this section is guilty of a misdemeanor and upon conviction, shall be punished by a fine of not more than \$1,000 and/or up to one year in jail, or shall be required to perform no more than 250 hours of community service.

(e) For purposes of this section "tobacco products" shall mean any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product). The description of tobacco products are as follows: cigarettes; cigars; roll-your own⁸ tobacco; pipe tobacco; hookah tobacco; smokeless tobacco; nicotine gels; dissolvables; vaporizers and other electronic nicotine delivery systems (ENDS).

Source: MIDC §§ 10.04.040-10.04.080; repealed and reenacted by PL 11-75, § 2, modified; (e) amended by PL 19-32 § 5 (Feb. 11, 2016); (b) repealed and reenacted by PL 19-84 § 3 (Jan. 27, 2017), modified; amended subsections (a)

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and (b) by PL 21-40 § 3 (Jan. 21, 2021); amended subsection (e) by PL 21-40 § 5 (Jan. 21, 2021).

Commission Comment: PL 11-75 that repealed and reenacted this section took effect on March 26, 1999. PL 11-75 contained findings and purpose, effective date, severability, and savings clauses as follows:

Section 1. Findings and Purpose. The Legislature finds that current medical statistics indicate that the use of tobacco is on the rise among the minors of the Commonwealth. Current law already prohibits the use or possession of tobacco by minors and provides further for penalties associated with the violation of this law, however enforcement is lax to the point of the statute being of almost no practical effect. This situation cannot continue in the face of the enormous medical risk faced by young smokers. The legislature finds that it is the responsibility of parents, community, and government to make it clear to store owners, store clerks, and especially to minors that the provision of tobacco to minors, and the possession or use of tobacco or tobacco products by minors is unlawful and is not in the best interest of the CNMI youth population. The purpose of this legislation is to increase enforcement and penalties, to require establishments selling tobacco products to be licensed with the Department of Commerce, and provide further deterrent for the sale of tobacco to youths and use of tobacco by youths, all in an effort to effectuate a decrease of tobacco use and addiction by minors.

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Section 19. Effective Date. Persons, businesses and organizations in the CNMI shall have a 90-day grace period from the effective date of this Chapter to obtain the license mentioned herein for the sale of tobacco products.

Section 20. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

Section 21. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

In codifying PL 19-84, the Commission changed “reasonably certain” to “reasonable certainty” and struck an apostrophe after “United States” in (b) pursuant to 1 CMC 3806(g).