



RALPH DLG. TORRES
Governor

ARNOLD I. PALACIOS
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

21 JAN 2021

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

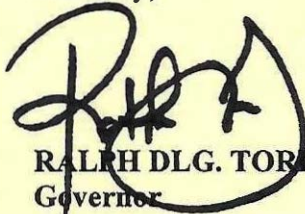
The Honorable Jude U. Hofschneider
Senate President, The Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 21-92, HD1, HS1, SD1** entitled, "To amend 4 CMC § 50144(b) to increase the penalties to businesses that gives, sells, or permits to be given or sold any tobacco product to an individual under the age of 21; and for other purposes.," which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 21-40**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Lt. Governor; Press Secretary; Secretary of Finance; Department of Commerce; Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500586
SAIPAN, MP 96950

December 30, 2020

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 21-92, HD1, HS1, SD1**, entitled: "To amend 4 CMC § 50144(b) to increase the penalties to businesses that gives, sells, or permits to be given or sold any tobacco product to an individual under the age of 21; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-First Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muna
House Clerk

Attachment



*Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

SECOND REGULAR SESSION

DECEMBER 10, 2019

REPRESENTATIVE JOEL C. CAMACHO of Saipan, Precinct 4 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 21-92, HD1, HS1, SD1

AN ACT

TO AMEND 4 CMC § 50144(B) TO INCREASE THE PENALTIES TO BUSINESSES THAT GIVES, SELLS, OR PERMITS TO BE GIVEN OR SOLD ANY TOBACCO PRODUCT TO AN INDIVIDUAL UNDER THE AGE OF 21; AND FOR OTHER PURPOSES.

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 21-57; adopted 5/21/2020.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MAY 21, 2020;**

with amendments in the form of H. B. No. 21-92, HD1, HS1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations which submitted Standing Committee Report 21-119; adopted 12/18/2020.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 18, 2020;
with amendments in the form of H. B. No. 21-92, HD1, HS1, SD1 and was returned to
THE HOUSE OF REPRESENTATIVES ON DECEMBER 22, 2020.

The House of Representatives accepted the Senate amendments and passed H. B. No. 21-92, HD1, HS1, SD1 during its 11th Day, Fourth Regular Session on December 29, 2020.

THE BILL WAS FINALLY PASSED ON DECEMBER 29, 2020.



Linda B. Muña, House Clerk



Twenty-First Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

ELEVENTH DAY, FOURTH REGULAR SESSION

DECEMBER 29, 2020

H. B. No. 21-92, HD1, HS1, SD1

AN ACT

TO AMEND 4 CMC § 50144(B) TO INCREASE THE PENALTIES TO BUSINESSES THAT GIVES, SELLS, OR PERMITS TO BE GIVEN OR SOLD ANY TOBACCO PRODUCT TO AN INDIVIDUAL UNDER THE AGE OF 21; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE TWENTY-FIRST NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **SECTION 1. FINDINGS.**

2 The Commonwealth Legislature finds that on December 20, 2019, President Donald J.
3 Trump signed into law US Public Law 116-94 which officially raised the federal minimum age
4 to buy tobacco products like cigarettes, electronic cigarettes, and vaping products that contain
5 nicotine from 18 to 21. Accordingly, US Public Law 116-94 comes at a time when public health
6 professionals are alarmed at the rise of e-cigarettes and vaping among teens. Cigarette use
7 among this group had been steadily falling for years, but that trend has reversed itself since the

HOUSE BILL 21-92, HD1, HS1, SD1

1 introduction of vaping products that contain nicotine. The Commonwealth Legislature fully
2 recognizes that CNMI laws must now conform to the new federal measure.

3 The Commonwealth Legislature also finds that current CNMI laws pertaining to
4 penalties and fines for illegal sales of tobacco to an individual under the age of 18 (a minor)
5 lack the necessary deterrence to completely prevent businesses from selling tobacco products
6 to a minor. The Commonwealth Legislature finds that currently, businesses who violate 4 CMC
7 § 50144 are given a warning letter for their first offense. However, the Commonwealth
8 Legislature recognizes that these current penalties associated with businesses selling tobacco
9 products to a minor are too lenient and does not provide the needed deterrence to protect the
10 interests of our minors in the CNMI.

11 The Commonwealth Legislature further finds that in order to protect the interests of our
12 minors in the CNMI, it is necessary to amend the penalty provisions associated with the illegal
13 sales of tobacco to minors. Therefore, the purpose of this Act is to amend 4 CMC § 50144(b)
14 to increase the penalties to businesses that gives, sells, or permits to be given or sold any
15 tobacco product to an individual under the age of 21 and to amend 6 CMC § 3110 to conform
16 with US Public Law 116-94.

17 **SECTION 2. AMENDMENT.**

18 4 CMC § 50144(b) is hereby amended to read as follows:

19 “(b) *Penalties and Fines for Illegal Sales of Tobacco.* Any business
20 establishment that gives, sells, or permits to be given or sold any tobacco product to an
21 individual under the age of 21 shall, upon issuance of a notice of violation to the owner,
22 agent, or employee in charge of the business by any representative of a Department

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1 authorized to enforce this chapter who has properly identified him or herself, be fined
2 and penalized in the following manner:

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

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

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

10 **SECTION 3. AMENDMENT.**

11 6 CMC § 3110(a) and (b) is hereby amended to read as follows:

12 **“§ 3110. Use or Possession of Tobacco by Persons Under the Age of Twenty-**
13 **One (21).**

14 (a) It is unlawful for any person to give, or permit to be given, or in any way
15 furnish to an individual under the age of 21, any tobacco product. It shall not be a
16 defense to a prosecution for a violation of this section that a person under the age of
17 21 acted, or was believed by the defendant to be acting, as an agent or representative of
18 another. It shall be an affirmative defense that a defendant reasonably believed that an
19 individual to whom tobacco products were given was 21 years of age or older, if at the
20 time of such gift, the defendant was shown a driver’s license from any United States
21 jurisdiction, a passport from any jurisdiction, or a United States military identification

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1 card by the individual, which was not expired and valid, and indicated the individual to
2 be over the age of 21.

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

13 **SECTION 4. AMENDMENT.**

14 4 CMC § 50131 (a) is hereby amended to read as follows:

15 “(a) ‘Tobacco Products’ Defined. For purposes of this chapter ‘tobacco
16 products’ shall mean any product made or derived from tobacco that is intended for
17 human consumption, including any component, part, or accessory of a tobacco product
18 (except for raw materials other than tobacco used in manufacturing a component, part,
19 or accessory of a tobacco product). The description of tobacco products are as follows:
20 cigarettes; cigars; roll-your own-tobacco; pipe tobacco; hookah tobacco; smokeless
21 tobacco; nicotine gels; dissolvables; vaporizers and other electronic nicotine delivery
22 systems (ENDS).”

HOUSE BILL 21-92, HD1, HS1, SD1**SECTION 5. AMENDMENT.**

6 CMC § 3110 (e) is hereby amended to read as follows:

“(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 own-tobacco; pipe tobacco; hookah tobacco; smokeless tobacco; nicotine gels; dissolvables; vaporizers and other electronic nicotine delivery systems (ENDS).”

SECTION 6. SEVERABILITY.

If any provisions of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

SECTION 7. 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 the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

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SECTION 8. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER BLAS JONATHAN "BJ" T. ATTAO
House of Representatives
21st Northern Marianas Commonwealth Legislature

Approved this 21st day of January, 2021

RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands