

Arnold I. Palacios
Governor



David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

October 02, 2024

GOV2025-001

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

The Honorable Edith E. Deleon Guerrero
President of the Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Madame President:

This is to inform you that I have signed into law **House Bill No. 23-50**, entitled, "To remove marijuana from all pre-employment drug testing for government applicants with certain exceptions; and for other purposes.," which was passed by the House of Representatives and the Senate of the Twenty-Third Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 23-27**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in blue ink, appearing to read "Arnold I. Palacios".

ARNOLD I. PALACIOS
Governor

cc: Lieutenant Governor; Attorney General; Commonwealth Law Revision;
Public Auditor; Office of Personnel Management;
Special Assistant for Administration; Programs and Legislative Review Office



HOUSE OF REPRESENTATIVES

P.O. BOX 500586
SAIPAN, MP 96950
cnmileg.net

August 27, 2024

The Honorable Arnold I. Palacios
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

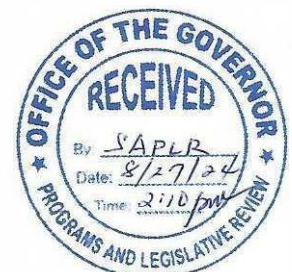
Dear Governor Palacios:

I have the honor of transmitting herewith for your action **H. B. No. 23-50**, entitled: "To remove marijuana from all pre-employment drug testing for government applicants with certain exceptions; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Third Northern Mariana Commonwealth Legislature.

Sincerely yours,


Linda B. Muñoz
House Clerk

Attachment





**TWENTY-THIRD NORTHERN MARIANA COMMONWEALTH LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES**

SECOND SPECIAL SESSION

MAY 10, 2023

REPRESENTATIVE DIEGO V.F. CAMACHO OF SAIPAN PRECINCT 1 (*for himself*, Representatives Joel C. Camacho, Marissa R. Flores, Thomas J. DiC. Manglona, Edwin K. Propst, and John Paul P. Sablan) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 23-50

AN ACT

**TO REMOVE MARIJUANA FROM ALL PRE-EMPLOYMENT
DRUG TESTING FOR GOVERNMENT APPLICANTS WITH
CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES.**

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 23-33, adopted 7/28/2023.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JULY 28, 2023;**

without amendments and transmitted to **THE SENATE.**


IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 23-97, adopted 8/21/2024.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 21, 2024;

without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 23-50 IS DULY PASSED BY THE TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE.**



Linda B. Muña, House Clerk



TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, FIFTH SPECIAL SESSION
JULY 28, 2023

H. B. No. 23-50

AN ACT

TO REMOVE MARIJUANA FROM ALL PRE-EMPLOYMENT DRUG TESTING FOR GOVERNMENT APPLICANTS WITH CERTAIN EXCEPTIONS; AND FOR OTHER PURPOSES.

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

1 **SECTION 1. FINDINGS AND PURPOSES.**

2 The enactment of Public Law 20-66, the “Taulamwaar Sensible CNMI
3 Cannabis Act of 2018”, authorized personal, medicinal, and commercial use of
4 cannabis or marijuana in the CNMI provided that such activity occurs pursuant
5 the provisions set forth in the Act. However, Public Law 20-66 did not change or
6 amend the drug testing polices of the CNMI government, which still includes
7 testing for marijuana as a condition of employment. For example, see Title 120
8 (Office of Personnel Management) NMIAC § 12-10-320(f)(1) (Pre-employment
9 Testing) (“At the time of application, persons applying for any position within the
10 excepted service will be notified that any offer of employment is contingent upon a

HOUSE BILL 23-50

1 negative urine test. After receiving an offer of employment, the candidate shall be
2 tested for the presence of cocaine, marijuana, opiates, amphetamines, and
3 phencyclidine in the urine.”).

4 The Legislature intended to regulate the use of marijuana similar to the use
5 of alcohol. This approach should include the use of alcohol and marijuana at the
6 workplace. Government employers do not prohibit employees or applicants from
7 engaging in off-duty legalized alcohol use. Such employers should do the same with
8 marijuana use.

9 All CNMI employers have adopted an Alcohol and Drug Free Workplace
10 Policy that prohibits the use or possession of alcohol or illegal drugs as well as
11 prohibits employees from being under the influence of alcohol and drugs at the
12 workplace. These policies provide for alcohol and drug testing during employment
13 in response to certain work-related behavior. However, alcohol is not included in
14 the pre-employment drug testing for prospective employees or applicants.

15 Marijuana, which is no longer an illegal drug under CNMI law, should not
16 be included in the pre-employment testing for prospective employees, except for
17 certain employees including enforcement officers, firefighters, first responders,
18 employees in safety sensitive positions, and federally funded employees. However,
19 employees should still be subject to reasonable suspicion testing and post-accident
20 testing to comply with the policy that employees shall not be under the influence
21 of alcohol or drugs when at work. Moreover, employers have an obligation to
22 provide a safe work environment and to protect all its employees from other
23 employees who are under the influence of alcohol or drugs when at work.

24 The Legislature finds that other jurisdictions that have enacted legalized
25 marijuana in their state or territory have also enacted laws prohibiting pre-

HOUSE BILL 23-50

1 employment testing for marijuana. These US states and municipalities include
2 Maine, Nevada, City of Rochester (NY), City of Richmond (VA), New York City,
3 and Washington, DC. There are several other state legislatures reviewing similar
4 legislation to limit or prohibit pre-employment testing for marijuana. Accordingly,
5 the purpose of this legislation is to remove marijuana from pre-employment drug
6 testing of prospective employees or applicants by all government employers with
7 certain exceptions.

8 **SECTION 2. AMENDMENT.**

9 Title 1, Division 8, Part 5. Drug Testing of the Commonwealth Code is
10 hereby amended by adding a new section 8603 to read as follows:

11 **“§ 8603. Exclusion of Drug Testing for Marijuana.**

12 (a) Pre-employment Testing. Except as otherwise provided in
13 subsection (b), pre-employment testing of persons applying for any position
14 within the government of the Commonwealth of the Northern Mariana
15 Islands (CNMI) shall not include testing for the presence of marijuana, as
16 defined in 4 CMC § 53005(u).

17 (b) Exceptions. The provisions of subsection (a) shall not apply to pre-
18 employment testing for the presence of marijuana in applicants for
19 government jobs in safety sensitive positions, meaning jobs that involve
20 activities which directly affect the safety of one or more persons, including
21 the operation of motor vehicles, heavy machinery, emergency services or the
22 carrying of firearms. Each department, entity or organization head, in
23 conjunction with the Director of Personnel Management, shall identify in
24 writing all positions that shall be considered safety-sensitive positions.

HOUSE BILL 23-50

1 (c) Federal laws. This section does not preempt any federal laws
2 requiring an applicant to be tested for controlled substances, including
3 federal laws governing CNMI employees subject to federal funding, federal
4 benefits or a federal contract.

5 (d) Applicability. This section does not apply to any laws or policies
6 mandating any other type of testing, including random testing, suspicion
7 testing and post-accident testing.

8 (e) Updating regulations and policies. All government agencies shall
9 amend their regulations and policies to comply with this section before the
10 effective date of this law.”

11 **SECTION 3. SEVERABILITY.**

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

17 **SECTION 4. SAVINGS CLAUSE.**

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

HOUSE BILL 23-50

1 **SECTION 5. EFFECTIVE DATE.**

2 This Act shall take effect 180 days after approval by the Governor or
3 becoming law without such approval.

Attested to by:




Linda B. Muña, House Clerk

Certified by:



SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
23rd Northern Marianas Commonwealth Legislature

Approved this 2nd day of October, 2024



ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands