



TWENTY-THIRD LEGISLATURE  
COMMONWEALTH OF THE NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE

**HOUSE OF REPRESENTATIVES**  
**COMMITTEE ON JUDICIARY AND GOVERNMENTAL**  
**OPERATIONS**

P.O. BOX 500586 SAIPAN, MP 96950

**MARISSA R. FLORES**  
CHAIRWOMAN

*Adopted - 7/28/2023*  
STANDING COMMITTEE REPORT NO. 27-33  
DATE: JULY 24, 2023  
RE: H.B. 23-50

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

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which was referred:

H. B. No. 23-50:

“To remove marijuana from all pre-employment drug testing for government applicants with certain exception; and for other purposes.”

begs leave to report as follows:

**I. RECOMMENDATION:**

After considerable discussion, your Committee recommends that H. B. NO. 23-50 be passed by the House in its current form.

HOUSE CLERK'S OFFICE

RECEIVED BY *[Signature]*  
DATE 7/24/2023 TIME 11:18a

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## II. ANALYSIS:

### A. Purpose:

The purpose of House Bill No. 23-50 is to remove marijuana from all pre-employment drug testing for government applicants with certain exception and for other purposes.

### B. Committee Findings:

Your Committee finds that the “Taulamwaar Sensible CNMI Cannabis Act of 2018” (CNMI Public Law 20-66) authorized the personal, medicinal and commercial use of cannabis/marijuana. Despite the numerous provisions enacted, the specified public law did not remove marijuana from pre-employment drug testing. Cognizant of such circumstance and in line with the legalization of certain marijuana usage, your Committee finds that it would be highly appropriate to remove marijuana from pre-employment drug testing. Your Committee finds that it would be highly appropriate to regulate marijuana in the same manner as alcohol. When an employee is off-duty, they have the freedom to consume alcohol after working hours. Your Committee finds that it would be highly appropriate to afford our applicants and employees with the same freedom in allowing them use marijuana at appropriate times where their working abilities are not altered, especially after working hours.

Your Committee also finds certain cities and states, such as New York City, Philadelphia, Nevada, Michigan and so forth, have removed marijuana from pre-employment drug testing or have enacted laws that prevent employers from taking adverse action based on a positive pre-employment marijuana test result.<sup>12</sup> Your Committee finds that it would be of great benefit to allow for the Commonwealth Government to abide by similar provisions. Cognizant that marijuana usage remains illegal under federal law, your Committee highly respects that the proposed legislation does not include employees whose salary are federally funded. Furthermore, your Committee also finds that certain employees, such as enforcement officers, firefighters, first responders, employees in safety sensitive position and federally funded employees are not included in the pre-employment drug testing exemption for Marijuana. These respective employees serve in critical positions that requires them to remain mentally focused and prepared for issues they are trained to address.

Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-50 and recommends its passage in its current form.

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<sup>1</sup> <https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/marijuana-laws-and-the-2022-workplace.aspx>

<sup>2</sup> <https://www.fox2detroit.com/news/michigan-removing-marijuana-from-many-pre-employment-drug-tests-in-fall>



C. Public Comments/Public Hearing:

The Committee received comments from the following:

- Raymond M. Muna, Chairperson, Civil Service Commission (Written)

The Chairperson supports the proposed legislation.

In addition, the Committee sought comments from the following agencies:

- The Office of the Attorney General;
- The Department of Labor;
- Substance Abuse, Addiction and Rehabilitation (SAAR) Program; and
- Commonwealth Cannabis Commission.

To date, no comments were received from such agencies.

D. Legislative History:

House Bill No. 23-50 was introduced by Representative Diego V.F. Camacho on May 10, 2023 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

Another similar legislation, namely Senate Bill 22-01, was introduced on January 12, 2021 and was referred to the Senate Standing Committee on Judiciary, Government, Law and Federal Relations. In a meeting held on June 08, 2021, the specified Senate Standing Committee passed the proposed legislation in the form of Senate Bill No. 22-01, Senate Draft 1 as stated in Senate Standing Committee Report 22-23. On July 08, 2021, the Senate adopted Senate Standing Committee Report 22-23 and subsequently adopted Senate Bill No. 22-01, SD1. On July 09, 2021, the Senate transmitted the specified proposed legislation in the form of House Senate Communication 22-26. Soon after, Senate Bill No. 22-01, SD1 was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition. However, no further action was taken.

Another similar legislation, namely Senate Bill 21-74, was introduced on November 05, 2020 and was referred to the Senate Standing Committee on Judiciary, Government, Law and Federal Relations. However, no further action was taken.

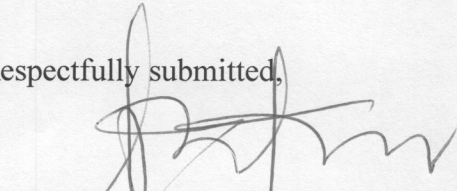
E. Cost Benefit:


The enactment of House Bill No. 23-50 will not result in additional costs to the CNMI government for pre-employment drug testing is paid for by the prospective applicant.

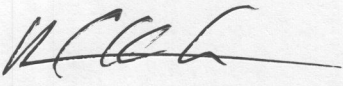
**III. CONCLUSION:**

The Committee is in accord with the intent and purpose of H. B. NO. 23-50, and recommends its passage in its current form.


Respectfully submitted,


  
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Rep. Marissa R. Flores, Chairwoman


  
\_\_\_\_\_  
Rep. Vincent R.S. Aldan, Member

  
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Rep. Vicente C. Camacho, Member

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Rep. Malcolm J. Omar, Member

  
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Rep. John Paul P. Sablan, Member

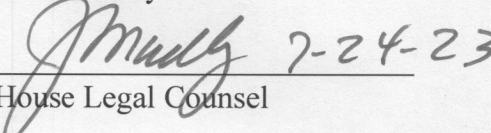
  
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Rep. Joel C. Camacho, Vice Chair

  
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Rep. Blas Jonathan "BJ" T. Attao, Member

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Rep. Manny G.T. Castro, Member

\_\_\_\_\_  
Rep. Edwin K. Propst, Member

Reviewed by:

  
\_\_\_\_\_  
House Legal Counsel

Attachment:

- Letter dated May <sup>26</sup>30, 2023 from the Chairperson of the Civil Service Commission.





RAYMOND M. MUÑA  
Chairperson, CSC

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**CIVIL SERVICE COMMISSION**  
**OFFICE OF PERSONNEL MANAGEMENT**

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FRANCES TORRES-SALAS  
Director of Personnel

May 26, 2023

OUT-2023-028

Marissa Flores  
Chairwoman  
Judiciary & Governmental Operations  
23rd Commonwealth Legislature  
Hon. Jesus P. Mafnas Memorial Bldg  
P.O. Box 500586  
Saipan, MP 96950  
[rep.floresm@cnmileg.net](mailto:rep.floresm@cnmileg.net)

**Re: Request for Comments on HB 23-50**

Dear Honorable Members of the Judiciary and Governmental Operations Committee,

On behalf of the Civil Service Commission ("Commission"), I would like to express my gratitude for the opportunity to provide our comments on House Bill 23-050, as indicated below:

*To remove marijuana from all pre-employment drug testing for government applicants with certain exceptions; and for other purposes.*

The Commission fully supports the objectives outlined in this bill and is actively engaged in amending our existing regulations to align with its provisions. The proposed amendments will eliminate the requirement for pre-employment marijuana testing for government applicants, with the exception of certain individuals, such as enforcement officers, firefighters, first responders, employees in safety sensitive positions, and federally funded employees.

However, in accordance with PL 17-80, §8116, the Commission is committed to conducting a thorough review of the Personnel Service System Rules and Regulations, particularly with regard to **§10-20.2-424 Testing Occasions**. The proposed regulatory amendments will ensure that our principles are upheld while relieving government applicants from mandatory marijuana testing, except for those in positions that are explicitly identified in the bill.

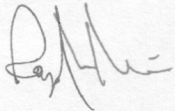
The Commission highly values the legislator's concerns and extends an invitation to the esteemed members of the legislature for constructive dialogue regarding any present or future

issues affecting civil service employees and excepted service employees. We firmly believe that open and healthy discussions are crucial for effectively addressing the evolving needs of our workforce.

Furthermore, I would like to emphasize that the Commission remains committed to fostering a safe and productive work environment that is free from alcohol and drug-related issues. While we support the removal of marijuana testing for most government applicants, we recognize the importance of maintaining a workplace that promotes good health and responsible behavior. Our existing policies and programs will continue to prioritize the well-being of our employees, including initiatives aimed at preventing substance abuse.

Thank you once again for considering our perspective on House Bill 23-050. We appreciate your dedication to ensuring the welfare of civil service employees and look forward to engaging in meaningful discussions as we work together to shape the future of our workforce.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray M. Muña". The signature is fluid and cursive, with the first name "Ray" and last name "Muña" clearly distinguishable.

Raymond M. Muña  
Chairperson, Civil Service Commission



**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

\_\_\_\_\_  
Session, 2023

\_\_\_\_\_  
H. B. 23- **50**

**A BILL FOR 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 23<sup>RD</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

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

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

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

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



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

10           **Section 2. Amendment.** Title 1, Division 8, Part 5. Drug Testing, is hereby  
11 amended by inserting a new section 8603 to read as follows:

12           “**§ 8603. Exclusion of Drug Testing for Marijuana.**

13           (a) Pre-employment Testing. Except as otherwise provided in subsection  
14 (b), pre-employment testing of persons applying for any position within the  
15 government of the Commonwealth of the Northern Mariana Islands (CNMI) shall  
16 not include testing for the presence of marijuana, as 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 government jobs  
19 in safety sensitive positions, meaning jobs that involve activities which directly  
20 affect the safety of one or more persons, including the operation of motor vehicles,  
21 heavy machinery, emergency services or the carrying of firearms. Each department,

1 entity or organization head, in conjunction with the Director of Personnel  
2 Management, shall identify in writing all positions that shall be considered safety-  
3 sensitive positions.

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

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

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

13 **Section 3. Severability.** If any provisions of this Act or the application of  
14 any such provision to any person or circumstance should be held invalid by a court  
15 of competent jurisdiction, the remainder of this Act or the application of its  
16 provisions to persons or circumstances other than those to which it is held invalid  
17 shall not be affected thereby.

18 **Section 4. Savings Clause.** This Act and any repealer contained herein  
19 shall not be construed as affecting any existing right acquired under contract or  
20 acquired under statutes repealed or under any rule, regulation, or order adopted  
21 under the statutes. Repealers contained in this Act shall not affect any proceeding



1 instituted under or pursuant to prior law. The enactment of the Act shall not have  
 2 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
 3 which shall already be in existence on the date this Act becomes effective.

4 **Section 5. Effective Date.** This Act shall take effect 180 days after its  
 5 approval by the Governor or becoming law without such approval.

Prefiled: 5/5/2023

Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_

Rep. Diego V. F. Camacho

Reviewed for Legal Sufficiency by:

House Legal Counsel

J. M. [Signature] 5-3-23

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