



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500129
SAIPAN, MP 96950

STANDING COMMITTEE REPORT NO. 23-121
Date: November 7, 2024
RE: Senate Bill No. 23-54

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

Dear Madam President:

Your Committee on Health, Education and Welfare, to which was referred Senate Bill No. 23-54, entitled:

“To regulate afok or bweesch (lime) under the Pure Food and Drug Control Act; and for other purposes.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion and deliberation, your Committee recommends passage of Senate Bill No. 23-54 in its current form.

II. ANALYSIS:

A) Purpose:

The purpose of Senate Bill No. 23-54 is to safeguard the health and wellbeing of the Commonwealth community by regulating afok or bweesch (lime) under the Pure Food and Drug Control Act.

B) Committee Findings:

Your Committee finds that as a cultural practice in the Commonwealth, the use of afok or bweesch (lime) is prevalent throughout the community. Over the course of time, the ingredients used in lime have changed rendering it prone to more dangerous adulterated or manipulated ingredients by actors seeking financial gain and contrary to the intent of the proposed legislation. Your Committee further finds that in the past, lime was created using coral obtained from the reefs of the CNMI coastal waters. However, the regulation and protection of all coastal resources including coral, was established through the enactment of Public Law No. 3-47. As a result, the harvesting of corals to manufacture and produce afok or bweesch for consumption, both for personal and commercial use, was eventually restricted and regulated.

Your Committee further finds that there has been an alarming increased rate of oral cancer diagnoses in the Commonwealth and that afok or bweesch has not been determined to have a direct link to oral cancer or any other deadly disease at this time, but it is an active ingredient in the betelnut chew mixture consumed by those diagnosed with oral cancer in the CNMI. Health Clinics throughout our region continue to research and investigate the effects of afok or bweesch on humans.

Your Committee met on November 7, 2024 to discuss the provisions of the proposed legislation. Present during the Committee Meeting was Mr. John Tagabuel, EHDP Administrator, Public Health Services, Commonwealth Healthcare Corporation. During deliberation, your Committee discussed that betelnut is overseen by the Department of Finance and the lime if overseen by the Department of Lands and Natural Resources. There have been collaborative discussions between CHCC and these agencies and there is an understanding that there are still details that need to be ironed out. The Committee also deliberated on various issues raised by the Commonwealth community in regards to the use and contents of afok or bweesch and agreed that afok or bweesch should be regulated to protect the community against the use of harmful ingredients. With this, no member objected to the passage of Senate Bill No. 23-54 in its original form.

C) Legislative History:

Senate Bill No. 23-54 was formally introduced by Senator Corina L. Magofna on December 11, 2023 and was subsequently referred to the Senate Standing Committee on Health, Education and Welfare for disposition.

D) Public Hearing and Comment:

1. Public Hearing. No public hearing was scheduled for Senate Bill No. 23-54. However, a committee meeting, which is open to the public, was held to receive written and oral

testimonies on any proposed legislation appearing on the agenda. See below for further details.

2. Committee Meeting. The proposed legislation made its first appearance during the scheduled committee meeting on November 7, 2024 in which your Committee deliberated on the provisions stated in the proposed legislation and the comments provided to the Committee for review.

The respective Committee Meeting notices and agendas were officially posted on various legislative forums and social media sites in accordance with the Open Government Act to invite members of the general public to provide comments as indicated under Item No. III. Public Comment of the Committee Agenda.

3. Written Comment. Your Committee requested for comments with a deadline to respond by September 6, 2024. To date, the status of comments received from the following government agencies are as follows:

1. John Tagabuel, EHDP Administrator, Public Health Services, Commonwealth Healthcare Corporation, *letter received on November 7, 2024*

E) Estimated Fiscal Cost:

The enactment of Senate Bill No. 23-54 will result in additional costs to the CNMI government for the purpose of funding the implementation and enforcement of the provisions within the proposed legislation. However, the enhancement and security of the Commonwealth healthcare outweighs any fiscal cost.

F) Summary of Committee Amendments:

Your Committee made no amendments to the proposed legislation.

III. CONCLUSION:

Your Committee agrees with the intent and purpose of the proposed legislation and recommends passage in the form of Senate Bill No. 23-54 in its original form.

Respectfully submitted,

Senator Donald M. Manglona
Chairperson

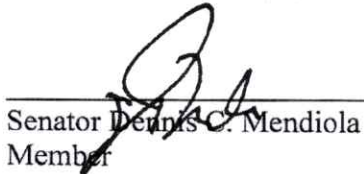


Senator Corina L. Magofna
Vice Chairperson



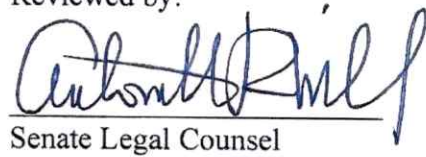
Senator Celina R. Babauta
Member

Senator Francisco Q. Cruz
Member



Senator Dennis C. Mendiola
Member

Reviewed by:



Senate Legal Counsel

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Second Regular SESSION, 2023

S. B. No. 23- 54

A BILL FOR AN ACT

To regulate afok or bweesch (lime) under the Pure Food and Drug Control Act; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the ingredients
2 used in afok or bweesch (lime) for chewing betelnut have changed over time. Thus, afok
3 or bweesch is more prone to dangerous adulterated or manipulated ingredients by actors
4 in search of financial gain and contrary to the intent of this Act. In the past, afok or
5 bweesch was made from coral obtained from the reefs in the CNMI coastal waters.
6 However, the enactment of Public Law 3-47 established the regulation and protection of
7 all coastal resources including corals. The Division of Coastal Resources Management
8 manages the ecologically significant resource areas for their contribution to marine
9 productivity and value as wildlife habitats, and preserves the functions and integrity of
10 reefs as it relates to the CNMI's sustainable and conservation efforts, among other things.
11 As a result, the harvesting of corals to manufacture and produce afok or bweesch for
12 consumption, both for personal and commercial use, was eventually restricted and
13 regulated.

14 The Legislature further recognizes that the prevalence of oral cancer in the CNMI
15 communities has alarmingly and significantly increased in the last few years. Although
16 afok or bweesch has not yet been determined to have a direct link to oral cancer or other
17 deadly diseases at this time, afok or bweesch is an active ingredient in the betelnut chew
18 mixture consumed by those diagnosed with oral cancer in the CNMI. Health Clinics
19 throughout our region continue to research and investigate the effects of afok or bweesch
20 on humans.

1 The Legislature finds that it is necessary to protect the people until concrete
2 studies are conducted pertaining to afok or bweesch and its link to oral cancer. Therefore,
3 the purpose of this legislation is twofold: to continue to safeguard our natural resources
4 and to protect consumers by establishing specific guidelines on the manufacturing,
5 distribution and sale of afok or bweesch under the Pure Food and Drug Control Act.

6 **Section 2. Amendment.** 3 CMC § 2701 is hereby amended by adding new
7 paragraphs (a) and (b) to read as follows and renumbering the subsequent paragraphs:

8 **"§ 2701. Definitions.**

9 (a) The term "afok" is the Chamorro term for lime, a substance created from
10 burning limestone in a rock form that transforms into powder form and can be mixed
11 with a liquid to form slake lime mainly sold and used for the purpose of chewing
12 betelnut.

13 (b) The term "bweesch" is the Carolinian term synonymous with the Chamorro
14 term afok.

15 (c) The term "adulterated" for the purposes of this chapter shall have the
16 following meanings:

17 (1) If a food, afok or bweesch, bears or contains any poisonous or
18 deleterious substance which may render it injurious to health; unless the substance
19 is not an added substance, but rather a naturally occurring substance the quantity
20 of which does not ordinarily render it injurious to health; or

21 (2) If a food, afok or bweesch, drug, cosmetic, or device consists in whole
22 or in part of any filthy, putrid, or decomposed substance, or in the case of food if
23 it is otherwise unfit for food; or

24 (3) If a food, afok or bweesch, drug, cosmetic, or device has been
25 prepared, packed, or held under unsanitary conditions whereby it may have
26 become contaminated with filth, or whereby it may have been rendered injurious
27 to health; or

(4) If a food is in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter at a facility licensed by the CNML."

Section 3. Amendment. 3 CMC § 2703 is hereby amended to read as follows:

"§ 2703. Prohibited label or advertisement where promotion for sale is made.

(a) No person shall sell any food, afok or bweesch, drug, cosmetic or device:

(1) That is not represented by label; or

(i) Afok or bweesch for sale shall have on its label the name of the manufacturing company, distributor, place of manufacture, ingredients and a warning label which states: "This product may be linked to oral cancer".

(ii) Imported afok or bweesch products shall have the same label information requirements set forth in subparagraph (i).

(iii) The afok or bweesch container shall be properly packaged and sealed with an unbroken seal cover.

(2) That the person does not advertise the product to the general public as a treatment, preventative, or cure for any of the diseases, disorders, or abnormal physical states listed in Schedule A.

(3) That the person does not advertise the product to the general public as a treatment, preventative, or cure for any of the diseases, disorders, or abnormal physical states in a language other than English, Chamorro or Carolinian unless accompanied by an accurate and full English translation."

Section 4. Amendment. 3 CMC § 2711 is hereby amended to read as follows:

"§ 2711. Prohibited sales of food.

(a) No person shall sell an article of food, afok or bweesch, for human consumption that:

(1) Has in or on it any poisonous or harmful substance;

(2) Is unfit for human consumption;

(3) Consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;

- 1 (4) Is adulterated; or
2 (5) Was manufactured, prepared, preserved, packaged, distributed, or
3 stored under unsanitary conditions.
4 (6) Contains wholly or in part the flesh of cats or dogs.”

5 **Section 5. Amendment.** 3 CMC § 2712 is hereby amended to read as follows:

6 **“§ 2712. Deception regarding food.**

7 No person shall label, package, treat, process, distribute, sell, or advertise any
8 food, afok or bweesch, in a manner that is false, misleading, or deceptive or is likely to
9 create an extraneous impression regarding its character, value, quantity, composition,
10 merit or safety.”

11 **Section 6. Amendment.** 3 CMC § 2713 is hereby amended to read as follows:

12 **“§ 2713. Food labeled or packaged in contravention of regulations.**

13 An article of food, afok or bweesch, that is not labeled or packaged as required
14 by, or is labeled or packaged contrary to, the regulations or as provided in this Act shall
15 be deemed to be labeled or packaged contrary to subsection (1) or section 2703(a)(1)(i) or
16 (ii).”

17 **Section 7. Amendment.** 3 CMC § 2714 is hereby amended to read as follows:

18 **“§ 2714. Importation of food.**

19 (a) Where a standard for food, afok or bweesch, has been prescribed, no person
20 shall:

- 21 (1) Import into the Commonwealth, or
22 (2) Send, convey or receives for conveyance within the Commonwealth, or
23 (3) Have in possession for the purpose of sending or conveying within the
24 Commonwealth, any article that is intended for sale and that is likely to be
25 mistaken for the food for which the regulations prescribe a standard unless that
26 article complies with the prescribed standard.

27 (b) Not applicable to carriers.

28 Subsections (a)(2) and (a)(3) of this section do not apply to an operator of a
29 conveyance that is used to carry an article or to a carrier of an article whose sole concern,

1 in respect of the article, is the conveyance of the article unless the operator or carrier
2 could, with reasonable diligence, have ascertained that the conveying or receiving for the
3 conveyance of the article or the possession of the article for the purpose of conveyance
4 would be in contravention of subsection (a) of this section."

5 **Section 8. Amendment.** 3 CMC § 2717 is hereby amended to read as follows:

6 **"§ 2717. Unsanitary manufacture of food.**

7 No person shall manufacture, prepare, preserve, package or store for sale any
8 food, afok or bweesch, under unsanitary conditions and must have a Food Handler
9 Certification and a Sanitary Permit as required by the Bureau of Environmental Health."

10 **Section 9. Amendment.** 3 CMC § 2775 is hereby amended to read as follows:

11 **"§ 2775. Definition of "Article to which this Act or the Regulations apply".**

12 (a) In 3 CMC Section 2771(c), "article to which this Act or the regulations apply"
13 includes:

14 (1) Any food, afok or bweesch, drug, cosmetic, or device;

15 (2) Anything used for the manufacture, preparation, preservation,
16 packaging, or storing thereof; and

17 (3) Any labeling or advertising material."

18 **Section 10. Amendment.** 3 CMC § 2798 is hereby amended to read as follows:

19 **"§ 2798. Where the Accused had Adulterating Substances.**

20 Where a person is prosecuted under this article for having manufactured an
21 adulterated food, afok or bweesch, or drug for sale, and it is established that the person
22 had in his or her possession or on his or her premises any substance the addition of which
23 to that food, afok or bweesch, or drug has been declared by regulation to cause the
24 adulteration of the food, afok or bweesch, or drug, the onus of proving that the food, afok
25 or bweesch, or drug was not adulterated by the addition of that substance lies on the
26 accused."

27 **Section 11. Amendment.** Title 3, Division 2, Chapter 7, Article 5 of the
28 Commonwealth Code is hereby amended by adding a new Section 2799 to read as
29 follows:

1 **§ 2799. Penalties.**

2 (a) Any person who violates the provisions of this chapter shall be guilty of a
3 misdemeanor and shall, upon a first conviction, fined not more than \$500 and be
4 imprisoned for not more than 90 days.

5 (b) Upon a second or subsequent conviction for a violation of this chapter, a
6 person shall be fined not more than \$2000, imprisoned for not more than one year, and
7 his or her business license will be revoked for a period of one year.

8 **Section 12. Severability.** If any provisions of this Act or the application of any
9 such provision to any person or circumstance should be held invalid by a court of
10 competent jurisdiction, the remainder of this Act or the application of its provisions to
11 persons or circumstances other than those to which it is held invalid shall not be affected
12 thereby.

13 **Section 13. Savings Clause.** This Act and any repealer contained herein shall
14 not be construed as affecting any existing right acquired under contract or acquired under
15 statutes repealed or under any rule, regulation, or order adopted under the statutes.
16 Repealers contained in this Act shall not affect any proceeding instituted under or
17 pursuant to prior law. The enactment of the Act shall not have the effect of terminating,
18 or in any way modifying, any liability, civil or criminal, which shall already be in
19 existence on the date this Act becomes effective.

20 **Section 14. Effective Date.** This Act shall take effect upon its approval by the
21 Governor, or its becoming law without such approval.

Date: 12/11/2023

Introduced By: CMagofna
Senator Corina Magofna

Reviewed for Legal Sufficiency by:

Anthony R. Melf
Senate Legal Counsel



Commonwealth Healthcare Corporation

Commonwealth of the Northern Mariana Islands
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Environmental Health & Disease Prevention

November 7, 2024

Senator Donald Manglona
Chair, Health, Education and Welfare Committee
23rd Northern Marianas Commonwealth Legislature
Capitol Hill, Saipan

Dear Senator Manglona and Committee Members,

I submit this in response to Senate Bill 23-54 forward to CHCC attention on October 30, 2024. This report is collated on behalf of the Non Communicable Diseases program, Rota Health Center Director Office and Environmental Health Disease Prevention (EHDP) Saipan.

To be clear, EHDP office does not inspect nor issue sanitary permit to known Afuk operators in CNMI. Reported rumor (without physician validation) for mouth burnt have been entertained at retail outlets and former Afuk processors on Saipan however, inspectors did not find evidences of adulteration (by add cement) substance at the processing site.

SB 23-54 proposes to amend Public Law 11-40, article 2, "regulation on food" to add/include locally used substance mixed with pepper & betelnut, known locally as Afuk, Bweesh or Lime under food subsection. In line with EHDP two public laws and promulgated regulations, all EHDP services are itemized on promulgated schedule fee under "Pure Food, Drug & Cosmetic Device Act 1998.

Inclusive of the itemized EHDP services fees, sanitary permit (pre-inspection, regular, and annual inspection fee), sanitary permit violation fees, food handler food safety training fee, vessel clearance, etc.

Promulgated within PL11-40, Article 2, section 203, food labeling is required and is adhered to by vendor or distributor before food/drink sanitary permit is granted for normal operation.

Current findings:

1. Data from 2023 CNMI NCD Hybrid Survey reports that 93.1% of chewers add tobacco and other ingredients to their chew.
2. Oral cancer is one of the top 5 diagnosed cancers in CNMI
3. Aluk/Bweesh/Lime is by substance (powder like byproduct) of coral mined from shores in CNMI, Yap and Palau
4. There currently 4 processors dispensing Afuk in retail outlets, Rota, Yap and Palau

5. The CHCC team has interviewed Afuk production owner of basic of processing lime, however, at this stage, the processes convey are sketchy at best to meet minimum sanitary standards.

Recommendations:

1. In light of increase prevalence of mouth disease (cancer) in CNMI, intervention of sustainable policy would help curb, minimize and or to discourage potential future users.
2. The source of processed Afuk/Bweesh is known, coral, however, the deposition of source when harvested is unclear at this stage with EHDP.
3. EHDP has very limited (or lacks) science-based justification on purity of processed Afuk at this stage, and thus, would reserve professional recommendation until empirical data are collected and are review for analysis.

Thank you for the opportunity to comment.

John Tagabuel, EHDP Administrator
Public Health Services
CHCC Population Health