

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
Session, 2021

H. B. 22- 78

**A BILL FOR AN ACT**

To clarify the powers of the CNMI Cannabis Commission and make needed changes to the Commonwealth Code to support adequate development of the Cannabis Industry in the Commonwealth.

**BE IT ENACTED BY THE 22<sup>ND</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Finding and Purpose.** The Legislature finds that the  
2 Taulamwaar Sensible CNMI Cannabis Act of 2018 became law on September 21,  
3 2018 and was subsequently amended by CNMI Public Law 21-5. The Governor, in  
4 his transmittal letter to the Legislature upon enactment of Public Law 21-5,  
5 recommended additional changes to some provisions of the Act (House Governor's  
6 Communication 21-66).

7           Further, the Legislature finds that in the initiation of the industry and the  
8 establishment of the regulations and processes for regulating the cannabis industry,  
9 the CNMI Cannabis Commission has identified the need for statutory amendments  
10 to ensure the adequate functioning of the industry and to promote a robust  
11 regulatory system for cannabis licensees to adhere to.

1           **Section 2. Amendments.** 4 CMC § 53001, et seq., the Taulamwaar Sensible  
2 CNMI Cannabis Act of 2018, is hereby amended as follows:

3           A. 4 CMC § 53054(a) is hereby amended to read as follows:

4           “(a) Except for licensees and licensee representatives acting within the  
5 scope of and in compliance with 4 CMC § 53049(i), it is unlawful for any  
6 person to engage in the use, display, or exhibit of marijuana items in a public  
7 place or in the presence of a person under 21 years of age.”

8           B. 4 CMC § 53012(e) is hereby amended to read as follows:

9           ~~“(e) The Commission shall not prohibit nor deny persons aged 21 or older~~  
10 ~~from obtaining a homegrown marijuana registry card.~~ Notwithstanding any  
11 law or regulation to the contrary, the Commission shall immediately  
12 implement a homegrown marijuana registry system upon the effective date  
13 of this Act. The absence of homegrown marijuana registry system  
14 regulations should not prohibit any person 21 years of age or older from the  
15 cultivation of homegrown marijuana, as long as the marijuana is cultivated  
16 in accordance with the guidelines defined in this chapter and the person  
17 obtains a homegrown marijuana registry card when made available by the  
18 Commission.

19           C. 4 CMC § 53034 is here by amended by amending subsection (a) and  
20 deleting subsection (b) to read as follows:

1           ~~“(a) Except as otherwise provided in this section, all~~ All licenses, both  
2           current and those issued after the enactment of this Act, under this chapter  
3           and renewals thereof shall be issued for a period of one year ~~which shall~~  
4           ~~expire on September 30 of each year~~ from the date of official licensure.

5           ~~(b) Notwithstanding subsection (a), a license issued for the first time to an~~  
6           ~~applicant may be issued for less than a year. The fee for a license issued for~~  
7           ~~less than a year under this subsection is the annual license fee prescribed by~~  
8           ~~this chapter.~~

9           D. 4 CMC § 53074 is hereby amended to read as follows:

10           ~~“The Department of Public Lands and all government entities shall lease or~~  
11           ~~use public lands for the purpose of establishing cannabis (marijuana or~~  
12           ~~hemp) businesses or establishments. This section does not apply to existing~~  
13           ~~public land leases with existing hotels or commercial builds, or on lands~~  
14           ~~located in the Northern Islands.~~

15           E. 4 CMC § 53031(b) is hereby amended to read as follows:

16           ~~“(b) the Commission shall not require the books of any licensee to be~~  
17           ~~maintained on the premises of the licensee. However, the owner or the~~  
18           ~~agent of the owner must be capable of producing the books of the~~  
19           ~~licensee within three hours of the Commission exercising its right to~~  
20           ~~make an examination of the books.~~

1           the Commission shall require the books of any licensee to be maintained  
2           on the premises of the licensee and must be capable of producing the  
3           books of the licensee upon request by the Commission in exercising its  
4           right to make an examination of the books.”

5           F. 4 CMC § 53008 is hereby amended by the addition of subsection (r) to  
6           read as follows:

7           “(r) The Commission may determine which information in its possession  
8           is unsuitable for public disclosure due to safety or security concerns, and  
9           to withhold the same from public inspection, copying or disclosure. The  
10           Commission may determine which information is suitable for disclosure  
11           and allow the disclosure and dissemination of the information. The Office  
12           of the Public Auditor and the Attorney General shall have access and  
13           authority to freely inspect, examine, audit, and photocopy all information  
14           in the Commission’s possession upon request, including but not limited to  
15           all forms, applications, contracts, security plans, lists, internal procedures,  
16           orders, or documents of any kind without regard to the manner of storage  
17           of the information, by it physical, electronic or otherwise.”

18           **Section 3. Amendment.** Title 4, Division 5, Chapter 21 of the  
19           Commonwealth Code is hereby amended by adding a new section to read as  
20           follows:

1           **§101. The Establishment of the CNMI Cannabis Commission**

2           **Regulatory Revolving Fund:**

3           (a)     There is hereby established within the Commonwealth Treasury a  
4           CNMI Cannabis Commission Regulatory Revolving Fund which shall be  
5           accounted for separately from the General Fund.

6           (b)     All monies received from direct appropriation, or as payment of fees  
7           pursuant to the Taulamwaar Sensible CNMI Cannabis Act of 2018 as  
8           amended, and any fines collected by the CNMI Cannabis Commission shall  
9           be deposited into the revolving fund. Expenditure authority over the  
10          revolving fund is vested in the Chairperson of the CNMI Cannabis  
11          Commission. Revolving fund monies shall be available for expenditure  
12          without further appropriation and without fiscal year limitations.

13          (c)     The CNMI Cannabis Commission revolving fund and any sub-  
14          accounts thereof shall be audited on an annual basis.

15          **Section 4. Severability.** If any provision of this Act or the application of  
16          any such provision to any person or circumstance should be held invalid by a court  
17          of competent jurisdiction, the remainder of this Act or the application of its  
18          provisions to persons or circumstances other than those to which it is held invalid  
19          shall not be affected thereby.


20          **Section 5. Savings Clause.** This Act and any repealer contained herein  
21          shall not be construed as affecting any existing right acquired under contract or

1 acquired under statutes repealed or under any rule, regulation or order adopted  
2 under the statutes. Repealers contained in this Act shall not affect any proceeding  
3 instituted under or pursuant to prior law. The enactment of this Act shall not have  
4 the effect of terminating, or in any way modifying, any liability civil or criminal,  
5 which shall already be in existence at the date this Act becomes effective.

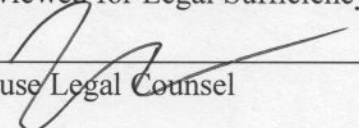
6 **Section 6. Effective Date.** This Act shall take effect upon its approval by  
7 the Governor or upon its becoming law without such approval.

Prefiled: 8/31/2021

Date: 8/31/2021

Introduced by:   
Rep. Rep. Joseph Lee Pan T. Guerrero

Reviewed for Legal Sufficiency by:

  
House Legal Counsel

