



COPY

THE SENATE  
Twenty-Second Northern Marianas Commonwealth Legislature  
P. O. Box 500129  
Saipan, MP 96950

August 9, 2022

Representative Patrick H. San Nicolas  
Acting Chairman  
Tinian and Aguiguan Legislative Delegation  
22<sup>nd</sup> Northern Marianas Commonwealth Legislature  
Saipan, MP 96950

Dear Acting Chairman San Nicolas:

I have the honor to transmit for Delegation action S.L.B. No. 22-14, entitled, "To ban the use of plastic checkout bags in the Second Senatorial District; and for other purposes."

S.L.B. No. 22-14 has met the required provision of 1 CMC §1403 making its third appearance on the 1<sup>st</sup> Day, Fourth Regular Session, August 9, 2022.

Sincerely,

Chanele C. Borja  
Acting Senate Clerk

Attachments

cc: Delegation Clerk

Transmitted on:

Received by: \_\_\_\_\_

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

8/9/22 @ 2:00 pm

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

5th Special SESSION, 2022

S. L. B. NO. 22- 14

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A LOCAL BILL FOR AN ACT

To ban the use of plastic checkout bags in the Second Senatorial District; and for other purposes.

BE IT ENACTED BY THE TINIAN AND AGUIGUAN LEGISLATIVE DELEGATION PURSUANT TO CHAPTER 4, DIVISION 1, TITLE 1 OF THE COMMONWEALTH CODE:

1           **Section 1. Short Title.** This Act may be cited as the "Tinian Municipality Think  
2 Green Act of 2022".

3           **Section 2. Findings and Purpose.** The Tinian and Aguiguan Legislative  
4 Delegation (Delegation) finds that discarded non-compostable plastic bags pollute the  
5 environment and pose a significant threat to terrestrial and marine animals. In addition to  
6 the harm these plastic bags present, the manufacturing of these bags requires the needless  
7 consumption of the earth's ever-depleting non-renewable resources.

8           According to the United Nations Environment Programme (UNEP), an estimated 5  
9 trillion plastic bags are used worldwide each year. This data amounts to over nine million  
10 bags per minute. Billions of these bags end up as litter each year on our land and ocean. The  
11 Delegation finds that hundreds of thousands of sea animals die every year from eating  
12 discarded plastic bags mistaken for food with roughly forty-six thousand types of plastic  
13 are found floating in every square mile of the ocean.

14           The Delegation also finds that plastic bags are most harmful because rather than  
15 biodegrade, they photodegrade – that is, they break down into smaller and smaller toxic  
16 bits. These poisonous materials eventually contaminate the soil and waterways and enter  
17 the food chain when animals accidentally ingest them. A single plastic bag can take up to  
18 1,000 years to degrade and still remain toxic even after they break down.

1           This Act is one avenue for an island-wide effort to assist our global neighbors in  
2 reversing global warming and greenhouse effects that threaten to harm our environment  
3 and the welfare of all the earth's present and future inhabitants. Although recognizing that  
4 the changes mandated herein may be considered inconvenient and costly, the Delegation  
5 finds that the alternative of doing nothing, of standing idly by, is unacceptable. Moreover,  
6 the measures taken today are not unprecedented and have been successful in other parts of  
7 the world. Governments around the world are considering implementing similar measures.  
8 In fact, thirty-four countries in Africa alone have already banned single-use plastics. More  
9 than 120 companies and hundreds of civil society organizations have also backed calls for  
10 a global treaty to end plastic waste.

11           Furthermore, consumers are becoming environmentally cognizant of the use of eco-  
12 friendly packaging and the universal effort of the "go-green" movement. Through the  
13 initiative of using environment friendly bags, each resident is playing an integral part in  
14 lessening the harmful release of chemicals and toxins and taking a proactive step in  
15 safeguarding the natural resources of Tinian. As temporary residents of this earth, and  
16 particularly as stewards of the island of Tinian and the Commonwealth, we have a duty to  
17 preserve our resources and act as guardians of mother earth for the benefit of our children,  
18 their children, and the future generations. We must no longer overlook issues relating to  
19 consumption and the impact, both economically and environmentally, associated with the  
20 use of plastic bags.

21           The Delegation recognizes the collaborative efforts with department heads,  
22 agencies, and members of the Tinian Leadership over the years for the unwavering support  
23 for the Zero Waste Management Campaign on Tinian. Therefore, as part of the continued  
24 proactive measures for the residents of Tinian, it is the intent of this legislation to ban the  
25 use of plastic checkout bags in the Second Senatorial District.

26           **Section 3. Enactment.** Subject to codification by the Commonwealth Law  
27 Revision Commission, the following provisions are hereby enacted under Division 2, Title  
28 10 of the Commonwealth Code:

1           **“Chapter XX. Tinian Municipality Think Green Act of 2022.**

2           § 101. Definition. For the purposes of this chapter:

3           (a) “Environment friendly bag” or “eco-friendly bag” means a bag specifically  
4 designed and manufactured for multiple reuse and is made of biodegradable material, cloth,  
5 fiber, or other machine washable fabric;

6           (b) “Plastic checkout bag” means any bag that is provided to a consumer by a retail  
7 or wholesale establishment at the point of sale to carry purchases. A plastic checkout bag  
8 shall not include any of the following:

9                   (1) A bag provided to the consumer for use in a retail or wholesale  
10 establishment to package bulk items, such as fruits, vegetables, nuts, grains, candy,  
11 meats, poultry, or fish;

12                   (2) A bag to contain or wrap potted plants or other items where dampness  
13 may be a problem;

14                   (3) A bag to contain non-prepackaged food items or bakery goods;

15                   (4) Bags sold in packages containing multiple bags intended for garbage,  
16 pet waste, or yard waste; and

17                   (5) A bag used to package frozen items.

18           (c) “Program” means the Municipality’s Recycling Program spearheaded under the  
19 Office of the Mayor of Tinian and Aguiguan as part of the municipality’s Zero-Waste  
20 Management Campaign;

21           (d) “Retail establishment” means any entity that engages in the business of selling  
22 tangible property to others for consumption or use by the purchaser, and not or resale; and

23           (e) “Wholesale establishment” means any entity that engages in the business of  
24 selling tangible property for the purpose of resale.

25           § 102. Prohibition on the Distribution and Use of Plastic Checkout Bags.

26           Beginning January 1, 2023, all retail or wholesale establishments with a valid  
27 business license issued by the Department of Finance are prohibited from purchasing,  
28 selling, or distributing plastic checkout bags as defined under § 101(a) in the Second

1 Senatorial District of Tinian and Aguiguan.

2 § 103. Sale, Distribution, or Use of Environment Friendly Bags.

3 Beginning January 1, 2023, retail or wholesale establishments may offer for sale or  
4 distribute environment friendly bags to consumers. Alternatively, consumers are permitted  
5 to use personally owned eco-friendly bags to carry out purchases.

6 § 104. Enforcement.

7 The Department of Commerce-Tinian enforcement division shall have the right to  
8 conduct inspections and issue fines to retail or business establishments without prior notice  
9 during the business establishment's regular business hours. During such an inspection, the  
10 Department of Commerce-Tinian shall have the right to visit every part of the premises to  
11 ensure compliance with this Act.

12 § 105. Penalties.

13 (a) Any retail or wholesale establishment violating any part of this Act shall be  
14 subject to a civil fine of not less than \$50 and no more than \$500 for each day a violation  
15 occurs.

16 (b) All fines collected pursuant to this section shall be paid to the Tinian Municipal  
17 Treasurer. Such fines and penalties shall be deposited into a special account under the  
18 Office of the Mayor of Tinian and Aguiguan to support the Municipality's Recycling  
19 Program. The expenditure authority shall be the Mayor of Tinian and Aguiguan to ensure  
20 the support and public education outreach for the program, to push forth the enforcement  
21 purposes and other related programs under this Act.

22 § 106. Promulgation of Rules and Regulations.

23 In consultation with the Bureau of Environmental and Coastal Quality, Resident  
24 Department Head of the Department of Commerce-Tinian and the Office of the Mayor of  
25 Tinian and Aguiguan, the CNMI Department of Commerce shall promulgate rules and  
26 regulations for the enforcement of this Act in line with the Tinian Waste Exclusion Plan  
27 and the Municipality's Recycling Program.”

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


5           **Section 5. Savings Clause.** This Act and any repealer contained herein shall not  
6 be construed as affecting any existing right acquired under contract or acquired under  
7 statutes repealed or under any rule, regulation or order adopted under the statutes.  
8 Repealers contained in this Act shall not affect any proceeding instituted under or pursuant  
9 to prior law. The enactment of this Act shall not have the effect of terminating, or in any  
10 way modifying, any liability civil or criminal, which shall already be in existence at the  
11 date this Act becomes effective.

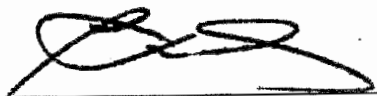
12           **Section 5. Effective Date.** This Act shall take effect upon its approval by the  
13 Governor or upon its becoming law without such approval.

Date: 06/14/22

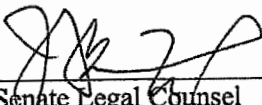
Introduced By: \_\_\_\_\_

  
Senator Jude U. Hofschneider

  
Senator Francisco Q. Cruz

  
Senator Karl R. King-Nabors

Reviewed for Legal Sufficiency by:

  
Senate Legal Counsel