



Gov. Msg. No. 19-309

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Ralph DLG. Torres  
Governor

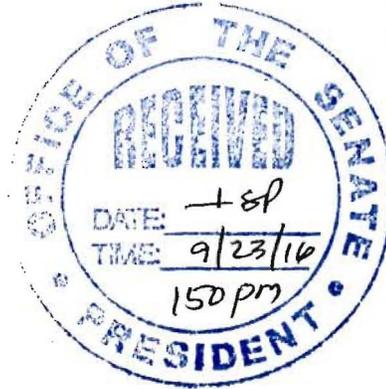
Victor B. Hocog  
Lieutenant Governor

COPY

The Honorable Rafael S. Demapan  
Speaker, House of Representatives  
Nineteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Francisco M. Borja  
Senate President, The Senate  
Nineteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

23 SEP 2016



Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 19-65, SS1**, entitled, "To prohibit the sale, offer, or giving Areca Nut (Betel Nut) to any person who is under the age of 18 (minors); and for other purposes." which was passed by the House of Representatives and the Senate of the Nineteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 19-66**. Copies bearing my signature are forwarded for your reference.

Sincerely,

RALPH DLG. TORRES

cc: Lt. Governor; Attorney General's Office; Press Secretary; Department of Commerce, ABTC Division; Commonwealth Health Care Corporation; Community Guidance Center; Law Revision Commission; Secretary of Finance; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

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*Nineteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**Third Special Session**

**May 22, 2015**

**Representative Lorenzo I. Deleon Guerrero**, of Saipan, Precinct 5 (*for himself*, Representatives Vinson F. Sablan) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 19-65, SS1**

**AN ACT**

**TO PROHIBIT THE SALE, OFFER, OR GIVING OF ARECA NUT  
(BETEL NUT) TO ANY PERSON WHO IS UNDER THE AGE OF  
18 (MINORS); AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Health and Welfare, which submitted Standing Committee Report 19-42; adopted 10/27/15.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, OCTOBER 27, 2015;**  
*without amendments* and transmitted to the  
**THE SENATE.**

The Bill was referred to the Senate Committee on Health and Welfare, which submitted Standing Committee Report 19-74; adopted 4/5/16.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, APRIL 5, 2016;**  
*with amendments* in the form of H. B. 19-65, SS1 *and was returned to*  
**THE HOUSE OF REPRESENTATIVES.**

The House of Representatives accepted the Senate amendments and passed H. B. 19-65, SS1 during its First Day, Fourth Regular Session on August 11, 2016.

**THE BILL WAS FINALLY PASSED ON AUGUST 11, 2016.**

  
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**Linda B. Muña, House Clerk**



*Nineteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**First Day, Fourth Regular Session**

**August 11, 2016**

**H. B. No. 19-65, SS1**

**AN ACT**

**TO PROHIBIT THE SALE, OFFER, OR GIVING OF ARECA NUT  
(BETEL NUT) TO ANY PERSON WHO IS UNDER THE AGE OF 18  
(MINORS); AND FOR OTHER PURPOSES.**

**Be it enacted by the Nineteenth Northern Marianas Commonwealth  
Legislature:**

1           **Section 1. Findings and purpose.** The Legislature finds that the Areca nut is the  
2 seed of the areca palm which grows in much of the tropical Pacific, Asia, and parts of east  
3 Africa. It is commonly referred to as betel nut, as it is often chewed wrapped in betel leaves  
4 and mixed with lime. Chewing the mixture of areca nut, betel leaf, and lime is a tradition,  
5 custom or ritual which dates back thousands of years in much of the geographical areas from  
6 South Asia eastward to the Pacific. It constitutes an important and popular cultural activity in  
7 many Asian and Oceanic countries, the Philippines, Palau, Federated States of Micronesia,  
8 Guam, Papua New Guinea, the Solomon Islands, Vanuatu, the Commonwealth of the  
9 Northern Mariana Islands, and many more other countries.

10           The Legislature finds that recent studies have shown that Areca nut (Betel Nut) is an  
11 addictive substance that is consumed in many parts of the world by people of all age groups.  
12 However, studies, reports, and presentations have been published over the years that focus on  
13 the dangers of Betel Nut chewing. In 2003, the International Agency for Research on Cancer

## HOUSE BILL 19-65, SS1

1 (IARC), a World Health Organization sponsored group, reached the conclusion after  
2 reviewing published medical research that there is sufficient evidence that the habit of  
3 chewing betel nut, with or without tobacco, is carcinogenic to humans; October of 2009,  
4 30 scientists from 10 countries met at IARC to reassess the carcinogenicity of various agents  
5 including areca nut, and mechanisms of carcinogenesis; 2012, the World Health Organization  
6 of the Western Pacific Region released a technical report “Review of Areca (Betel) Nut and  
7 Tobacco Use in the Pacific”; and April of 2015, Dr. Yvette C. Paulino an Assistant Professor  
8 of Health Sciences at the University of Guam presented the health risks of Betel Nut chewing  
9 at the Oral Cancer Health Forum held at the Pacific Island’s Club Saipan. All have  
10 confirmed that there is sufficient evidence that Betel Nut, with or without tobacco, can cause  
11 cancer most especially oral cancer. The evidence illustrated betel nut chewers as having  
12 increased risk of developing a range of serious diseases, including cancers of the mouth and  
13 esophagus.

14 Over the years betel nut chewing has become a significant public health problem.  
15 Oral cancer is alarmingly increasing within our society and sadly most cases result in death  
16 because of its aggressive nature. Thus, the Legislature finds the need to develop policies to  
17 protect our youth from the danger of developing oral cancer.

18 **Section 2. Enactment.** Subject to proper codification by the Commonwealth Law  
19 Revision the following new provision is hereby enacted:

20 “101. Short Title. This Act shall be known as “Betel Nut Control Act of  
21 2015.”

22 102. Definitions. For the purposes of this section:

23 *Areca Nut* is the seed of the areca palm that is commonly referred to as Betel  
24 Nut.

25 103. Prohibit the offer or sale of Betel Nut to minors.

26 (a) No person or business entity shall offer, give, sell or permit his/her  
27 employee or agent to sell, offer, or give Betel Nut to any person who is under the age  
28 of 18 (a minor).

## HOUSE BILL 19-65, SS1

1 (b) Unless based on actual knowledge or reasonably certain that the person  
2 buying betel nut is at least 18 years old, no person or business establishment shall sell  
3 or permit his/her employee or agent to sell Areca Nut (Betel Nut) to any person  
4 without first demanding that the person present an official government document of  
5 identification issued by the CNMI Government, Municipalities of the CNMI, the  
6 United States Government, United States' states, United States territories, or by  
7 foreign governments which bears the person's full name, current photograph, sex, and  
8 date of birth indicating that the possessor is 18 years of age or older and that said  
9 presentation and verification occurs.

10 (c) No person under the age of 18 years shall purchase from any business  
11 establishment, or consume, possess any Areca Nut (Betel Nut) at any time.

12 (d) No person, parent or legal guardian, shall permit or allow any minor under  
13 the age of 18 years, having lawful custody, permanent or temporary, to possess or  
14 consume any Areca Nut (Betel Nut) at any given time.

15 104. License Required. Any person or business entity engaged in the  
16 importation or the sale of Areca Nut (betel nut) shall be required to obtain a license  
17 issued by the Department of Commerce, ABTC division; provided that this Section  
18 shall not be construed to supersede any other law relating to licensing of person and  
19 businesses engaged in a retail general merchandise that may include Areca Nut (Betel  
20 Nut), but shall apply concurrently with any other such laws.

21 105. License Fee. Such license shall be issued by the Department of  
22 Commerce, Alcohol Beverage and Tobacco Control Division, upon application  
23 therefore, the license fee shall be \$75.00 for a period of one year for both the  
24 importation and selling of Areca Nut (Betel Nut).

25 106. Fees: No Reduction. The license fee set forth in Section 105 shall apply  
26 to all applicants regardless of when during the calendar year the person or business  
27 entity applies.

28 107. Power to Prescribe License Forms. The Department of Commerce,  
29 ABTC Division, shall prescribe the form for application for new license or renewal of

## HOUSE BILL 19-65, SS1

1 license and other papers it shall require including verification and the information to  
2 be contained in such application and other papers. It shall prescribe the place for  
3 posting licenses as well as signs.

4 108. Payment of Fees: Revocation. The applicable license fee shall be  
5 payable on the day the application for first time applicants, and on the renewal date  
6 for all others. Each license issued by the Department of Commerce, ABTC Division,  
7 shall be valid only for twelve calendar months following its effective date. If the  
8 license fee is not paid on or before the expiration date, the license shall automatically  
9 be suspended and a late renewal fee of \$25.00 per day shall be imposed against the  
10 licensee. If payment is made within 31 days after the expiration of license, the  
11 Secretary may reinstate the renewal of license. However, if payment is not made for  
12 the renewal of license within 31 days after the expiration of license, the license shall  
13 automatically be revoked and the Secretary of Commerce shall not issue a license  
14 except upon a new original application.

15 109. Appropriation of License and Application Filing Fees. All license and  
16 application filing fees collected by the Department of Commerce, ABTC Division,  
17 shall be allocated to that Division for the purpose of the administration of the Areca  
18 Nut (Betel Nut) licensing program. The expenditure authority shall lie with the  
19 Secretary of Commerce. All such license and filing fees collected shall be deposited  
20 into a revolving fund and any unused funds at the end of a fiscal year shall not lapse  
21 and shall be available without fiscal limitation. Said funds shall not be reprogrammed  
22 or transferred back into the general fund, or any other account.

23 110. Privileges: Limitations. A license is limited to the privileges conferred  
24 therein, and a licensee may not exercise any other privileges.

25 111. Licenses: Limitations. A license is limited to the premises for which it  
26 is issued and a licensee may not exercise the privileges conferred by the license at  
27 other premises. Applicants with more than one establishment must apply for a  
28 separate license for each additional establishment.

## HOUSE BILL 19-65, SS1

1           112. License: Issuance Restrictions. The Department of Commerce, ABTC  
2 Division, shall not issue a license to any applicant that falls into one of the following  
3 restrictions:

4                   (a) Real Party in Interest. The applicant is not the real party in interest.

5                   (b) Minors. The applicant is under eighteen (18) years of age.

6                   (c) Prior Revocation. The applicant is a person or business entity that  
7 held a license to sell Areca Nut (Betel Nut) that was revoked within the prior  
8 year by the Secretary of Commerce.

9           113. Disapproval of License Application. The Secretary of Commerce may  
10 disapprove an applicant for a license, upon findings, through adequate investigation,  
11 that such refusal is in the public interest. Where an application for license has been  
12 denied pursuant to this section the person aggrieved by such a denial shall be entitled  
13 to a review of the decision pursuant to the procedures established under the  
14 Administrative Procedures Act, 1 CMC § 9108 - § 9115.

15           114. Required Signs. Any person or business entity which sells or permits to  
16 be sold on its premises Areca Nut (Betel Nut) shall clearly, continuously and  
17 conspicuously post signs reading **“BETEL NUT SALE IS PROHIBITED TO**  
18 **PERSONS UNDER THE AGE OF 18”** at the area where the betel nut is displayed  
19 or available for sale; and next to any cash register or any other place(s) where such  
20 items may be purchased from the point of sale. Said signs shall be at least eleven (11)  
21 inches by eight and one-half (8.5) inches in dimension, and the letters on said signs  
22 shall be printed in a bright color, with large, capitalized letters, printed in a plain,  
23 easily read font or lettering style.

24           115. Condition of Premises: Areca Nut (Betel Nut) Display. A person or  
25 business entity shall ensure that any Areca Nut (Betel Nut) are displayed in  
26 accordance with this Section. Areca Nut (Betel Nut) shall not be displayed openly or  
27 in any manner in any part of the business premises generally open to the public. Such  
28 packages or bags of Areca Nut (Betel Nut) shall be secured underneath or behind the  
29 cashier counter at the point of sale, which can only be accessed by the owner or an

## HOUSE BILL 19-65, SS1

1 authorized agent (cashier) of the retail establishment upon the request from a person  
2 of legal age to purchase such item or product.

3 116. Enforcement Powers. The Department of Commerce, ABTC Division  
4 and the Commonwealth Health Care Corporation, Community Guidance Center, shall  
5 be responsible for the enforcement of this Section, and may enter into a Memorandum  
6 of Understanding to coordinate their enforcement efforts to educate minors about the  
7 hazards of Areca Nut (Betel Nut).

8 117. Inspection Authority.

9 (a) The Department of Commerce, ABTC Division and the Commonwealth  
10 Health Care Corporation, Community Guidance Center, shall have the right to  
11 conduct inspections of business establishments licensed to sell Areca Nut (Betel Nut),  
12 without prior notice during the business establishment's regular business hours.  
13 During such inspection, the representatives from both Departments shall have the  
14 right without legal process to inspect every part of the premises to ensure compliance  
15 of this Act.

16 (b) The Department of Commerce, ABTC Division and the Commonwealth  
17 Health Care Corporation Community Guidance Center, through an MOU, may use  
18 persons under the age of 18 years in the enforcement of this Act to penalize licensees,  
19 employees or agents of licensees, or other persons who offer, give, sell or permit  
20 Areca Nut (Betel Nut) to any person who is under the age of 18 (a minor). Provided  
21 however, that no person under the age of 18 posing as a decoy may so assist or be  
22 requested to so assist law enforcement agencies as a condition of probation or in  
23 connection with a court's disposition or sentencing in any court proceedings.  
24 Notwithstanding subdivision (b), any person under the age of 18 years who purchases  
25 or attempts to purchase any Areca Nut (Betel Nut) while under the direction of a  
26 peace officer is immune from prosecution for that purchase or attempt to purchase  
27 Areca Nut (Betel Nut). Guidelines with respect to the use of persons under the age of  
28 18 years as decoys shall be adopted and published by both Departments in accordance  
29 with the rulemaking portion of the Administrative Procedure Act. Law enforcement-

## HOUSE BILL 19-65, SS1

1 initiated minor decoy programs in operation prior to the effective date of regulatory  
2 guidelines adopted by both Departments shall be authorized as long as the minor  
3 decoy displays to the seller of Areca Nut (Betel Nut) the appearance of a person under  
4 the age of 18 years. This subdivision shall not be construed to prevent both  
5 Departments from taking disciplinary action against a licensee who sells Areca Nut  
6 (Betel Nut) to a minor decoy prior to the Departments' final adoption of regulatory  
7 guidelines. During the course of every minor decoy program performed under this  
8 subdivision, both Departments using the decoy shall notify the licensees in writing of  
9 the results whether or not they pass or fail the compliance checks. When the use of a  
10 minor decoy results in the issuance of a citation, the notification required shall be  
11 given to licensees within 72 hours of the issuance of the citation. Both Departments  
12 may comply with this requirement by leaving a written notice at the licensed premises  
13 addressed to the licensee, or by mailing such notice addressed to the licensee.

14 118. Fines and Penalties.

15 (a) Suspension or Revocation of License. The Secretary of Commerce shall  
16 have the power to suspend or revoke the license of any person or business entity that  
17 violates this Act, as set forth below:

18 (b) Fines and Penalties for illegal offer or sales of Areca Nut (Betel Nut). Any  
19 person or business entity that offers, gives, or permits to be given or sold any betel nut  
20 to an individual under the age of 18 (a minor) shall, upon the issuance of a notice of  
21 violation under Section 103(a) of this Act to the owner, agent, or employee in charge  
22 at the time of violation by any representative of the Department of Commerce, ABTC  
23 Division, or the Commonwealth Health Care Corporation, Community Guidance  
24 Center, who has properly identified him or her, shall be fined and penalized within a  
25 period of two years, on the following manner:

26 (1) First Offense: A fine of not less than \$100.00 but not more than

27 \$300.00

28 (2) Second Offense: A fine of not less than \$300 but not more than

29 \$500.00

HOUSE BILL 19-65, SS1

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(3) Third Offense: A maximum fine of \$500 and revocation of license for up to one (1) year.

(c) Any person or business entity who violates the provisions of Section 103(b) of this Act shall be penalized and pay a maximum of \$300.00 in monetary fine.

(d) Any person under the age of 18 years who violates the provision of Section 103(c) of this Act shall be penalized and pay a maximum of \$100.00 in monetary fines.

(e) Any person, parent or legal guardian, of any minor who suffers or permits or allows, either willfully or negligently, such persons under the age of 18 years to possess or consume Areca Nut (Betel Nut), in violation of Section 103(d) of this Act shall be penalized and pay a maximum of \$300.00 in monetary fine.

(f) Person or Establishment Selling Without License. Any person or business establishment found to be operating and selling Areca Nut (Betel Nut) without a valid license issued by the Department of Commerce, ABTC Division, in violation of Section 104 of this Act, shall pay a maximum of \$500.00 in monetary fine.

(g) Revocation or Voluntary Surrender: Disposal of Areca Nut (Betel Nut). A person or business entity in possession of an acquired stock of Areca Nut (Betel Nut) following the revocation license or voluntary surrender of, or failure to renew a license, may sell such stock, under the supervision of the Department of Commerce, ABTC Division, in such a manner as the Division shall provide to a licensee authorized to sell Areca Nut (Betel Nut).

(h) Right to Administrative Hearing. Any person or business entity found subject to a fine or penalty, including suspension or revocation of license, for an offense established under this Act, shall have the right to an administrative hearing pursuant to the procedures established under the Administrative Procedures Act, 1 CMC § 9108 - § 9115, upon the filing of a request for such hearing with the Department of Commerce, ABTC Division.

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**HOUSE BILL 19-65, SS1**

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1           119. Appropriation of Fines and Penalties. All civil fines collected by the  
2 Department of Commerce, ABTC Division and the Commonwealth Health Care  
3 Corporation, Community Guidance Center, as a result from violations of this Act,  
4 shall be allocated to the Commonwealth Health Care Corporation for purpose of the  
5 administration of the Areca Nut (Betel Nut) prevention and outreach program. The  
6 expenditure authority shall lie with the Chief Executive Officer of the Commonwealth  
7 Health Care Corporation. All such civil fines collected shall be deposited into a  
8 revolving fund and any unused funds at the end of a fiscal year shall not lapse and  
9 shall be available without fiscal limitation. Said funds shall not be reprogrammed or  
10 transferred back into the general fund, or any other account.

11           120. Adoption of Regulation. The Department of Commerce, ABTC  
12 Division and the Commonwealth Health Care Corporation, Community Guidance  
13 Center, shall have the authority to collaboratively promulgate rules and regulations to  
14 be consistent with this Act. The Secretary of Commerce shall have the authority to  
15 promulgate the regulation to establish a reasonable application filing fee to be  
16 consistent with this Act.

17           121. Effective Date. Persons, businesses and organizations in the CNMI shall  
18 have a 90-day grace period from the effective date of this Act to obtain a license from  
19 the Department of Commerce, Alcohol Beverage and Tobacco Control Division for  
20 the sale of Areca Nut (Betel Nut).”

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

25           **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be  
26 construed as affecting any existing right acquired under contract or acquired under statutes  
27 repealed or under any rule, regulation, or order adopted under the statutes. Repealers  
28 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
29 The enactment of the Act shall not have the effect of terminating, or in any way modifying,

HOUSE BILL 19-65, SS1

1 any liability, civil or criminal, which shall already be in existence on the date this Act  
2 becomes effective.

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

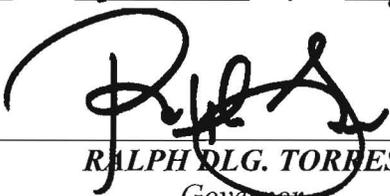
Attested to by:

  
\_\_\_\_\_  
**Linda B. Muña, House Clerk**

Certified by:

  
\_\_\_\_\_  
**SPEAKER RAFAEL S. DEMAPAN**  
House of Representatives  
19<sup>th</sup> Northern Marianas Commonwealth Legislature

Approved this 23<sup>rd</sup> day of September, 2016

  
\_\_\_\_\_  
**RALPH DLG. TORRES**  
Governor  
Commonwealth of the Northern Mariana Islands