

SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Sixth Special SESSION, 2009

SB. NO. 16- 60

A BILL FOR AN ACT

To enhance enforcement powers and authority under the Alcohol Beverage Control Act; and for other purposes.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings and Purpose. The Legislature finds that the Alcohol Beverage
2 Control Act failed to provide for enforcement powers to the Department of Commerce,
3 Alcohol Beverage and Tobacco Control Division. This oversight has resulted in limited
4 enforcement of the Act. The Legislature further finds that without such enforcement
5 powers the Alcohol Beverage and Tobacco Control Division is limited in its ability to
6 receive federal funding for alcohol prevention programs for minors.

7 Therefore, it is the purpose of this Act to provide enforcement authority to the
8 Department of Commerce, Alcohol and Tobacco Control Division in matters involving
9 the illegal sale, distribution and/or consumption of alcoholic beverages.

10 Section 2. Amendment. 4 CMC § 5590 is hereby amended as follows:

11 **§ 5590. ~~Board:~~ Enforcement Powers.**

12 The Alcoholic Beverage Control Board, the Department of Commerce,
13 Alcohol Beverage and Tobacco Control Division, the Department of Public Safety, and
14 the Department of Public Health shall be responsible for the enforcement of this chapter,
15 and may enter into memorandums of understanding to coordinate their enforcement
16 efforts and to create a task force to educate minors about the hazards of alcoholic
17 beverages. Each member of the board shall have all the powers of peace officers in the
18 enforcement of the provisions of this chapter and the regulations of the board adopted
19 under the provisions of this chapter.

1 Section 3. Amendment. 4 CMC § 5591 is hereby amended by adding subsections
2 (b) and (c):

3 § 5591. **Board: Inspection Authority.**

4 (a) Each member of the board shall have the right at all times without notice and
5 without legal process to visit and have immediate access to every part of the premises of
6 every licensee for the purpose of making an examination and inspection of the alcoholic
7 beverages, books and records, the manner of conducting the business.

8 (b) Undercover Operations. The Department of Commerce, Alcohol Beverage
9 and Tobacco Control Division, Department of Public Safety, and Department of Public
10 Health are authorized under this chapter to secure, through adopted regulations, the
11 voluntary assistance of minors to conduct undercover investigations against persons or
12 businesses engaged in selling, giving, or otherwise providing alcoholic products to
13 persons under the age of 21 with the written consent of such minor's parent or legal
14 guardian; provided that no minor may so assist or be requested to so assist law
15 enforcement agencies as a condition of probation or in connection with a minor's
16 disposition or sentencing in juvenile delinquency proceedings.

17 (c) Department of Commerce Inspections. The Department of Commerce,
18 Alcohol Beverage and Tobacco Control Division, shall have the right to conduct
19 inspections of business establishments licensed to sell alcoholic products, without prior
20 notice during the business establishment's regular business hours. During such an
21 inspection, the Department of Commerce, Alcohol Beverage and Tobacco Control
22 Division representative shall have the right to visit every part of the premises to ensure
23 compliance with this chapter.

24 Section 4. Severability. If any provision of this Act or the application of any
25 such provision to any person or circumstance should be held invalid by a court of
26 competent jurisdiction, the remainder of this Act or the application of its provisions to

1 persons or circumstances other than those to which it is held invalid shall not be affected
2 thereby.

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

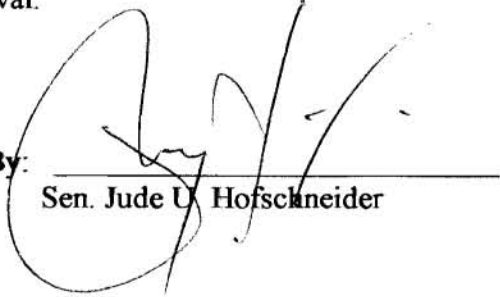
10 Section 6. Effective Date. This Act shall take effect upon its approval by the
11 Governor or its becoming law without such approval.

Prefiled

Date:

7/14/2009

Introduced By:


Sen. Jude U. Hofschneider