

Arnold I. Palacios
Governor



David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

10 JAN 2025

GOV2025-158

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

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Madame President and Mr. Speaker:

This is to inform you that I have signed into law **Senate Bill No. 23-54**, entitled, "To regulate afok or bweesch (lime) under the Pure Food and Drug Control Act; and for other purposes," which was passed by the Senate and the House of Representatives of the Twenty-Third Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 23-32**. Copies bearing my signature are forwarded for your reference.

Sincerely,


ARNOLD I. PALACIOS
Governor

cc: Lieutenant Governor; Attorney General; Commonwealth Law Revision;
Public Auditor; CEO, CHCC; Bureau of Environmental Health;
Acting Special Assistant for Administration; Programs and Legislative Review Office



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

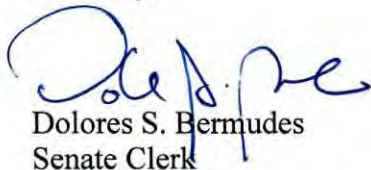
December 20, 2024

The Honorable Arnold I. Palacios
Governor
Commonwealth of the Northern Mariana Islands
Saipan, MP 96950

Dear Governor Palacios:

I have the honor of transmitting herewith for your action **Senate Bill No. 23-54** entitled, "To regulate afok or bweesch (lime) under the Pure Food and Drug Control Act; and for other purposes," which was passed by the Senate and the House of Representatives of the Twenty-Third Northern Marianas Commonwealth Legislature.

Sincerely,


Dolores S. Bermudes
Senate Clerk

Attachment





THE SENATE
TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 23-54

AN ACT

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

SENATE ACTION

Offered by Senator(s): Corina L. Magofna

Date: December 11, 2023

Referred to: Committee on Health, Education and Welfare

Standing Committee Report No.: 23-121 Adopted on 11/19/24

Final Reading: November 19, 2024

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: December 18, 2024

A blue ink signature of Senator Celina R. Babauta.

Senator Celina R. Babauta
SENATE LEGISLATIVE SECRETARY



THE SENATE
TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2023 **S.B. NO. 23-54**

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

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

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

6 **Section 2. Amendment.** 3 CMC § 2701 is hereby amended by adding new paragraphs
7 (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 burning
10 limestone in a rock form that transforms into powder form and can be mixed with a liquid to
11 form slake lime mainly sold and used for the purpose of chewing betelnut.

12 (b) The term “bweesch” is the Carolinian term synonymous with the Chamorro term
13 afok.

14 (c) The term “adulterated” for the purposes of this chapter shall have the following
15 meanings:

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

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

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

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

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

29 **“§ 2703. Prohibited label or advertisement where promotion for sale is made.**

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

2 (1) That is not represented by label; or

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

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

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

10 (2) That the person advertises to the general public as a treatment, preventative,
 11 or cure for any of the diseases, disorders, or abnormal physical states listed in
 12 Schedule A.

13 (3) That the person advertises to the general public as a treatment, preventative,
 14 or cure for any of the diseases, disorders, or abnormal physical states in a language
 15 other than English, Chamorro or Carolinian unless accompanied by an accurate and
 16 full English translation."

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

18 "**§ 2711. Prohibited sales of food.**

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

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

22 (2) Is unfit for human consumption;

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

25 (4) Is adulterated; or

26 (5) Was manufactured, prepared, preserved, packaged, distributed, or stored
 27 under unsanitary conditions.

28 (6) Contains wholly or in part the flesh of cats or dogs."

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

SENATE BILL NO. 23-54**“§ 2712. Deception regarding food.**

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

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

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

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

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

“§ 2714. Importation of food.

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

- (1) Import into the Commonwealth, or
- (2) Send, conveyor receives for conveyance within the Commonwealth, or
- (3) Have in possession for the purpose of sending or conveying within the

Commonwealth, any article that is intended for sale and that is likely to be mistaken for the food for which the regulations prescribe a standard unless that article complies with the prescribed standard.

(b) Not applicable to carriers.

Subsections (a)(2) and (a)(3) of this section do not apply to an operator of a conveyance that is used to carry an article or to a carrier of an article whose sole concern, in respect of the article, is the conveyance of the article unless the operator or carrier could, with reasonable diligence, have ascertained that the conveying or receiving for the conveyance of the article or the possession of the article for the purpose of conveyance would be in contravention of subsection (a) of this section.”

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

“§ 2717. Unsanitary manufacture of food.

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

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

5 **“§ 2775. Definition of “Article to which this Act or the Regulations apply”.**

6 (a) In 3 CMC Section 2771(c), “article to which this Act or the regulations apply”
7 includes;

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

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

11 (3) Any labeling or advertising material.”

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

13 **“§ 2798. Where the Accused had Adulterating Substances.**

14 Where a person is prosecuted under this article for having manufactured an
15 adulterated food, afok or bweesch, or drug for sale, and it is established that the person had in
16 his or her possession or on his or her premises any substance the addition of which to that
17 food, afok or bweesch, or drug has been declared by regulation to cause the adulteration of
18 the food, afok or bweesch, or drug, the onus of proving that the food, afok or bweesch, or drug
19 was not adulterated by the addition of that substance lies on the accused.”

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

22 **“§ 2799. Penalties.**

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

26 (b) Upon a second or subsequent conviction for a violation of this chapter, a person
27 shall be fined not more than \$2000 and imprisoned for not more than one year.”

28 **Section 12. Severability.** If any provisions of this Act or the application of any such
29 provision to any person or circumstance should be held invalid by a court of competent

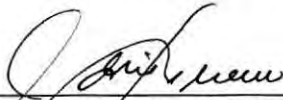
SENATE BILL NO. 23-54

1 jurisdiction, the remainder of this Act or the application of its provisions to persons or
2 circumstances other than those to which it is held invalid shall not be affected thereby.

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


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

CERTIFIED BY:



EDITH E. DELEON GUERRERO
PRESIDENT OF THE SENATE

ATTESTED BY:



CELINA R. BABAUTA
SENATE LEGISLATIVE SECRETARY

Approved this 10th day of January, 2024⁵



ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands