

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2026

H. B. 24-105

A BILL FOR AN ACT

To enact the Business Integrity and Regulation of Tourism Harms Act (“BIRTH Act”); and for other purposes.

BE IT ENACTED BY THE 24TH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

1 **Section 1. Short Title.** This Act shall be cited as the “Business Integrity
2 and Regulation of Tourism Harms Act” or the “BIRTH Act.”

3 **Section 2. Findings and Purpose.** Birthright citizenship belongs to those
4 born on United States soil under the Constitution and long-settled law. Birth
5 tourism, by contrast, is a compensated commercial practice in which travel for the
6 primary purpose of giving birth is promoted, organized, or facilitated for profit, and
7 it is a practice that must not be condoned. The wrong addressed by this Act lies not
8 in the birth of a child in the Commonwealth, but in the profiteering, exploitation,
9 and material deception that drive commercialized birth tourism. Those practices
10 must be stopped, but not at the expense of the citizenship rights that attach to those
11 born in the Commonwealth on United States soil. Accordingly, this Act targets the
12 commercial machinery of birth tourism without compromising the
13 Commonwealth’s inherent character as United States soil.

1 Immigration admission, parole, visa issuance, nationality, and citizenship at
2 birth remain matters of federal law, not Commonwealth law. This Act does not
3 adjudicate, alter, narrow, expand, or otherwise affect those federal determinations.
4 Instead, it rests on the Commonwealth's authority to define offenses, regulate
5 businesses, punish fraud and deceptive commercial practices, protect consumers,
6 safeguard public health and safety, regulate housing and licensing, and prevent the
7 laundering or concealment of unlawful proceeds. The Commonwealth cannot
8 correct one wrong by diminishing a constitutional birthright, and this Act therefore
9 targets unlawful commercial conduct rather than the status of any child.

10 Recent public discussion has underscored the need for the Commonwealth
11 to respond with precision, restraint, and effective local enforcement. The official
12 record reflects that the Section 902 consultation process relevant to EVS-TAP was
13 invoked in 2018, continued in 2019, and resulted during the Trump administration
14 in a final recommendation to create EVS-TAP as a restricted sub-program of the
15 Guam-CNMI Visa Waiver Program, with later federal rulemaking implementing
16 that framework. The Legislature therefore finds that EVS-TAP originated in the
17 Trump administration. That history shows that lawful federal screening tools and
18 strong Commonwealth enforcement may operate together, and that the proper local
19 response is to punish compensated commercial facilitation and material deception
20 rather than weaken birthright citizenship.

1 The Commonwealth retains authority to regulate businesses, licensing,
2 consumer protection, public health and safety, nuisances, housing uses, and other
3 commercial conduct within its jurisdiction. That authority includes the power to
4 prohibit compensated commercial arrangements that facilitate birth tourism, punish
5 materially false or deceptive representations made in furtherance of such
6 arrangements, regulate maternity housing used for such arrangements, and recover
7 proceeds derived from unlawful conduct. It also includes the power to distinguish
8 between enterprise principals and lesser facilitators, impose criminal penalties and
9 civil remedies, and preserve safe harbors for lawful medical care, ordinary
10 commerce, legal representation, and unpaid family assistance.

11 Honoring both the Constitution and the Commonwealth's duty to protect its
12 people, the purpose of this Act is to prohibit and deter compensated commercial
13 birth tourism facilitation within the Commonwealth, strengthen local enforcement
14 against those who organize, finance, manage, market, or materially facilitate such
15 conduct for profit, protect limited public resources, preserve the integrity of lawful
16 commerce, and ensure that the Commonwealth addresses abuse through lawful
17 local enforcement directed at the scheme rather than the child and focused on
18 punishing crime rather than diminishing the rights, status, and protections secured
19 to the Commonwealth under the Covenant and the Constitution.

1 **Section 3. Enactment.** Subject to codification by the CNMI Law Revision
2 Commission, the following is hereby enacted into law:

3 **“§ 101. Definitions.** For purposes of this Act, the following
4 terms shall have the meanings set forth below unless the context
5 clearly requires otherwise:

6 (a) “Birth tourism” means a compensated commercial
7 arrangement under which a person travels to the Commonwealth, or
8 travel is arranged on that person’s behalf, for the primary purpose of
9 giving birth in the Commonwealth, where the arrangement includes
10 one or more facilitation or support services and is promoted,
11 organized, or carried out for profit.

12 (b) “Birth tourism business” means a commercial enterprise
13 that, for compensation or the expectation of compensation,
14 knowingly markets, arranges, coordinates, brokers, manages,
15 finances, or provides facilitation or support services in support of
16 birth tourism.

17 (c) “Facilitation or support services” include:

18 (1) arranging or providing lodging for pregnant clients;

19 (2) coordinating transportation, medical appointments, or
20 translation services;

21 (3) providing childbirth-related travel packages or bundled

1 services;

2 (4) marketing or advertising services designed to attract or
3 solicit birth tourism clients; and

4 (5) preparing, coaching, coordinating, or assisting another
5 person to make a material false, misleading, or deceptive statement
6 concerning the purpose of travel, lodging, medical treatment,
7 insurance coverage, or intended length of stay.

8 (d) “Maternity housing” means lodging knowingly provided,
9 arranged, leased, managed, or made available for compensation to
10 pregnant clients in connection with birth tourism or a birth tourism
11 facilitation business.

12 (e) “Material” means capable of influencing, affecting, or
13 having a natural tendency to affect a decision, inquiry, or
14 transaction.

15 (f) “Primary purpose” means the predominant or motivating
16 purpose shown by the totality of the circumstances and need not be
17 the sole purpose of travel.

18 (g) “Knowingly” means actual knowledge or awareness of a
19 fact or circumstance, and includes deliberate ignorance of facts
20 indicating that conduct constitutes prohibited commercial
21 facilitation under this Act. “Knowingly” does not include mere

1 negligence, mistake, or inadvertence.

2 (h) "Proceeds" means money or anything of value obtained
3 directly or indirectly from a violation of this Act.

4 **§ 102. Prohibition on Commercial Birth Tourism.**

5 (a) No person or entity shall knowingly own, operate,
6 manage, direct, organize, or finance a birth tourism business within
7 the Commonwealth.

8 (b) No person or entity shall knowingly and for
9 compensation, or the expectation of compensation:

10 (1) arrange, broker, sell, coordinate, or provide a travel
11 package, lodging package, medical coordination package,
12 translation package, or other bundled service package in furtherance
13 of birth tourism;

14 (2) provide, arrange, lease, sublease, manage, or maintain
15 maternity housing in furtherance of birth tourism;

16 (3) assist, advertise, or solicit clients for a birth tourism
17 business or offer the coordinated facilitation of travel to the
18 Commonwealth for the primary purpose of giving birth here;

19 (4) instruct, coach, prepare, or assist another person to make
20 a false, misleading, or deceptive material statement concerning the
21 purpose of travel, lodging, medical treatment, insurance coverage,

1 or intended length of stay to a government official, health care
2 provider, landlord, insurer, lender, or licensing authority; or

3 (5) receive, transfer, conceal, distribute, or launder proceeds
4 derived from conduct prohibited by this Act.

5 (c) An attempt, conspiracy, solicitation, or aiding and
6 abetting of any act prohibited by this section shall be punishable to
7 the same extent as a completed violation.

8 (d) This section applies only to compensated commercial
9 conduct and shall not be construed to criminalize the mere fact of
10 travel, pregnancy, childbirth, or the birth of a child in the
11 Commonwealth.

12 (e) Nothing in this section shall be construed to regulate
13 immigration status, admissibility, parole, visa issuance, nationality,
14 or citizenship eligibility, all of which remain matters of federal law.

15 (f) This section shall not be construed to prohibit:

16 (1) lawful emergency medical care, prenatal care, childbirth
17 services, postpartum care, or other medically necessary treatment
18 provided by a licensed health care provider acting within the
19 ordinary course of practice and not knowingly participating in
20 prohibited commercial facilitation;

21 (2) the ordinary rental of lodging, the ordinary provision of

1 transportation, or the ordinary sale of goods or services by a person
2 lacking the mental state required by this Act;

3 (3) lawful legal representation or advice provided by an
4 attorney licensed or otherwise authorized to practice law, where the
5 attorney is not knowingly participating in prohibited commercial
6 facilitation; or

7 (4) unpaid support, transportation, lodging, or assistance
8 provided by a family member or friend, absent compensated
9 commercial facilitation prohibited by this Act.

10 **§ 103. Business Licensing Restrictions.**

11 (a) No business license shall be issued, transferred, or
12 renewed for any person or entity engaged in conduct prohibited by
13 this Act.

14 (b) Upon notice and opportunity to be heard as provided by
15 law, the Department of Finance or other applicable licensing
16 authority shall suspend or revoke any business license, permit,
17 registration, or authorization held by a person or entity found to have
18 violated this Act.

19 (c) A violation of this Act shall constitute grounds to deny
20 future business licensing for a period not to exceed five (5) years

1 from the date of final adjudication.

2 **§ 104. Penalties.**

3 (a) Any person who knowingly owns, operates, manages,
4 directs, organizes, or finances a birth tourism business in violation
5 of § 102(a) commits a felony and shall be punished by imprisonment
6 for not less than two (2) years and not more than five (5) years, a
7 fine of not less than Twenty-Five Thousand Dollars (\$25,000) and
8 not more than One Hundred Thousand Dollars (\$100,000), or both.
9 A person falls within this subsection if the person exercises
10 decision-making authority over the enterprise, controls or supervises
11 its activities, provides capital or financial backing for its operation,
12 or derives substantial income from its operation as a business.

13 (b) Any person who knowingly engages in conduct
14 prohibited by § 102(b), but who does not fall within subsection (a),
15 commits a felony and shall be punished by imprisonment for not less
16 than one (1) year and not more than five (5) years, a fine of not less
17 than Ten Thousand Dollars (\$10,000) and not more than Fifty
18 Thousand Dollars (\$50,000), or both.

19 (c) A person shall not be sentenced under subsection (b) if
20 that person's conduct places that person within subsection (a).

21 (d) For purposes of charging and sentencing, each separately

1 compensated client arrangement, negotiated package of facilitation
2 services, distinct false or deceptive representation, and each distinct
3 transfer or distribution of prohibited proceeds arising from a
4 separate transaction or occurrence may constitute a separate
5 violation.

6 (e) In addition to criminal penalties, the Attorney General
7 may seek civil penalties to include but not be limited to following:
8 restitution, disgorgement of proceeds, costs of investigation,
9 medical costs, repatriation costs, and costs reasonably associated
10 with prosecution, injunctive relief, and any other relief authorized
11 by law.

12 **§ 105. Enforcement Authority; Cumulative Remedies.**

13 (a) The Office of the Attorney General may:

14 (1) investigate violations of this Act;

15 (2) issue subpoenas or civil investigative demands as
16 authorized by law;

17 (3) seek temporary, preliminary, or permanent injunctive
18 relief; and

19 (4) coordinate enforcement with federal authorities and
20 Commonwealth agencies where appropriate.

21 (b) To the extent provided by law, the penalties, remedies,

1 and enforcement authority provided in this Act are cumulative and
2 are in addition to, and not in substitution for, any other criminal,
3 civil, administrative, or regulatory liability or penalty provided by
4 the laws of the Commonwealth or the laws of the United States. A
5 violation of this Act may be charged, prosecuted, or enforced
6 concurrently with any other applicable offense or violation arising
7 from the same conduct. Nothing in this Act shall be construed to
8 authorize duplicative punishment, improper merger, multiplicity, or
9 any result otherwise prohibited by law.”


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

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

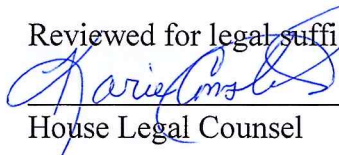
1 **Section 6. Effective Date.** This Act shall take effect upon its approval by
2 the Governor, or it becoming law without such approval.

Prefiled: 4/1/2024

Date: 04/01/20

Introduced by: 
Rep. Marissa R. Flores

Reviewed for legal sufficiency by:


House Legal Counsel

Date: 4-1-26