

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2025

H. B. 24- 36

A BILL FOR AN ACT

To establish a Prescription Drug Monitoring Program in the Commonwealth of the Northern Mariana Islands; and for other purposes.

**BE IT ENACTED BY THE 24<sup>TH</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** Commonwealth healthcare providers  
2 face increasing challenges in ensuring the safe and effective use of Prescription  
3 Drugs. The Commonwealth Healthcare Corporation (CHCC) operates the only  
4 hospital and emergency room in the CNMI and oversees clinics, pharmacies, and  
5 public health programs across Saipan, Tinian, and Rota. As the largest network of  
6 Prescribers and Dispensers in the Commonwealth, CHCC is uniquely suited to  
7 manage and operate a Prescription Drug Monitoring Program (PDMP).

8           Having access to accurate prescription history helps protect Patient safety  
9 and improve treatment decisions. PDMPs enable healthcare providers to review a  
10 Patient's current medications before prescribing or dispensing. This prevents  
11 unnecessary duplication, alerts providers to possible Drug interactions, and helps  
12 identify Patients who may be at risk of Misuse or substance use disorder.

1           Considerable effort has gone into developing a comprehensive PDMP  
2 framework for the CNMI because the ability to monitor prescribing and dispensing  
3 trends is also critical to the Commonwealth’s public health planning and response.  
4 The first legislative proposal was introduced as House Bill 22-68 during the 22nd  
5 Legislature. A revised version was later prepared and reviewed but not formally  
6 filed. This Act builds upon those earlier efforts, reflecting lessons learned and input  
7 gathered over the past several years to produce a more complete and operationally  
8 ready bill.

9           Committed to a solution that works for the CNMI, the Legislature ultimately  
10 crafted a PDMP that reflects local needs, capacities, and healthcare structure. This  
11 Act establishes a CHCC-administered monitoring system grounded in  
12 Commonwealth law, aligned with national standards, and customized for our  
13 unique geographic and public health conditions.

14           **Section 2. Enactment.** The following provision is hereby enacted as a new  
15 Chapter 12 of Division 2, Title 3 of the Commonwealth Code, to be codified as  
16 sections 2900 to 2912:

17           **“Section 2900. Short Title.** This Chapter shall be known as the  
18 “Prescription Drug Monitoring Program.”

19           **§ 2901. Definitions.** For the purposes of this Act the following terms are  
20 defined as follows:

21           (a) “Audit Trail Information” means any query-based information resulting  
22 from an authorized prescription monitoring program user’s request for a PDMP

1 report, which could include the user’s name, date and time of query, or other related  
2 information.

3 (b) “Commonwealth Healthcare Corporation” means the corporation  
4 established in 3 CMC §2823 and that is responsible for the implementation of this  
5 Act.

6 (c) “Controlled Substance” means a Prescribed Drug or substance listed in  
7 Schedules II, III, IV or V of 6 CMC §2115 to §2122.

8 (d) “Delegate” means an individual who is employed by, and acts as, an  
9 agent, for a health care facility or entity licensed by the CNMI Health Care  
10 Professions Licensing Board, to submit, request, or receive PDMP data on behalf  
11 of an individual, health care facility or other entity who is otherwise authorized to  
12 submit, request, or receive PDMP data.

13 (e) “Dispense” means the interpretation, preparation, and delivery of a  
14 Prescription Drug to a Patient or Ultimate User.

15 (f) “Dispenser” means a licensed dispensing facility or a person, authorized  
16 in the jurisdiction in which the facility or person is practicing, to Dispenses  
17 a Prescription Drug to the Ultimate User by or pursuant to the Prescription Drug  
18 Order of a Prescriber.

19 (g) “Drug” means:

20 (i) Any substance recognized as a Drug in the official compendium,  
21 or supplement thereto, designated by the Federal Food, Drug, and

1           Cosmetic Act for use in the diagnosis, cure, mitigation, treatment,  
2           or prevention of disease in man or other animal.

3           (ii) Any substance intended for use in the diagnosis, cure,  
4           mitigation, treatment, or prevention of disease in man or other  
5           animal.

6           (iii) Any substance other than food intended to affect the structure  
7           or any function of the body of man or other animal.

8           (h) “Hospice” means a program of palliative and supportive care for  
9           terminally ill persons and their families and/or caregivers.

10          (i) “Misuse” means the use of Prescription Drugs in a manner other than as  
11          directed by a doctor, such as use in greater amounts, more often, or longer than  
12          instructed to take a Drug or using someone else’s prescription and/or the use of  
13          illegal Drugs.

14          (j) “Opioid Overdose Reversal Medication” means any Drug used to reverse  
15          an opioid overdose that binds to opioid receptors and blocks or inhibits the effects  
16          of opioids acting on those receptors. It does not include intentional administration  
17          via the intravenous route.

18          (k) “Patient” means an individual for whom a prescription is issued or for  
19          whom a Prescriber directly Dispenses a Prescription Drug.

20          (l) “Prescribe” means to direct, designate, or order the use of a Drug and  
21          the manner of using the Drug.

1 (m) “Prescriber” means a licensed health care professional authorized in the  
2 jurisdiction in which the professional is practicing to Prescribe a Prescription Drug  
3 to a Patient.

4 (n) “Prescription Drug” means a Drug that is required under Federal law to  
5 be labeled with either of the following statements prior to being Dispensed: (1) “Rx  
6 Only”; (2) “Caution: Federal law restricts this Drug to use by, or on the order of, a  
7 licensed veterinarian”; or a Drug that is required by any applicable Federal or State  
8 law or rule to be Dispensed pursuant only to a Prescription Drug Order.

9 (o) “Prescription Drug Monitoring Program” or “PDMP” means a program  
10 that collects, manages, analyzes, and provides information regarding Prescription  
11 Drugs, including but not limited to the PDMP established by this Act.

12 (p) “Prescription Drug Order” means a lawful order from a Prescriber for a  
13 Prescription Drug for a Patient.

14 (q) “Ultimate User” means a person who lawfully possesses a Prescription  
15 Drug for medical use or for the use of a member of the person’s household or for  
16 administering to an animal managed by the person or by a member of the person’s  
17 household.

18 **§ 2902. Prescription Drug Monitoring Program Established.**

19 (a) The Commonwealth Healthcare Corporation shall establish and  
20 maintain an electronic Prescription Drug Monitoring Program for the monitoring  
21 of all Prescription Drugs Dispensed in the CNMI or Dispensed to an address in the  
22 CNMI.

1           (b) The Commonwealth Healthcare Corporation may contract with another  
2 government agency or private vendor to establish and maintain the electronic  
3 monitoring system pursuant to the rules and regulations promulgated by the  
4 Commonwealth Healthcare Corporation in accordance with the CNMI  
5 Administrative Procedures Act.

6           (c) The Commonwealth Healthcare Corporation may establish an advisory  
7 group to provide input and advice regarding the establishment, administration, and  
8 evaluation of the PDMP.

9           **§ 2903. Mandatory Data Reporting.**

10           (a) Each Dispenser shall submit to the CNMI Prescription Drug Monitoring  
11 Program information regarding each Prescription Drug Dispensed.

12           (b) Unless a waiver is granted under subsection (e), each Dispenser  
13 required to report under subsection (a) of this section shall submit by electronic  
14 means to the PDMP information that shall include, but is not be limited to:

15                   (i) The Patient's name, address, and date of birth;

16                   (ii) The name of the Ultimate User, if different from the Patient,  
17 when reporting a Controlled Substance;

18                   (iii) The name and address of the pharmacy dispensing the  
19 prescription;

20                   (iv) The date the Prescription Drug Order is issued;

21                   (v) The date the Prescription Drug Order is filled;

- 1 (vi) The name of the Drug Dispensed or the National Drug Code  
2 number of the Drug Dispensed;
- 3 (vii) The strength of the Drug Dispensed.
- 4 (viii) The quantity of the Drug Dispensed and the number of days'  
5 supply;
- 6 (ix) The Prescriber's and Dispenser's name;
- 7 (x) The Prescriber's and Dispenser's National Provider Identifier  
8 number;
- 9 (xi) The Prescriber's and Dispenser's Drug Enforcement  
10 Administration number when reporting a Controlled Substance; and
- 11 (xii) Any other information as determined by the Prescription Drug  
12 Monitoring Program.

13 (c) Each Dispenser shall submit the required information on all Prescription  
14 Drugs Dispensed in the CNMI or Dispensed to an address in the CNMI in  
15 accordance with transmission methods and frequency established by the  
16 Prescription Drug Monitoring Program.

17 (d) An individual may be both a Dispenser and Prescriber for the purposes  
18 of this Act, and in these circumstances, is subject to the requirements of both  
19 Dispensers and Prescribers.

20 (e) The Prescription Drug Monitoring Program may issue a limited-time  
21 waiver to a Dispenser, which, due to unforeseen circumstances which interfere with  
22 electronic submission, is unable to submit prescription information by electronic

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1 means. Such waiver may permit the Dispenser to submit prescription information  
2 by paper form or other means, provided all information required in subsection (a)  
3 of this section is submitted in this alternative format.

4 **§ 2904. Registration with the Prescription Drug Monitoring Program.**

5 (a) All Prescribers and Dispensers who issue Prescription Drug Orders or  
6 Dispense Prescription Drugs in the CNMI shall register with the Prescription Drug  
7 Monitoring Program within 60 calendar days of the effective date of this provision  
8 and upon CNMI issuance of the individual's professional license or certification

9 **§ 2905. Querying the Prescription Drug Monitoring Program.**

10 (a) A Prescriber or Prescriber's Delegate shall query the Prescription Drug  
11 Monitoring Program prior to initially prescribing or personally dispensing a  
12 Controlled Substance to a Patient. If the Patient's course of treatment continues for  
13 more than ninety (90) days after the date of the initial prescription, the Prescriber  
14 or Prescriber's Delegate shall make periodic requests for Prescription Drug  
15 Monitoring Program information, no less frequently than annually or until the  
16 course of treatment has ended.

17 (b) A Dispenser or a Dispenser's Delegate shall query the Prescription  
18 Drug Monitoring Program prior to dispensing a Controlled Substance to the  
19 Patient.

20 (c) The requirements listed in (a) and (b) of this section shall not apply if  
21 one of the following conditions is met:

1 (i) The Prescription Drug is a Controlled Substance which is  
2 Prescribed or Dispensed to a Patient currently receiving Hospice  
3 care.

4 (ii) If it is not possible to query the Prescription Drug Monitoring  
5 Program in a timely manner due to an emergency situation.

6 (iii) The PDMP system is not operational at the time the query is  
7 attempted.

8 (d) A Prescriber or Dispenser may query the Prescription Drug Monitoring  
9 Program for information on a Patient as detailed in rules and regulations  
10 promulgated pursuant to this Act in accordance with the CNMI Administrative  
11 Procedures Act.

12 **§2906. Confidentiality.**

13 (a) Information submitted to the PDMP shall be confidential and not  
14 subject to public or open records laws, except as provided in Section 2907.

15 (b) The Commonwealth Healthcare Corporation shall establish and enforce  
16 policies and procedures to ensure that the privacy and confidentiality of Patients  
17 are maintained, and that Patient information collected, recorded, transmitted, and  
18 stored pursuant to the PDMP is protected and not disclosed to persons except as  
19 provided in Section 2907.

20 (c) The Commonwealth Healthcare Corporation shall establish and  
21 maintain a process for verifying the credentials and authorizing the use of data  
22 collected by the PDMP by those individuals as allowed for in Section 2907.

1           **§2907. Access to and Use of Prescription Drug Monitoring Program**

2           **Data.**

3           (a) The Commonwealth Healthcare Corporation may use prescription  
4 monitoring information for statistical analysis, research, public policy, PDMP or  
5 provider evaluation, or educational purposes.

6           (b). The Commonwealth Healthcare Corporation is further authorized to  
7 provide information in the PDMP upon request to the following individuals:

8                   (i) Persons authorized to Prescribe or Dispense Prescription Drugs,  
9 for the purpose of providing medical or pharmaceutical care for their  
10 Patients or for reviewing information regarding prescriptions that  
11 have been issued or Dispensed by the requester.

12                   (ii) A Patient who requests the Patient's own prescription  
13 monitoring information, the legal representative of such a Patient,  
14 or the parent of a minor, in accordance with procedures established  
15 by the Commonwealth Healthcare Corporation.

16                   (iii) The CNMI Health Care Professions Licensing Board if the  
17 request is pursuant to an investigation or is pursuant to the agency's  
18 official duties and responsibilities.

19                   (iv) Local, state, and federal law enforcement or prosecutorial  
20 officials responsible for the administration, investigation, or  
21 enforcement of the laws governing Controlled Substances for  
22 criminal cases pursuant to their official duties. Law enforcement or

1           prosecutorial officials seeking information from the Prescription  
2           Drug Monitoring Program must include a warrant in any request for  
3           information.

4           (v) The CNMI Medicaid Agency regarding Medicaid program  
5           recipients and Medicaid program providers for the purposes of  
6           medical provider quality evaluation, Drug utilization review,  
7           beneficiary health outcomes improvement, and investigations of  
8           fraud, waste and abuse.

9           (vi) Public or private entities for the purpose of research or  
10          education as approved by the Commonwealth Healthcare  
11          Corporation in accordance with local and federal rules.

12          (vii) Other disclosures as permitted in rules and regulations  
13          promulgated by the Commonwealth Healthcare Corporation in  
14          accordance with the CNMI Administrative Procedures Act.

15          (c) The Commonwealth Healthcare Corporation is authorized to  
16          proactively send unsolicited reports to Prescribers or Dispensers, which may  
17          include flags of potentially harmful prescribing or dispensing activity, and, for  
18          Prescribers, may include comparison to median or average prescribing activity of  
19          other Prescribers in the CNMI.

20          (d) The Commonwealth Healthcare Corporation shall not disclose PDMP  
21          data in response to a subpoena or other method of discovery or compelled

1 production in a civil proceeding. PDMP data and Audit Trail Information shall not  
2 be admissible as evidence in a civil proceeding.

3 (e) The Commonwealth Healthcare Corporation shall review information  
4 submitted to the PDMP. Such reviews, which may link PDMP data with other data  
5 sets, should include, but are not limited to:

6 (i) A review to identify information that appears to indicate if a  
7 person may be obtaining prescriptions in a manner that suggests that  
8 the Patient may have a substance use disorder. When such  
9 information is identified, the Prescription Drug Monitoring Program  
10 may confidentially contact the Patient's provider with information  
11 regarding evidence-based treatment options and other services  
12 which may benefit Patients with a substance use disorder.

13 (ii) A review to identify ways to improve clinical decision-making  
14 and practices.

15 (iii) A review to identify information that appears to indicate if a  
16 violation of law or breach of professional standards may have  
17 occurred. Whenever such information is identified, the Prescription  
18 Drug Monitoring Program should notify the professional who may  
19 have violated legal or professional standards and may also notify the  
20 CNMI Healthcare Professionals Licensing Board.

21 **§2908. Information Exchange with Other Prescription Drug**  
22 **Monitoring Programs.**

1 (a) The Commonwealth Healthcare Corporation may provide prescription  
2 monitoring information to other states' and territories' Prescription Drug  
3 monitoring programs, and the information may be used by those programs  
4 consistent with this subchapter.

5 (b) The Commonwealth Healthcare Corporation may request and receive  
6 prescription monitoring information from other states' and territories' Prescription  
7 Drug monitoring programs and may use the information as permitted under this  
8 chapter.

9 (c) The Commonwealth Healthcare Corporation may develop the capability  
10 to transmit information to other Prescription Drug monitoring programs and receive  
11 information from other Prescription Drug monitoring programs.

12 (d) The Commonwealth Healthcare Corporation may enter into written  
13 agreements with other states' and territories' Prescription Drug monitoring  
14 programs for the purpose of describing the terms and conditions for sharing  
15 prescription information under this subchapter.

16 **§2909. Annual report on program data and performance measures.**

17 On or before March 1 of each fiscal year, the Commonwealth Healthcare  
18 Corporation Prescription Drug Monitoring Program shall prepare and submit to the  
19 Governor and the presiding officers of the Legislature an analysis of program data,  
20 including but not limited to performance measures, expenditures, and  
21 recommendations, if any, for future funding, program improvements, or policy  
22 reform in line with federal grantor requirements.

1           **§2910. Immunity.**

2           (a) Unless there is a finding of reckless disregard, gross negligence, malice,  
3 or criminal intent, the Commonwealth Healthcare Corporation shall not be subject  
4 to civil liability, administrative action, or other legal or equitable relief for the:

5                   (i) failure to possess PDMP data that was not reported to the  
6 Commonwealth Healthcare Corporation;

7                   (ii) release of PDMP data that was factually incorrect;

8                   (iii) unlawful access to PDMP data by an individual, health care  
9 facility or entity, or unlawful disclosure or use of PDMP data by an  
10 individual, health care facility, or entity who requested and received  
11 PDMP data pursuant to Section 2907.

12           (b) Unless the CHCC finds a lack of good faith, a Dispenser or Delegate is  
13 not subject to civil liability, administrative action, or other legal or equitable relief  
14 for reporting data to the PDMP pursuant to Section 2903.

15           (c) Unless the CHCC finds a lack of good faith, a Prescriber, Dispenser,  
16 pharmacist, or other individual, agency, or entity in proper possession of PDMP  
17 information pursuant to this Act is not subject to civil liability, administrative  
18 action, or other legal or equitable relief for accessing, using, or disclosing PDMP  
19 information pursuant to Section 2905 and 2907.

20           **§2911. Unlawful Acts and Penalties.**

21           (a) Administrative Sanctions.

1 (i) A Dispenser who knowingly fails to submit prescription  
2 monitoring information to the Commonwealth Healthcare  
3 Corporation as required by this Act, or who knowingly submits  
4 incorrect prescription information, shall be referred to the  
5 appropriate professional licensing or regulatory board for  
6 administrative sanctions and may be subject to an administrative  
7 penalty levied by that professional licensing or regulatory board of  
8 no more than \$250.00 per violation. Each such failure to submit  
9 prescription monitoring information shall count as a separate  
10 violation.

11 (ii) A Dispenser who knowingly fails to correct or amend  
12 prescription monitoring information submitted to the  
13 Commonwealth Healthcare Corporation after notification by the  
14 Commonwealth Healthcare Corporation shall be referred to the  
15 appropriate professional licensing or regulatory board for  
16 administrative sanctions and may be subject to an administrative  
17 penalty levied by the that professional licensing or regulatory board  
18 of no more than \$250.00 per violation. Each such failure to correct  
19 or amend prescription monitoring information shall count as a  
20 separate violation.

21 (iii) A Prescriber, Dispenser, or Delegate who knowingly fails to  
22 register with the PDMP as required by this Act shall be referred to

1 the appropriate professional licensing or regulatory board for  
2 administrative sanctions and may be subject to an administrative  
3 penalty levied by the appropriate professional licensing or  
4 regulatory board of no more than \$500.00.

5 (iv) A Prescriber or Dispenser who knowingly fails to query the  
6 PDMP as required by this Act shall be referred to the appropriate  
7 licensing or regulatory board for administrative sanctions and may  
8 be subject to an administrative penalty levied by the appropriate  
9 professional licensing or regulatory board of no more than \$250.00  
10 per violation. Each such failure to query the PDMP shall count as a  
11 separate violation.

12 (b) Criminal Penalties.

13 (i) A person, agency, or entity authorized to receive prescription  
14 monitoring information, or Audit Trail Information pursuant to this  
15 Act who knowingly discloses such information in violation of this  
16 Act shall be subject to punishment by imprisonment for not more  
17 than three (3) years or a fine of not more than \$3,000, or both.

18 (ii) A person, agency, or entity authorized to receive prescription  
19 monitoring information or Audit Trail Information pursuant to this  
20 Act who knowingly uses such information in a manner or for a  
21 purpose in violation of this Act shall be subject to punishment by

1 imprisonment for not more than five (5) years or a fine of not more  
2 than \$5,000, or both.

3 (iii) A person, agency, or entity authorized to receive prescription  
4 monitoring information or Audit Trail Information pursuant to this  
5 Act who knowingly requests such information in violation of this  
6 Act shall be subject to punishment by imprisonment for not more  
7 than five (5) years or a fine of not more than \$5,000, or both.

8 (iv) A person, agency, or entity not authorized to receive  
9 prescription monitoring information or Audit Trail Information  
10 pursuant to this Act who obtains or attempts to obtain such  
11 information by fraud or deceit from the PDMP or from a person  
12 authorized to receive such information under this Act shall be  
13 subject to punishment by imprisonment for not more than five (5)  
14 years or a fine of not more than \$10,000, or both.

15 (v) A person, agency, or entity not authorized to receive prescription  
16 monitoring information or Audit Trail Information pursuant to this  
17 Act knowingly discloses or uses such information in violation of this  
18 Act shall be subject to punishment by imprisonment for not more  
19 than five (5) years or a fine of not more than \$10,000, or both.

20 **§2912. Rules and Regulations.**

21 The Commonwealth Healthcare Corporation shall promulgate rules and  
22 regulations necessary to implement the provisions of this Chapter in accordance

1 with the CNMI Administrative Procedures Act as codified in 1 CMC sections 9101  
2 to 9115 or as amended.”

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

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


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

Prefiled: 7/7/2025

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

Introduced by:   
Rep. Malcolm J. Omar

Reviewed for Legal Sufficiency by:

  
House Legal Counsel