

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2025

S. B. NO. 24-48

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**A BILL FOR AN ACT**

To establish a Division of Customs and Biosecurity within the Department of Finance for the purposes enforcing all laws at the ports of entry and that is responsible for the inspection and clearance of containers, cargo, baggage related to customs and biosecurity at the ports of entry, and other matters related to border security.

**BE IT ENACTED BY THE TWENTY-FOURTH NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that Executive Order  
2   2021-009 transferred the Agricultural Quarantine Section within the Department of  
3   Lands and Natural Resources, to the Division of Customs Services, within the  
4   Department of Finance, and designated the Division as the Division of Customs and  
5   Quarantine. Both the Agricultural Quarantine Section and the Division of Customs  
6   Service share in the implementation of the Commonwealth's efforts to protect the  
7   Commonwealth's borders, utilizing the same facilities and performing collaborative  
8   functions. Executive Order 2021-009 also transferred all records and property (real or  
9   personal) of the Agricultural Quarantine Section and all personnel are to maintain their  
10  current positions and status in the classified civil service or in the excepted services to  
11  the Division of Customs.

12           The Legislature finds that in general, the term "biosecurity" involves restricting  
13  the movement of anything capable of carrying disease or disease-causing agents,  
14  including people, pigs, birds, etc. and taking precautionary measures to prevent any  
15  exposure to harmful biological agents.

16           The Legislature further finds that it is a standard practice to name the  
17  organization as Customs and Biosecurity in order to give equal importance to the  
18  functions of customs and biosecurity at the ports of entry. The Legislature finds that all

1 personnel of the Division should also be classified as law enforcement officers similar  
2 to the classification of customs officers.

3 Since the merger, the Division of Customs and Quarantine has diligently  
4 safeguarded the Commonwealth's ports of entry and will continue to identify and  
5 prevent the importation of contraband and prohibited items into our islands. However,  
6 legislation is required to fully merge the Agriculture Quarantine Section with the  
7 Division of Customs, to rename the "Division Customs and Biosecurity," and to enable  
8 the Division to discharge its obligations to the people of the Commonwealth.

9 **Section 2. Amendment.** 1 CMC § 2553 is hereby amended to read as follows:

10 "(i) To be responsible for customs, and baggage inspection, and biosecurity at  
11 the ports of entry, and other matters related to border security;"

12 **Section 3. Amendment.** Title 1, Division 2, Part 1, Chapter 11, Article 7 of the  
13 Commonwealth Code is hereby amended to read as follows:

14 "Article 7. **Division of Customs and Biosecurity.**

15 **§ 25201. Division of Customs and Biosecurity: Established.** There is in the  
16 Department of Finance a Division of Customs and Biosecurity headed by a director who  
17 shall be within the civil service. No person may be director who does not possess  
18 professional qualifications including at least eight years of progressively increasing  
19 experience in the field of Customs and/or Biosecurity. Subject to the overall direction  
20 of the Secretary of Finance, the Director shall have supervision over and be responsible  
21 for all matters concerning customs and biosecurity on a day-to-day basis, including  
22 employees' reallocation, promotion, and reclassification.

23 **§ 25202. Administration and Enforcement.**

24 (a) Customs and biosecurity personnel are law enforcement officers who are  
25 engaged in the enforcement of the excise tax laws, the Commonwealth Controlled  
26 Substances Act, the Weapons Control Act, the Anti-Drug Abuse Act of 1991, the  
27 Customs and Biosecurity Act, other local and federal laws enforced at the ports of entry,  
28 and in the interception of contraband, including items subject to biosecurity and  
29 quarantine laws. All personnel transferred to Customs and Biosecurity by Executive

1 Order 2021-009 shall be compensated on the pay scales applicable to the of Customs  
2 Services.

3 (b) Other Government Agencies. By agreement, the Director of the Customs and  
4 Biosecurity Division may utilize the personnel services and facilities of other agencies  
5 of the government of the Commonwealth of the Northern Mariana Islands or other  
6 government agencies, including the federal government, for proper enforcement of  
7 excise tax laws, quarantine and biosecurity laws, other laws enforced at the ports of  
8 entry, and regulations promulgated by the Secretary of Finance.

9 **§ ~~25201~~ § 25203. Collection of Fines & Fees at the Ports of Entry**

10 The Department of Finance specifically the Division of Customs and  
11 Biosecurity is hereby vested with the authority to collect and keep all fin  
12 es, fees, and  
13 statutory penalties imposed on businesses and individuals at the ports of entry for but  
14 not limited to training, operations and personnel costs associated with the Division's  
15 mission to improve services and the fight on the ice epidemic in the Commonwealth.  
16 Such funds shall not be subject to reprogramming. Provided further that the Division of  
17 Customs and Biosecurity shall create rules and regulations to standardize fin  
18 es, fees,  
19 and penalties and to regulate such fin  
20 es, fees, and penalties. The expenditure authority  
21 of all the collections shall be the Secretary of Finance in consultation with the Director  
22 of the Division of Customs and Biosecurity or his/her designee.

20 **§ ~~25202~~ § 25204. Reporting Requirement.**

21 The Secretary of Finance in collaboration with the Director of the Division of  
22 Customs and Biosecurity shall report, on the collection and expenditure of all fin  
23 es, fees  
24 and penalties collected pursuant to 1 CMC § 25203~~1~~, on a quarterly basis to the  
25 Presiding Officers of the Legislature.

25 **§ 25205. References to the Department of Finance Division of Customs. All**  
26 references within the Commonwealth Code to the Department of Finance Division of  
27 Customs or Division of Customs Service or Division of Customs and Quarantine shall  
28 be revised to the Department of Finance Division of Customs and Biosecurity or  
29 Division of Customs and Biosecurity.”

1           **Section 4. Repealer and Reenactment.** Title 2, Division 5, Chapter 3, Article  
2 1 of the Commonwealth Code is hereby repealed and reenacted to read as follows:

3                           **“Article 1. Customs and Biosecurity Act.**

4           **§ 5301. Short Title.** This Act may be cited as the “Customs and Biosecurity  
5 Act.”

6           **§ 5302. Purpose.** In order to protect the agricultural industry and general well-  
7 being of the people of the Commonwealth, biosecurity legislation is promulgated as a  
8 means of preventing the introduction and dissemination of injurious insects, pests,  
9 diseases and harmful biological agents into and within the Commonwealth.

10           **§ 5303. Promulgation of Regulations.**

11           (a) The Director of Customs and Biosecurity shall promulgate customs and  
12 biosecurity regulations governing plant and animal quarantines and relating to the  
13 administration and enforcement of the controls established by this chapter. Letters and  
14 memoranda may be issued from time to time by the Director of Customs and Biosecurity  
15 relating to the administration and enforcement of such controls, quarantines, and  
16 customs and biosecurity regulations.

17           (b) Emergency orders relating to domestic quarantine may be issued from time  
18 to time by the Director of Customs and Biosecurity provided such orders are not in  
19 conflict with the controls, quarantines, and customs and biosecurity regulations  
20 promulgated pursuant to subsection (a) of this section.

21           **§ 5304. Administration and Enforcement.**

22           (a) The Director of Customs and Biosecurity shall administer any plant and  
23 animal quarantine controls and quarantines required under the Customs and Biosecurity  
24 Act and/or the customs and biosecurity regulations.

25           **§ 5305. Emergency Measures Authorized.**

26           (a) Upon the discovery of a situation not covered by the controls, quarantines, or  
27 customs and biosecurity regulations issued under the Customs and Biosecurity Act, or  
28 any other situation warranting immediate action, emergency quarantine measures may

1 be taken at any time by a customs and biosecurity officer or the Director of Customs  
2 and Biosecurity.

3 (b) Such emergency biosecurity measures must be reviewed by the Director of  
4 Customs and Biosecurity and either incorporated into existing regulations in the manner  
5 which is or may be provided by law, or rescinded as soon as practicable after issuance,  
6 and in no case shall such action be taken later than 30 days after the measure is taken.

7 **§ 5306. Inspection.**

8 (a) All animals and plants or parts thereof, including seeds, fruits, vegetables,  
9 and cuttings, entering or transported within the Commonwealth are subject to inspection  
10 by customs and biosecurity officers and may be refused entry into or movement within  
11 the Commonwealth if they are known to be, or are suspected of being, infected or  
12 infested with disease or pests.

13 (b) All aircrafts and vessels or their cargoes, including baggage, ship's stores  
14 and ballast, entering or moving within the Commonwealth, are subject to inspection by  
15 customs and biosecurity officers for the purpose of enforcing the controls, quarantines  
16 and regulations established pursuant to this chapter; provided, that such inspections of  
17 U.S. military aircraft and vessels shall be subject to military security regulations.

18 (c) Any person that interferes with or refuses to submit to the inspections  
19 authorized by this section shall be subject to criminal and civil penalties contained in  
20 this article.

21 **§ 5307. Manifests and Information.** Cargo manifests and other similar  
22 documents concerning aircraft and vessels entering Commonwealth shall be provided  
23 to customs and biosecurity officers. Persons or authorities having information as to the  
24 movements of aircraft and vessels will furnish such information to customs and  
25 biosecurity officers.

26 **§ 5308. In-Transit Material.** Any animals, plants or other quarantinable  
27 material in transit through the Commonwealth on aircraft or vessels shall be kept aboard  
28 such aircraft or vessels while in port or on any island of the Commonwealth, unless such  
29 material is otherwise enterable. If it is necessary to transfer such quarantinable material

1 from one vessel or aircraft to another, the transfer shall be made under the direction of  
2 a customs and biosecurity officer and with such safeguards as the officer deems  
3 necessary.

4       **§ 5309. Disposition of Contraband Material.** Anything attempted to be  
5 brought into or transported within the Commonwealth in contravention of the controls,  
6 quarantines or regulations established pursuant to the Biosecurity Act shall be seized by  
7 a customs and biosecurity officer and destroyed by fire or other appropriate means, or  
8 expelled from the Commonwealth, or returned to its place of origin, at the expense of  
9 the importer or consignee, who shall be jointly and severally liable, depending on the  
10 risk involved.

11       **§ 5310. Treatment for Insects or Other Pests.** Vessels and aircraft traveling  
12 into or within the Commonwealth and known or suspected upon reasonable grounds to  
13 be harboring insects or other agricultural pests will be subject to treatment as may be  
14 deemed necessary by customs and biosecurity officer(s); provided, that such treatment  
15 is performed by a certified applicator in the CNMI. All treatment expenses shall be the  
16 responsibility of the importer or consignee, with treatment to be monitored by a Customs  
17 Biosecurity officer to ensure requirements are satisfactorily met per regulations.

18       **§ 5311. Importation of Meat Products, Frozen Semen, Garbage, Animal**  
19 **Byproducts, Bedding Material and Certain Feedstuffs.**

20       (a) It is unlawful to import fresh, chilled, frozen and/or unprocessed meat or  
21 carcass of any kind, including birds and poultry, from any part of the world into the  
22 Commonwealth, except from the continental United States, Hawaii, Guam, and any  
23 other country, state or territory allowed by the United States Department of  
24 Agriculture's Animal and Plant Health Inspection Service.

25       (b) Meat or poultry permitted entry by the Director shall comply with all  
26 applicable federal laws and regulations pertaining to meat and poultry inspection, as  
27 provided for by the Federal Meat Inspection Act [21 U.S.C. § 601 et seq.], the  
28 Wholesome Meat Act [21 U.S.C. § 201 et seq.], the Poultry Products Inspection Act [21  
29 U.S.C. § 451 et seq.], and other applicable federal laws.

1           (c) It is unlawful to import semen or living animal serum produced in any part  
2 of the world into the Commonwealth except from the continental United States, Hawaii,  
3 and Guam. An animal quarantine permit issued by the CNMI State Veterinarian of the  
4 Animal Health Industry is required as a condition of entry of frozen semen and living  
5 animal serum, and must further be accompanied by such certificates as may be required  
6 in the permit. Any animal semen imported must be certified free of venereal and genital  
7 diseases, including the donor animals, by an accredited veterinarian of the place of  
8 origin. Unless the entry conditions and requirements stated on the import permit are  
9 fully complied with, the shipment shall be refused entry.

10           (d) Dried, cured, cooked and other processed or manufactured meat and meat  
11 products are prohibited entry except from the continental United States, Hawaii, Guam,  
12 and any other country, state or territory allowed by the United States Department of  
13 Agriculture's Animal and Plant Health Inspection Service. The above products shall be  
14 accompanied by adequate proof of origin, including invoices or sales slips, specifying  
15 the amount of purchase made and the dates thereof.

16           (e) All garbage from surface vessels and aircrafts must be held on board the ship  
17 or plane while in port or incinerated in a United States Department of Agriculture or  
18 United States Environmental Protection Agency approved disposal facility under  
19 supervision of an authorized customs and biosecurity officer. All garbage on board a  
20 vessel or aircraft shall be contained in tight, leakproof containers, be kept inside the  
21 vessel guardrail, and shall not be unloaded unless contained in tight, leakproof  
22 containers and sent to an approved disposal facility under general supervision of an  
23 authorized customs and biosecurity officer. Garbage disposal fees may be charged at a  
24 rate to be determined by the Division of Customs and Biosecurity.

25           (f) All other animal products and byproducts, including trophies, bloodmeal,  
26 blood albumin, bones, horns, hoofs, feathers on skin, gluestock, hides, and skins, organs  
27 and glands, tankage, wool, hair, bristles, ossein, casings, dairy products,  
28 pharmaceuticals, biologicals, etc., as well as straw, hay and grass, shall be governed and

1 regulated by relevant provisions of Title 9 of the United States Code of Federal  
2 Regulations.

3       **§ 5312. Interference with Inspection Prohibited, Including Harassments,**  
4 **Threats and Bodily Harm to Customs and Biosecurity Personnel.** It shall be  
5 unlawful for any person or persons to interfere, in any way or manner, with the  
6 inspection procedures or with the customs and biosecurity personnel, including  
7 harassment, threats and bodily harm to said inspection personnel. Any person who  
8 engages in any of these prohibited acts shall be subject to criminal and civil penalties  
9 contained in this article.

10       **§ 5313. Penalties.**

11       (a) Criminal Penalty. Any person violating any of the provisions of this article  
12 or any regulations issued under the article shall upon conviction, be imprisoned for not  
13 more than six months or fined not more than \$2,000 or both.”

14       **Section 5. Amendment.** Title 2, Division 5, Chapter 3, Article 2 of the  
15 Commonwealth Code is hereby amended as follows:

16               **“Article 2. Animal Health Protection and Disease Control Act.**

17       **§ 5321. Purpose and Objectives.**

18       (a) The purpose of this article is to:

19       (1) Establish a well-defined system for assisting the Division of Customs and  
20 Biosecurity with animal quarantine and inspection procedures, and establishing disease  
21 control activities to provide for the sound protection of domestic animals, poultry and  
22 birds, as well as pet animals and the public health; ~~Establish a well defined system of~~  
23 ~~animal quarantine, inspection procedures, and disease control activities to provide for~~  
24 ~~the sound protection of domestic animals, poultry and birds, as well as pet animals and~~  
25 ~~the public health;~~

26       . . . .

27       **§ 5324. Entry of Animals Without Inspection Prohibited.**

28       (a) No domestic or wild animal, including livestock, birds and poultry, shall  
29 enter the Commonwealth, except after inspection by the Division of Customs and

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1 Biosecurity, and a representative from Animal Health and Industry if necessary, and the  
2 issuance of an entry permit by Animal Health and Industry to the consignee, importer,  
3 or owner. No domestic or wild animal, including livestock, birds and poultry, shall enter  
4 the Commonwealth, except after inspection and the issuance of an entry permit by the  
5 chief to the consignee, importer, or owner.

6 . . . .

7 ~~§ 5327. Importation of Meat Products, Frozen Semen, Garbage, Animal~~  
8 ~~Byproducts, Bedding Material and Certain Feedstuffs. [Repealed in its entirety].~~

9 . . . .”

10 **Section 6. Amendment.** Section 2301(a)(4) of Title 6 of the Commonwealth  
11 Code is hereby amended as follows:

12 **“§ 2301. Importation of Contraband.**

13 (a) It shall be unlawful for any person to knowingly enter the Commonwealth  
14 with the intent to import, or attempt to cause another to bring or import into the  
15 Commonwealth, or conceal for the purpose of importation, any of the following items:

16 . . .

17 (4) All animals and plants or parts thereof, including seeds, fruits, vegetables,  
18 and cuttings, entering or transported into the Commonwealth that violate the Customs  
19 and Biosecurity Act, Animal Health Protection and Disease Control Act, and applicable  
20 federal laws including, but not limited to, the Federal Meat Inspection Act, the  
21 Wholesome Meat Act, and the Poultry Products Inspection Act.

22 . . . .”

23 **Section 7. Amendment.** Section 10101(y)(7) of Title 6 of the Commonwealth  
24 Code is hereby amended as follows:

25 “For purposes of this division:

26 . . .

27 (y) “Law Enforcement” means:

28 . . .

29 (7) any customs and biosecurity officer employed by the Department of Finance;

1       ....”

2       **Section 8. Amendment.** Section 8282(f) of Title 1 of the Commonwealth Code  
3 is hereby amended as follows:

4       “For purposes of this chapter, law enforcement officers shall include the  
5 following:

6       ...

7       (f) Customs and biosecurity officers;

8       ....”

9       **Section 9. Severability.** If any provision of this Act or the application of any  
10 such provision to any person or circumstance should be held invalid by a court of  
11 competent jurisdiction, the remainder of this Act or the application of its provisions to  
12 persons or circumstances other than those to which it is held invalid shall not be affected  
13 thereby.

14       **Section 10. Savings clause.** This Act and any repealer contained herein shall  
15 not be construed as affecting any existing right acquired under contract or acquired  
16 under statutes repealed or under any rule, regulation or order adopted under the statutes.  
17 Repealers contained in this Act shall not affect any proceeding instituted under or  
18 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,  
19 or in any way modifying, any liability, civil or criminal, which shall already be in  
20 existence at the date this Act becomes effective.

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

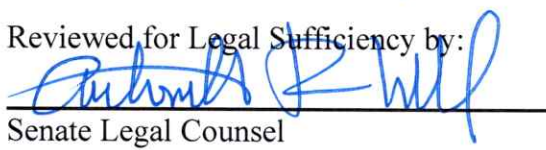
Prefiled:

Date: 09/30/25

Introduced By: \_\_\_\_\_

  
Sen. Jude U. Hofschneider

Reviewed for Legal Sufficiency by: \_\_\_\_\_

  
Senate Legal Counsel