



Republic of the Marshall Islands  
*Jepililin Ke Ejukaan*

# **BETELNUT PROHIBITION (AMENDMENT) ACT 2016**

**Sponsored by:**

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**HON. MINISTER KALANI KANEKO  
HON. SEN. DENNIS MOMOTARO**

**Approved:**

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**HON. SPEAKER KENNETH A. KEDI /s/**



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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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*Jepilpilin Ke Ejukaan*

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**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**



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Republic of the Marshall Islands  
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**BETELNUT PROHIBITION (AMENDMENT) ACT 2016**

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**A BILL FOR AN ACT** to amend Title 7, Chapter 20 of the MIRC, the Betelnut Prohibition Act, 2010, in order to control the importation of betelnut by requiring import permit and to impose ~~levy~~ fee on the importation of betelnut in the Republic.

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**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

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**§1. Short Title.**

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This Act may be cited as Betelnut Prohibition (Amendment) Act 2016.

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**§2. Amendments.**

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(1) Section 2002 of the Principal Act is amended by inserting new languages to subsection (a) and (i) and other new sections to read as follows:

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**“§2002. Interpretation.**

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(a) “betelnut” means and includes the fruit or nut, husk, paan, lime or associated products ingredients including lime, or any variety of the palm Areca catechu that generate part or whole of betelnut.

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(i) “places accessible to the public” means a public road or public building or public vehicle or public place includes any place to which the public is admitted or is allowed, any private land near or adjacent to any public road or public place, a beach, the foreshore or the lagoon;

- 1 (b) **“Public Places”** means any of the following:
  - 2 (i) Bus stops, shop fronts, easements;
  - 3 (ii) Streets, roads, lanes;
  - 4 (iii) Parks, gardens or other place of public
  - 5 recreation;
  - 6 (iv) Supermarkets or mini markets and local markets;
  - 7 (v) Beaches, foreshores, water frontage, water way,
  - 8 canal, bay or lagoon;
  - 9 (vi) Any places in the open air to which public has
  - 10 access;
  - 11 (vii) Seaport, airports or helipad;
  - 12 (viii) School building s and land or premises used in
  - 13 connection with any school;
  - 14 (ix) Office buildings or land or premises occupied by
  - 15 the State, public bodies
  - 16 (xi) Hospitals, clinics and aid posts; and
  - 17 (x) Public Motor Vehicles or taxis;
- 18 (c) **“Sale Selling”** means to exchange betelnut for cash or other
- 19 items;

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21 (2) Section 2003 of the Principal Act is amended to read as follows:

22 **“§2003. ~~Importation, distribution or selling of betelnut~~**  
 23 **~~prohibited~~; Prohibition on sale or distribution of betelnut**  
 24 **and requirement for import permit and fees for personal**  
 25 **consumption.**

- 26 (1) No person shall import betelnut for sale or distribution
- 27 in the Republic other than for personal consumption.
- 28 Provided however, that:
  - 29 (a) Any person who imports betelnut for personal
  - 30 consumption must have a permit pursuant to
  - 31 section 2003A of this Act;
  - 32 (b) Any person who imports betelnut for personal
  - 33 consumption must pay levy fee on importation

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of betenut pursuant to Schedule 1 of the Import Duties Act.

(2) Nothing in this Act shall prohibit the local government by ordinance to ban the importation, sale distribution and consumption of betelnut on a particular atoll."

(3) Section 2003 of the Principal Act is amended by inserting a new section to read as follows:

**"2003A. Permit and levy on the importation of betelnut for personal consumption.**

(1) Any person who imports betelnut for personal consumption must apply to the Quarantine Officer for permit to import betelnut into Republic.

(2) The Quarantine officer shall issue permit upon payment of \$5.00 per permit for the importation of betelnut for personal consumption per week, with an allowable amount of betelnut not exceeding a maximum of 5 lbs per permit.

(4) Where betelnut is imported by a passenger or a member of a crew of a vessel or aircraft, a permit is not required, provided that the amount does not exceed 1.5 lbs. Any excess amount shall be subject to permit and ~~levy~~ fee as prescribed in this Act.

(5) Where betelnut is imported by a group of person:  
(i) the amount of the consignment shall not be more than 50 lbs; and  
(ii) the number of persons holding a permit for collective importation shall not be more than 10.

(6) Any person found in violation of this section shall be liable to the penalties set out under Section 111 of the Animal and Plants Inspection Act and 223 the *Import Duties Act 1989*."

(4) Schedule 1 of the Import Duties Act is amended by inserting a new language listing betelnut as one of the ad valorem specific or unit taxes as follows:

"16. Betelnut ..... [ \$1.00 per lb]"

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**§3. Effective Date**

This Act shall take effect in accordance with the Constitution and the Rules of Procedures of the Nitijela.



NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016

**BETELNUT PROHIBITION (AMENDMENT) ACT 2016**

**BILL SUMMARY**

This Bill proposes to amend the Betelnut Prohibition Act, 2010, in order to control the importation of betelnut by requiring a permit and fee on importation of betelnut for personal consumption in the Republic. The law proposes that any person who imports betelnut for personal consumption must apply to Quarantine Officer for a permit. The fee of the permit is set at \$5.00 per permit per week.

Each person is allowed to import a maxim of 5lbs per week per permit week. Any person who brings onboard a plane or aircraft betelnut is only allowed to carry not more than 1.5 lbs which shall not be charge at the ports. Any amount of betelnut in excess of the 5 lbs shall be subject to payment of permit \$5 and levy of \$1.00 per pound.

Where a group of person collectively importing betelnut in large consignment – (i) the consignment must not be more than 50 lbs, and (ii) the number of persons who hold import permits must not be more than 10 persons per consignment.

According to latest Cargo Manifest at the Airport – one consignee is able to imported more than 8 to 17 boxes of betelnut for personal consumption in each week – with weight pound ranging from 369.0 LBS to 730.6 LBS which is unreasonable.

The Bill envisages that by imposing import permit and fee on the betelnut will not only bring revenue for the government but control the unreasonable importation of betelnut for personal consumption in the RMI.

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
37TH CONSTITUTIONAL REGULAR SESSION, 2016**

**BETELNUT PROHIBITION (AMENDMENT) ACT 2016**

**SIGNATURES**

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**DATE:** *\_AUG.18, 2016\_*      **INTRODUCED BY** *\_MIN. KALANI KANEKO\_*      *\_\_\_/S/\_*

**DATE:** *\_AUG.18, 2016\_*      **INTRODUCED BY** *\_SEN. DENNIS MOMOTARO\_*      *\_\_\_/S/\_*

**DATE:** *\_AUG.18, 2016\_*      **INTRODUCED BY** *\_SEN. BRUCE BILIMON\_*      *\_\_\_/S/\_*

**DATE:** *\_AUG.18, 2016\_*      **INTRODUCED BY** *\_SEN. CASTEN NEMRA\_*      *\_\_\_/S/\_*