NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
47TH CONSTITUTIONAL REGULAR SESSION, 2026

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

FOOD SAFETY (AMENDMENT) ACT 2026

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FOOD SAFETY (AMENDMENT) ACT 2026

A BILL FOR AN ACT to amend the Food Safety Act 2010 to strengthen food safety enforcement, improve inspection and licensing requirements, clarify the authority and duties of food inspectors and health officials, enhance training and compliance obligations for food businesses and handlers, and to update offences and penalties provision, and for related purposes.

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

§101. Short title.

This Act may be cited as the Food Safety (Amendment) Act 2026.

§102. Amendments.

(1) Section 1901 is hereby amended to which it shall read as follows:

§902. Interpretation.

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(r) "**suitably qualified person**", in relation to ~~certified~~ food inspectors~~,~~ means ~~for a transitional period up until 2015~~, a ~~those~~ persons who is recognized as a member of the Food Safety Task Force or otherwise identified as suitably qualified by the Secretary and may include persons with no formal qualifications in an area of relevance to inspection but who have satisfactorily completed a short-course training, approved by the secretary, in the area of food safety and food inspection, ~~After the transitional period, the term shall mean a person with formal qualifications at diploma or degree level from an~~

~~accredited college or University in an area of study approved by the Secretary as being an area of relevance to food safety~~. ~~The Secretary may still require the person to have also satisfactorily completed short course training, approved by the Secretary, in an area of food safety and food inspection;~~

(s) "**unsanitary conditions**" means such conditions as could cause contamination of a food with dirt or filth, or could render the food injurious or dangerous to health, whether such contamination or injury or danger actually occurs or not;

(t) "**use-by date**" (Recommended Last Consumption Date, Expiration Date) means the date which signifies the end of the estimated period under any stated storage conditions, after which the product probably will not have the quality attributes normally expected by the consumers. After this date, the food shall not be regarded as marketable.

(u) "**cognizant authority**" means any person authorized to make decisions and carry out plans other than the Secretary of Health when applicable, namely, the Minister of Health, Director of Environmental Health, the Food Safety Task Force, or a Qualified Food Inspector.

(2) Section 1903 is hereby amended to read as follows:

§1903. Registration and licensing of food businesses.

(1) All food businesses' premises, ~~other than~~ including those food businesses engaged in primary production only, shall be registered with the Ministry of Health before initiating operations, for the purpose of regulating the safety of food imported, exported, processed, handled, displayed, disposed of, or sold by the business.

(2) No fee shall be applicable to this registration process unless otherwise as determined ~~as may by necessary from time to time~~ by the Government of the Republic.

(3) The Ministry of Health shall maintain a register of all food business' premises, registered in accordance with Subsection (1).

(4) When obtaining a license from the relevant local authority, including the Majuro Atoll Local Government or other competent local government authority, a food business' premises shall be inspected by a food inspector and must pass the inspection with zero critical deficiencies or hazard to public health, using the "RMI Food Premise

Checklist", prior to issuance of a license. ~~the license being provided and the business initiating operations.~~

(5) Not withstanding a business being in possession of a license provided by the relevant licensing authority, no food business shall initiate operations until it meets the requirements of this Chapter and its regulations and standards.

(6) A license, or a true copy of it, relevant for the particular food business and current for the period of operation, shall be displayed in all premises covered under this Chapter.

(7) Notwithstanding Subsections (1) to (5) of this Section, charity and community food business operations shall be deemed to have met the requirements of this section by informing the food inspector of their intention to operate before starting operations and shall receive a written permission from the food inspector to operate for a defined period.

(3) Section 1904 is hereby amended to read as follows:

§1904. Food safety obligations.

(1) Operators of food businesses have an obligation to put in place procedures as prescribed in the regulations, and any additional precautions necessary, to ensure the safety of food imported, exported, processed, handled, disposed of when required, stored, displayed or sold by the business.

(2) Food that carries a use-by date or a minimum durability date, or is required by regulations under this Chapter to carry such a date, shall bear the date in a manner that is easily visible and likely to be read and understood by an ordinary consumer under customary conditions of purchase and use.

(3) Signs shall be posted within food business premises to provide guidance to employees regarding food safety, including but not limited to proper handwashing procedures, general safety signage, proper storage order of potentially hazardous foods, proper temperature requirements for cooked and stored foods, and reminders to keep personal items and chemicals away from food preparation areas.

(4) *Section 1905 is hereby amended to read as follows:*

§1905. Training of food handlers.

(1) All food handlers shall, prior to starting work in a food business, be required to undergo training by the health authorities or by a organization accredited by the health authorities for such training.

(2) Charity and community food business operations shall be provided a food handler information sheet by the Ministry of Health when the business informs the Ministry of Health of their intention to operate food business subject to Section 3(6) of this Chapter.

(3) For the purposes of Subsection (1), food handlers involved in charity and community food business operations shall read and follow the training guidance provided under Subsection (2).

(4) All food handlers shall complete annual food safety training, and records of such training shall be maintained and made readily available during inspections. Managers shall complete an approved Food Safety Manager Course or equivalent training at least once every five (5) years. All food businesses covered under section 1903 shall ensure that employees and managers complete an approved food safety training course within one (1) year of the effective date of this Act.

(5) *Section 1906 is hereby amended to read as follows:*

§1906. Health of food handlers.

(1) All food handlers shall, prior to starting work in a food business, be required to undergo medical screening tests prescribed by the Secretary and shall be required to undertake such examinations on a ~~six monthly basis~~ semi-annual basis while continuing employment as a food handler.

(2) No person shall be employed as a food handler, or handle food, if that person has not been cleared by the medical examinations under Subsection (1) and hold a health certificate.

(3) A food handler employee in all premises covered under this Chapter, shall displayed on a food business' premises in a manner that is easily visible to a food inspector during an inspection ~~a health certificate, or a true copy of it~~ a current health certificate displayed.

(4) Not withstanding Subsection (3), where the business is a charity or community business, and the premises may be mobile or non-fixed, all food handlers in the business shall, while handling, transporting and selling food, carry with them their health certificate and make it available for inspection at the request of food inspector.

(5) Health certificate shall include a recent passport style photograph of the food handler to assist in confirmation that the health certificate belongs to a given individual.

(6) Section 1908 is hereby amended to read as follows:

§1908. Prohibited product.

(1) If in the opinion of the Secretary, or Cognizant Authority, there is a public health concern, the Secretary may, by order, declare any food a prohibited product.

(2) A food declared as a prohibited product under Subsection (1) shall be prohibited from being imported, produced, prepared, stored, displayed or sold.

(3) The Minister, if it is necessary in the public interest, may exercise the power conferred on the Secretary by Subsection (1).

(7) Section 1910 is hereby amended to read as follows:

§1910. Appointment of Food Inspectors.

(1) The ~~Secretary may~~ Director of Environmental Health shall appoint suitably qualified persons to be certified food inspectors to administer and enforce the provisions of this Chapter, its regulations and standards.

(2) The ~~Secretary may~~ Director of Environmental Health, consult with other appropriate Ministries, national authority or local government, to appoint personnel from another Ministry, national authority or local government to a task force for food inspection purposes. For the period of time in which the task force is conducting an inspection under this Chapter, its regulations and standards, the members of the task force will have the powers, functions and responsibilities of a food inspector.

(3) With respect to food being imported into the Republic of the Marshall Islands, the Secretary of Health may request the support of suitably

qualified persons in the Ministry of Natural Resources and Commerce ~~Resources and Development and~~ the Division of Customs, or other relevant agencies to assist to support the work of food inspectors in carrying out their duties under this Chapter ~~in protecting human health through inspection of the safety of the imported food at the point of entry of the food into the country~~.

(8) Section 1911 is hereby amended to read as follows:

§1911. Certification ~~of food inspectors~~ and Roles of Food Inspectors.

(1) For an individual to be certified food inspector:

(a) the ~~Secretary~~ Director of Environmental Health shall have determined that the person is worthy of public trust and confidence

(b) be a suitably qualified person who successfully completed approved training and food safety and food inspection; and

(c) the ~~Secretary~~ Director of Environmental Health shall have appointed the person as a certified food inspector.

(2) While on duty, a food inspector shall wear a badge or alternative form of identification to confirm that they are a certified food inspector under this Chapter.

(9) Section 1912 is hereby amended to read as follows:

§1912. ~~Powers of entry and search~~ Conducting Food Inspections.

(1) For the purposes of this Chapter, a Food Inspector may at all reasonable times:

(a) stop and detain any vehicle or vessel the inspector knows or reasonably suspects is being used for the production, processing, handling, storage, display or sale of any food or article under this Chapter; and

(b) enter any premises the inspector knows or reasonably suspects are being used for the production, processing, handling, storage, display or sale of any food or article under this Chapter.

(2) ~~Before exercising powers of entry and search under this section, the Secretary of Health shall with the assistance of the Attorney General's Office or the Police Commissioner, obtain a search warrant in~~

~~accordance under Article II, Section 3 of the Constitution~~ Prior to conducting an inspection, a Food Inspector shall notify the food business and inform the owner or operator that an inspection will occur within (2) hours.

(3) Subject to Subsections (1) and (3), a Food Inspector~~, accompanied by a Police Officer~~ and other members of taskforce from other government agent, may:

(a) search for, examine and take samples of any article subject to this Chapter;

(b) open and inspect any room, place, container or package that the food inspector knows or reasonably suspects contains any article subject to this Chapter;

(c) examine any documents (electronic or hardcopy) that could contain any relevant information about articles subject to this Chapter and make copies of them;

(d) obtain photographic evidence of any article or condition subject to this Chapter;

(e) question with respect to matters under this Chapter any person the food inspector finds thereon; and

(f) make such inquiry and examination as the food inspector believes to be necessary or desirable to assist the discharge or exercise of any function or power under this Chapter to ascertain whether any contravention of any provision of this Chapter has been, is being or is likely to be committed.

(4) Upon completion of an inspection, a food inspector shall prepare a written inspection report using the approved "RMI Food Premise Checklist" for the information of the food business owner and for health authorities.

(5) A Food Inspector shall inform the owner and schedule a re-inspection where corrective action is required.

(~~5~~6) The Secretary may publish the findings of inspections in a public manner so as to inform consumers to what extent food businesses comply with good hygienic practice, the Act, its regulations and standards.

(10) Section 1913 is hereby amended to read as follows:

§1913. Powers of temporary closure.

(1) The ~~Secretary~~ food inspector may order the temporary closure, for a minimum period of three days, of any premises where either:

(a) a food inspector has reasonable evidence that public health is at immediate risk until corrective action identified as necessary in an inspection is taken; or

(b) any premises fails, after ~~3~~ two (2) re-inspections undertaken within a total period of three (3) weeks ~~reasonable period~~, to implement a corrective action identified as necessary by a food inspector.

(c) During closure, signs must be posted on all entrances and exits indicating temporary closure.

(2) After atleast (3) three days temporary closure, an owner or operator ~~of food premises may~~ must request a food inspector to conduct a re-inspect the premises to determine the compliance of the premises with this Chapter, its regulations and standards and the food inspector shall carry out that re-inspection within 72 hours of receiving the request for re-inspection.

(3) A food business subject to temporary closure under this section shall not resume operations unless, upon re-inspection conducted under subsection (2), the premises is found to have zero critical deficiencies and is in compliance with this Chapter and its regulations.

(~~3~~4) Where premises are found, upon re-inspection under Subsection (2) to be in compliance with this Chapter, its regulations and standards, the ~~Secretary~~ food inspector shall immediately lift the order for temporary closure of the premises.

(~~4~~5) Where a food business:

(a) fails to stop its operations and close its premises within 1 day of the ~~Secretary~~ food inspector ordering the temporary closure of its premises; or

(b) is found on more than three occasions in a twelve-month period to be subject to a temporary closure order, the ~~Secretary~~ food inspector shall request the authority responsible for issuing business' license to immediately revoke the license of the business regardless of the number of premises and activities covered by the license.

(c) in addition, all personnel shall complete remedial food safety training prior to resuming work.

(~~5~~6) Before revoking the ~~licence~~ license, the ~~Secretary~~ food inspector shall give 10 days to the owner of the business to show cause, the failure of which, the authority issuing ~~trading~~ business licenses shall be required to take action as requested by the Secretary under Subsection (4) as soon as it is practically possible to do so.

(~~6~~7) Where a food business has had its license revoked under Subsection (5), the owner or operator shall not be permitted to apply for a new food business license within 3 months of having the license revoked.

(11) Section 1914 is hereby amended to read as follows:

§1914. Sampling.

(1) Where a food inspector reasonably believes there may be a contravention of this Chapter, its regulations and standards, the food inspector may demand and obtain samples of any food or article as required for the purposes of this Chapter.

(2) Samples taken under this Chapter may be forwarded under seal in any convenient way to an analyst.

(3) Where an analyst certifies that the seal of any sample was unbroken, the certification shall be sufficient evidence of identity of the sample.

(12) Section 1915 is hereby amended to read as follows:

§1915. Analysis.

(1) The ~~Secretary may accredit~~ Director of Environmental Health may consult suitably qualified or accredited persons or laboratories, located either within or outside the Republic of the Marshall Islands, to be analysts for performing laboratory and field tests for the purposes of this Chapter.

(2) Any accredited or regulatory analyst analysing any food submitted for the purposes of this Chapter may give a certificate of the result of the analysis.

(3) In any legal proceeding under this Chapter, the production of a certificate purporting to be signed by an analyst shall be prima facie evidence of the identity of the food analysed and of the result of the analysis.

(4) A copy of the result of any analysis shall, on demand, be supplied to the person from whom the sample was procured.

(5) The court may, in case of a conviction, award the cost of analysis against the defendant as part of the costs of the prosecution.

(13) Section 1919 is hereby amended to read as follows:

§1919. Food safety offences.

(1) It ~~shall~~ may be an offence for a person to:

(a) imports, exports, produces, processes, handles, stores, displays or sells food that is unfit for human consumption, adulterated, damaged, deteriorated, or perished;

(b) imports, exports, produces, processes, handles, stores, displays, sells or advertises food that does not comply with any regulations promulgated under this Chapter or a prescribed standard for that food;

(c) produces, processes, handles, stores, displays or sells food under unsanitary conditions;

(d) conducts a food business contrary to Sections 1903 of this Chapter;

(e) imports, exports, stores, displays, sells or advertises any food contrary to Section 4 of this Chapter or after its use-by-date or minimum durability date;

(f) marks any article or takes any other action so as to make an use-by-date or a 'best before" date not easily visible;

(g) refuses or fails to give to a food inspector all reasonable assistance or any information which such person may reasonably be expected to possess;

(h) knowingly makes a false or misleading statement, either verbally or in writing, to any food inspector in the performance of his or her functions under this Chapter, its regulations or standards;

(i) ~~shall~~ give, pay, or offer, directly or indirectly, to any food inspector or any other officer or employee of the Republic authorized to perform any of the duties prescribed by this Chapter or its regulations and standards, any money or other thing of value, with intent to influence said food inspector or other officer or employee of the Republic in the discharge of any duty specified in this Chapter;

(j) cultivate~~s~~, take~~s~~, harvest~~s~~ or otherwise obtains food from an area declared closed for such Action under Section 1907 of this Chapter;

(k) import~~s~~, produce~~s~~, prepare~~s~~, store~~s~~, display~~s~~ or sell~~s~~ a food prohibited under Section 1908 of this Chapter;

(2) Any food inspector, task force member or analyst authorized to perform any of the duties prescribed by this Chapter who shall accept any money, gift, or other thing of value from any person or business, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person or business engaged in export commerce any gift, money or other thing of value given with any purpose or intent whatsoever, is guilty of an offence and is liable to a penalty as provided under section 1920.

§103. Effective Date.

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

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
47TH CONSTITUTIONAL REGULAR SESSION, 2026

FOOD SAFETY (AMENDMENT) ACT 2026

BILL SUMMARY

This Bill amends the Food Safety Act 2010 to strengthen food safety oversight and enforcement in the Republic of the Marshall Islands. The amendments clarify the authority of the Director of Environmental Health, Food Inspectors, and other cognizant authorities; improve requirements for registration, licensing, inspection, and temporary closure of food premises; and establish clearer training, health certification, and compliance obligations for food handlers and businesses. The Bill also updates inspection procedures, strengthens enforcement powers, corrects drafting inconsistencies, and clarifies offences and penalties to improve public health protection and ensure safer food handling and distribution.

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
47TH CONSTITUTIONAL REGULAR SESSION, 2026

FOOD SAFETY (AMENDMENT) ACT 2026

SIGNATURES

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

DATE: Mar. 3, 2026 **INTRODUCED BY** Wilbur Heine _____
Print Name *Signature*

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*

DATE:_____ **INTRODUCED BY** _____ _____
Print Name *Signature*