NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

34TH CONSTITUTIONAL REGULAR SESSION, 2013

**BILL NO: 35ND1**

P.L. 2013-16

**AN**

**ACT**

to amend Title 7, Chapter 20 of the MIRC, the Betelnut Prohibition Act of 2010, in order to give jurisdiction to local government the option to ban the importation, distribution, consumption and selling of betelnut in the Republic of the Marshall Islands.

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

Section 1. **Short title.**

This Act may be cited as the Betelnut Prohibition (Amendment) Act, 2013.

Section 2. **Amendment.**

(1) Section 2002 of the Principal Act is amended by adding the following definition:

"Officer" includes an immigration officer, custom officer, quarantine officer, port officer, police officer, both local and national or any other officer authorized by any written law.

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

**§2003. Importation, distribution and selling of betelnut prohibited.**

(1) No person shall import betelnut for sale or distribution in the Republic.

(2) Nothing in this section may prohibit the importation of betelnut purposely for personal consumption unless a local government has elected by ordinance to ban the importation, sale, distribution and consumption of betelnut on that particular Atoll pursuant to section 2003A.

(3) A new section, Section 2003A is hereby inserted as follows:

**§2003A. Local jurisdiction to enforce.**

(1) Each municipality or local government in the Republic, whether chartered or not, may enact by ordinance or in any other authorized manner, rules and regulations to ban the importation, sale, distribution and consumption of betelnut in accordance with the circumstances of that particular atoll. Such ordinance, rule or regulation shall be effective only within the jurisdiction of such local municipality or local government atoll.

(4) Section 2004 of the Principal Act is amended as follows:

**"§2004. Use and possession of betelnut by a minors prohibited.**

No minor shall possess and or use betelnut in any form in the public. Any beteltnut found in the possession of a minor shall be presumed to be the property of that minor and shall be confiscated by an officer.

(5) Section 2005 of the Principal Act is amended as follows:

**"§2005. Offense and Penalties.**

(1) Any person who violates Section 2003 of this Chapter shall be guilty of an offense and upon conviction:

(a) for a first offender, liable to thirty (30) days imprisonment or two hundred dollars ($200) fine or both.

(b) for a repeated offender, liable to 3 months imprisonment or five hundred dollars ($500) fine or both.

(2) Any person who violates Section 2004 shall be guilty of an offense and upon conviction:

(a) for first offender, liable to 5 days community service or fine two hundred dollars ($200);

(b) for repeated offender, liable to 10 days community service or fine five hundred dollars ($500).

(6) Section 2006 of the Principal Act is amended as follows:

**"§2006. Seizure, Forfeiture and Destruction**

(1) Any amount of betelnut imported for sale, or distributed in violation of Section 2003, shall be seized and destroyed by an officer.

(2) Any proceeds realized from the unlawful sale of betelnut shall be deposited into the Ministry of Justice Special Revenue Fund, and shall be used for the purposes of that Fund…"

(7) A new Section 2009 is inserted to read as follows:

**"§2009. Incentive fee for reporting**

(1) Any person who reports any violation of the provisions of this Act or has reported an officer who fails to enforce the provision of this Act, if such matter results in the successful conviction of the offender, he or she shall be entitled to an incentive fee in an amount equal to fifty percent (50%) of the fines payable under Section 2005 of this Act. Such incentive fee shall be payable from the proceeds realized from under the provisions of Section 2005."

Section 3. **Effective Date**

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

## CERTIFICATE

**I hereby certify:**

1. That Nitijela Bill No.35ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 19th day of March, 2013; and

2. That I am satisfied that Nitijela Bill No.35ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 3rd day of June 2013.

**Attest:**

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| **Hon. Donald F. Capelle** | **Tadashi Lometo** |
| Speaker | Clerk |
| Nitijela of the Marshall Island | Nitijela of the Marshall Islands |