TITLE 7 - PUBLIC HEALTH SAFETY AND WELFARE
CHAPTER 9 - PROHIBITED DRUGS (PROHIBITION AND CONTROL) ACT 1987

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

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PROHIBITED DRUGS (PROHIBITION AND CONTROL) ACT 1987

AN ACT to prohibit the importation, exportation, cultivation, manufacture, dispensing, possession and distribution of prohibited drugs and for matters connected therewith or incidental thereto.

Commencement:	***March 20, 1987***
Source:	*P.L. 1987-11*
Amended By: *P.L.1991-137* *P.L. 1992-6* *P.L. 2020-12* *P.L. 2025-37*	

§901. Short title.

This Act may be cited as the Prohibited Drugs (Prohibition and Control) Act 1987.**[PL. 1987-11, §1.][Short title renamed to Prohibited Drugs (Prohibition and Control) Act 1987 by P.L.2020-12]**

§902. Interpretation.

(1) In this Chapter:

(a) **"cash"** means any legal tender of any currency, whether, notes, coins, checks, accounts containing electronic currency.

(b) **"manufacture"** knowingly participates in any way with the creation or production of any prohibited drug.

(c) **"Methylenedioxymethamphetamine"** means a drug that chemically stimulates the central nervous system chemically

described as C11H15NO2 and colloquially known among other things "ecstasy or MDMA"

(d) **"methyl-amphetamine"** means a drug that chemically stimulates the central nervous system chemically described as $C_{10}H_{15}N$ and colloquially known among other things "ice or speed" .

(e) **"marijuana"** means any part of the plant (genus) cannabis, whether growing or not, including the seeds and the resin, and every alkaloid, salt, derivative, preparation, compound, or mixture of the plant, its seeds or resin, except that, as used herein, "marijuana" does not include hashish, tetrahydrocannabinol, and any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized or tetrahydrocannbinol;

(f) **"marijuana concentrate"** means hashish, tetrahvdrocannabinol, and any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized or tetrahydrocannabinol;

(g) **"medical practitioner"** means a person authorized by law to practice medicine in the Republic and any other person authorized by law to treat the sick and injured, and includes a dentist;

(h) **"minor"** means a person under the age of 18 years,

(i) **"prohibited drug"** means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(i) opium, meperidine, isonipecaine, coca leaves, opiates, methyl-amphetamine, synthetic cathinones and methylenedioxymathamphetamine;

(ii) any compound, manufacture, salt, derivative or preparation of opium, meperidine, isonipecaine, coca 1eaves, opiates methyl-amphetamine synthetic cathinones and methylenedioxymethamphetamine;

(iii) any substance (and any compound, manufactured salt, derivative or preparation thereof) which is chemically

identical with any of the substances referred to in paragraphs (i) and (ii) above, including apomorphine or any of its salts, and drugs commonly known as or similar to LSD, MDA, and psilocybin;

(iv) marijuana and marijuana concentrate as defined in paragraphs (e) and (f).

(j) **"synthetic cathinones"** means any drugs manufactured to chemically stimulates the central nervous system. Produced from, or to mimic that effect of derivatives of the khat plant colloquially known among other things as "bath salts".

(k) **"opiate"** means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction-sustaining liability similar to morphine or cocaine;

(l) **"ounce"** means an avoirdupois ounce as applied to solids and semi-solids, and a fluid ounce as applied to liquids;

(m) **"person"** includes any corporation, firm, association or partnership;

(n) **"to distribute"** means to sell, transfer, prescribe, give, or deliver to another, or to leave, barter, or exchange with another, or to offer or agree to do the same.

(2) For purposes of Sections 903 through 908, 910, and 911, the terms 'narcotic' or 'narcotic drug' may be deemed to include marijuana or marijuana concentrate. **[P.L. 1987 11, §2; amended by PL 1992-6, §2.] [Amended to insert new paragraphs (a) (b) (c) and (d) by P.L.2020-12] [amended by P.L. 2025-37]**

§903. Control of prohibited drugs.

Except as prescribed by this Chapter, no person shall:

(a) possess, sell or dispose of;

(b) knowingly plant, cultivate, produce, manufacture or have under his control;

(c) prescribe or administer on himself or on another or compound;

(d) import, export or transport in any way be concerned with the importation, exportation or transportation, of any prohibited drug. **[P.L. 1987 11, §3.] [Amended by P.L.2020-12]**

§904. Exemption for medical use.

(1) The provisions of Section 903 of this Chapter shall not apply to the possession of prohibited drugs by a medical practitioner or by an authorized agent of such practitioner under his supervision, in accordance with a license granted under Section 907 of this Chapter:

(a) as incidental to his administering or dispensing a medicine, drug or other substance in the course of his professional panty; or

(b) for the purpose of or incidental to research, teaching, or chemical analysis done with the approval of the Public Health Board.

(2) The provisions of Section 903 of this Chapter shall not apply to:

(a) a person in possession of narcotic drugs obtained pursuant to a valid prescription of a medical practitioner or otherwise in accordance with the law;

(b) dispensing of any narcotic drug pursuant to a valid prescription or to a person who is lawfully entitled under the law to be in possession of it.

(3) The provisions of Section 903 of this Chapter shall not apply to the Government of the Marshall Islands which shall be the sole importer and distributor of narcotic drugs. **[P.L. 1987 11, §4.] [Amended by P.L.2020-12]**

§905. Professional use of prohibited drugs.

A medical practitioner, in good faith and in the course of his professional practice only may prescribe, administer, or dispense prohibited drugs, or may cause the same to be administered by a nurse or intern under his direction and supervision. **[P.L. 1987 11, §5.]**

§906. Obtaining drugs from a medical practitioner while under treatment from another.

(1) No person, who in the course of treatment is supplied with prohibited drugs or a prescription therefor by a medical practitioner, shall obtain prohibited drugs or a prescription therefor from another medical practitioner without disclosing to him that he has been treated and supplied with prohibited drugs or a prescription therefor by another medical practitioner.

(2) No medical practitioner shall knowingly prescribe or dispense any prohibited drugs to any person, if that person has been treated and supplied with or prescribed any prohibited drugs by another medical practitioner within a reasonable time prior to his examination with respect to the same sickness. **[P.L. 1987 11, §6.][Amended by P.L.2020-12]**

§907. Issuance of licenses.

(1) No medical practitioner shall possess prohibited drugs for purposes referred to in Section 904 of this Chapter except upon a valid license issued by the Public Health Board and subject to such terms and conditions imposed in such license by the Board.

(2) The Marshall Islands Board Health Professions may, subject to such terms and conditions referred to in Subsection (1) of this Section, in its sole discretion, issue licenses to medical practitioners for the purchase from the Government of the Marshall Islands and for the possession thereof prohibited drugs for their professional work.

(3) The license issued under Subsection (2) of this Section shall specify the name of the drug or drugs and the exact quantity, and shall be valid for a period of one year.

(4) The Marshall Islands Board of Health Professions may, at any time, revoke the license granted, if it is found by the Board, after inquiry, that the medical practitioner has violated the provisions of this Chapter or the regulations made under Section 911 of this Chapter, or the terms and conditions of the license. **[P.L. 1987 11, §7.] [Amended by P.L.2020-12]**

§908. Records to be kept.

(1) Every medical practitioner and a person acting under him shall keep a record of all prohibited drugs received and administered, dispensed, or used by him. The record of drugs received shall contain the date, the name of the person from whom received, and the kind and quantity of drugs. The record of drugs sold, administered, or dispensed, shall contain the date, name of the person for whom sold, administered or dispensed and the kind and quantity of drugs. Every such record shall be kept for a period of two (2) years from the date of the transaction so recorded.

(2) The Public Health Board shall have the power, through an authorized officer, to examine such records anytime during reasonable hours, and it shall be the duty of such medical practitioner or his agent to permit and make available to such officer such records for examination.

(3) A medical practitioner who fails to keep proper records in accordance with Subsection (1) of this Section or who fails to keep proper records, or who refuses an authorized officer to examine such records shall be guilty of an offense and shall upon conviction be liable to a fine not exceeding $5,000 or to a term of imprisonment not exceeding one year, or both.**[P.L. 1987 11, §8.][amended by P.L 2020-12]**

§909. Penalties.

(1) Every person who violates this Chapter with respect to marijuana shall, upon conviction, be punished as follows:

(a) upon a first offense involving one ounce or less, a fine of not less than $1,000 and not exceeding $5,000 or imprisonment of not less than six months and not exceeding one year, or both;

(b) upon a first offense involving more than one ounce, a second or subsequent conviction involving one ounce or less, a fine of not less than $5,000 and not exceeding $25,000 or a term of imprisonment of not less than one year and not exceeding five years, or both;

(c) upon a second or subsequent conviction involving more than one ounce, a fine of not less than $25,000 and not exceeding $50,000 or a term of imprisonment of not less than five years and not exceeding fifteen years, or both;

(2) Every person who violates this Chapter with respect to a prohibited drug or marijuana concentrate, with the exception of marijuana shall, upon conviction, be punished as follows:

(a) upon a first offense involving less than one-quarter ounce, a fine of not less than $5,000 and not exceeding $50,000 or a term of imprisonment of not less than one year and not exceeding fifteen years, or both;

(b) upon a first offense involving one quarter ounce or more but less than one-half ounce, or upon a second offense involving

less than one-quarter ounce, a fine of not less than $25,000 and not exceeding $100,000 or a term of imprisonment of not less than five years and not exceeding twenty-five years, or both;

(c) upon any offense involving one-half ounce or more, a second or subsequent offense involving one-quarter ounce or more but less than one half ounce, or a third or subsequent offense involving less than one-quarter ounce, a fine of not less than $100,000 or a term of imprisonment of not less than twenty-five years, or both.

(3) Any narcotic drug, marijuana concentrate, or marijuana seized under the provisions of this Chapter shall be forfeited. **[P.L. 1987 11, §9 amended by P.L. 1992 6, §3.][Amended by P.L.2020-12]**

§910. Seizure and forfeiture.

(1) All goods and vehicles, ships, aircraft carriages and cash in any way used or made use of in the transportation, importation, or exportation of prohibited drugs being substantially the object of the travel, flight or voyage, shall be seized and be liable to forfeiture; and such seizure of vehicles, ships, aircraft carriages and cash shall include guns, tackle, apparel, instruments and furniture of the same; and such seizure of any goods shall include all other goods which shall be packed with them, as well as packages in which they are contained and all other things made use of in the transportation, importation, or exportation of prohibited drugs.

(2) The owner of the goods, vehicles, ships, aircraft or carriages seized under Subsection (1) of this Section may, within one month from the date of seizure, make a claim in the High Court for recovery of the same. If after trial the Court finds that the goods or the object of the travel, flight or voyage of the vehicles, ships, aircraft and or carriages used in the transportation, importation or exportation of prohibited drugs was for the commission of an offense, the Court shall forfeit the same. If no claim is presented within the time prescribed above, the goods, vehicles, ships, aircraft or carriages seized, shall forfeit to the Republic.

(3) All goods, vehicles, ships, aircraft, carriages and all other things forfeited under Subsection (2) of this Section and under Title 18, Sections 981, 982, 1963 and 2513 and Title 21, Sections 853 and 881 of

the United States Code, and any laws enacted by the Government of the Republic of the Marshall Islands or the Government of the United States after the effective date of this Subsection which provide for the forfeiture of any property to the Government of the Republic because of the activities of the Department of Public Safety, Division of Customs, Department of Immigration, Marshall Islands Marine Resources Authority, Ministry of Foreign Affairs or any other agency of the Government of the Republic shall be transferred directly to the Department of Public Safety for its use unless the Commissioner of Public Safety determines that said property is not suitable for Department of Public Safety use, in which case the property shall be disposed of by the Republic under the customs laws then in force.

Property obtained pursuant to this Section shall be used to enhance the law enforcement capability of the Department of Public Safety and the Office of the Attorney-General and shall not be used as a substitute for property ordinarily acquired through the appropriation process. **[P.L. 1987 11, §10; amended by P.L. 1991-137, §2.] [Amended by P.L.2020-12]**

§911. Regulations.

The Secretary of Health may make regulations with regard to the:

(a) distribution and sale of drugs to medical practitioners;

(b) issuance of licenses and any terms and conditions for issuance of licenses;

(c) names and quantities of drugs;

(d) method of keeping records under Section 908 of this Chapter;

(e) method and conditions of cancellation of licenses;

(f) matters connected with or incidental to the provisions of this Chapter. **[P.L. 1987 11, §11.]**

§912. Distribution of Prohibited Drugs to Minors.

(1) Every person who distributes any amount of marijuana to a minor shall, upon conviction, in addition to the penalties in Section 909, be punished with a fine of not less than $25,000 and not exceeding $50,000 or a term of imprisonment of not less than five years and not exceeding fifteen years, or both.

(2) Every person who distributes any amount of a prohibited drug or marijuana concentrate other than marijuana to a minor shall, upon conviction, be punished in addition to the penalties in Section 909, with a fine of not less than $100,000 or a term of imprisonment of not less than twenty-five years, or both. **[P.L. 1992 6, §4.] [Amended by P.L.2020-12]**

§912A. Reporing and Obligations

(1) Any person who has witnessed any activities involving drugs are hereby obligated to report such activities to the national or local police.

(2) Any person who reported such information in good faith shall not be liable for criminal or civil penalties.

(3) The confidentiality of the information pursuant to subsection (1) shall be guaranteed.

(4) A person whom does not comply with subsection (1) shall, upon conviction, be liable for a fine of $1,000. **[Inserted by P.L. 2025-37]**