A BILL FOR AN ACT

To enact a new title 44 of the Code of the Federated States of Micronesia entitled The Controlled Substances Act of 2002, to control the availability, abuse and trade of certain drugs; to supersede chapter 11 of title 11 of the Code of the Federated States of Micronesia and provide transitional provisions therefor; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1. Section 1. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new title 44 entitled "The Controlled Substances Act of 2002".

2. Section 2. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 1 of title 44, entitled "General Provisions".

3. Section 3. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 101 of chapter 1 of title 44 to read as follows:

"Section 101. Short title and purpose. This act shall be known and may be cited as 'The Controlled Substances Act of 2002'. The purpose of this act is to provide for the implementation in the Federated States of Micronesia of the provisions of the international drug control conventions to which the Federated States of Micronesia is a party, and to establish effective mechanisms by which the Federated States of Micronesia can carry out its responsibilities under such international drug conventions."
Section 4. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 102 of chapter 1 of title 44 to read as follows:

"Section 102. Jurisdiction and application.

(1) Each of the provisions of this act shall extend and apply throughout all of the territory of the Federated States of Micronesia, including the land and waters and the air space above such land and waters with respect to which the Federated States of Micronesia has legislative jurisdiction.

(2) In addition, chapter 3 of this act also applies to conduct engaged in:

(a) inside or outside the Federated States of Micronesia, on board a Federated States of Micronesia ship or Federated States of Micronesia aircraft;

(b) outside the Federated States of Micronesia by:

(i) a Federated States of Micronesia citizen or any person ordinarily resident in the Federated States of Micronesia;

(ii) a corporate body incorporated in the Federated States of Micronesia or carrying on business in the Federated States of Micronesia; or

(iii) any other person, relating to the supply or possible supply by that person of any controlled substance, analogue, controlled chemical, or item of
controlled equipment or controlled material to a person in the Federated States of Micronesia;

(c) outside the Federated States of Micronesia on a ship:

   (i) registered in or having the nationality of a convention state other than the Federated States of Micronesia;

   (ii) not registered in any state; or

   (iii) of no nationality, including a ship assimilated under the international law of the sea to a ship of no nationality.

Section 5. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 103 of chapter 1 of title 44 to read as follows:

"Section 103. Definitions.

(1) In this act, unless the context indicates otherwise:

   (a) 'Acquire' means to gain, obtain, receive, come to have, or to get by any means or in whatever manner, state or condition, and includes, without limitation, to acquire by way of gift, purchase, exchange, lease or hire.

   (b) 'Analogue' means any substance not listed in any schedule of this act whose chemical structure is substantially similar to any controlled substance, or
whose psychoactive effects it simulates.

(c) 'Animal' means a living, and in the higher orders, sentient being, as distinguished from a vegetable or mineral, and includes, without limitation, mammals, fish, reptiles, birds, invertebrates or other fauna.

(d) 'Attorney General' and/or 'Attorney General of the Federated States of Micronesia' means and is synonymous with the 'Secretary of the Department of Justice' of the Federated States of Micronesia, or with the chief law enforcement officer of the Federated States of Micronesia whatever the title of such position is or in the future becomes.

(e) 'Authorized officer' means a person or class of persons designated by the Attorney General pursuant to section 545 of this title as an authorized officer.

(f) 'Cannabis' means any part of the cannabis plant (including the seeds and leaves) from which cannabis resin has not been extracted; 'cannabis plant' means any plant of the genus Cannabis; and 'cannabis resin' means the separated resin, whether crude or purified, obtained from the cannabis plant.

(g) 'Coca bush' means the plant of any of the species Erythroxylon.

(h) 'Controlled chemical' means a substance listed in schedule V of this act, and includes a controlled
chemical preparation.

(i) 'Controlled equipment' means anything listed as such in schedule VI of this act.

(j) 'Controlled delivery' means the investigative technique of allowing an unlawful or suspect consignment of a controlled substance, an analogue, a controlled chemical, an innocuous substitute substance, an item of controlled equipment or controlled material, or property believed to be derived directly or indirectly from any offense, to pass into, through or out of the Federated States of Micronesia under the supervision of an authorized officer, with a view to gathering evidence to identify any person involved in any serious offense, or to facilitate prosecution of that offense.

(k) 'Controlled material' means anything listed as such in schedule VI of this act.

(l) 'Controlled substance' means a prohibited drug, a high-risk drug, or a risk drug, and includes a preparation.


(n) 'Cultivate' has its normal and usual dictionary meaning, and includes, without limitation, culturing, planting, sowing, scattering the seed.
growing, nurturing, tending or harvesting, and also
includes the separating of opium, coca leaves, cannabis
and cannabis resin from the plant from which they are
obtained.

(o) 'Data' means representations, in any form, of
information or concepts.

(p) 'Dentist' means any person who:

   (i) is licensed in the Federated States of
   Micronesia by the Secretary of Health; or

   (ii) licensed by the appropriate authority of
   another jurisdiction recognized by the Secretary of
   Health and the Federated States of Micronesia; and

   (iii) is legally entitled under the laws of the
   Federated States of Micronesia and its states or
   political subdivisions to practice the profession of
dentistry in the Federated States of Micronesia.

(q) 'Document' means any material on which data is
recorded or marked and which is capable of being read or
understood by a person, computer system or other device,
and any record of information, and includes, without
limitation:

   (i) anything on which there is writing;

   (ii) anything on which there are marks,
figures, symbols, or perforations having meaning for
persons qualified to interpret them;
(iii) anything from which sounds, images or writings can be produced, with or without the aid of anything else; and

(iv) a map, plan, drawing, photograph or similar thing.

(r) 'Drug abuser' in relation to a controlled substance or analogue, means any person who uses it:

(i) without a medical prescription; and/or

(ii) for a purpose other than a medical, scientific or related purpose recognized and accepted in the global medical and/or scientific community.

(s) 'Drug dependent person' in relation to a controlled substance or analogue, means any person who has a condition such that:

(i) administration of the drug to him or her results in the person demonstrating impaired control in relation to the use of that drug, or drug-seeking behavior suggesting such impaired control; or

(ii) cessation of the administration of the drug is likely to result in the person experiencing symptoms of mental or physical distress or disorder.

(t) 'Encapsulating machine' means any device which may be used to fill shells, capsules or other containers with a controlled substance or analogue in whatever physical form.
(u) 'Federated States of Micronesia aircraft' means an aircraft, whether publicly or privately owned, that is:

(i) registered in the Federated States of Micronesia or any State or political subdivision of the Federated States of Micronesia as a Federated States of Micronesia aircraft in accordance with the laws of the Federated States of Micronesia;

(ii) owned by or in the possession or control of the Federated States of Micronesia, the Government of the Federated States of Micronesia or an authority of the Government; or

(iii) registered in a foreign state, and leased with or without crew to a person ordinarily, or having the principal place of business, in the Federated States of Micronesia.

(v) 'Federated States of Micronesia ship' means a ship, whether publicly or privately owned, that is:

(i) registered in the Federated States of Micronesia or any State or political subdivision of the Federated States of Micronesia as a Federated States of Micronesia ship in accordance with the laws of the Federated States of Micronesia;

(ii) unregistered but has a Federated States of Micronesia nationality; or
(iii) a ship that belongs to any part of the Federated States of Micronesia, including its States or political subdivisions.

(w) 'Foreign state' means:

(i) any country other than the Federated States of Micronesia; and

(ii) every constituent part of such country, including a territory, dependency or protectorate, which administers its own laws relating to controlled substances, analogues, controlled equipment and/or controlled materials.

(x) 'High-risk drug' means a substance listed in schedule II of this act;

(y) 'Inspector' means any person appointed pursuant to section 501 of this act;

(z) 'Institution' means a hospital, nursing home or other institution used for the accommodation, treatment and care of persons suffering from physical or mental conditions.

(aa) 'International drug control conventions' means:

(ii) the Convention on Psychotropic Substances done at Vienna on 21 February 1971;

(iii) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on 20 December 1988; and

(iv) any other international convention to which the Federated States of Micronesia may become party after the commencement of this act relating in whole or in part to the control of controlled substances, controlled chemicals or controlled equipment.

(bb) 'License' means a certificate or document issued by the Secretary of Health under section 208 of this act, granting official permission by the Federated States of Micronesia to the person named in such document or certificate, to be an operator as defined by subsection (1)(ff) of this section, for the purpose of and limited to engaging in the business and activities expressly specified in or on the license, relating to the manufacture, acquisition, supply, import and/or export of controlled substances, controlled chemicals, controlled equipment, and/or controlled material.

(cc) 'Manufacture' means to carry out any process by which a controlled substance, analogue, controlled chemical or controlled material is produced, and includes extracting, refining, formulating, preparing, mixing,
compounding, transforming it into another drug, analogue or chemical, making a controlled substance into dosage form, and packing.

(dd) 'Medical practitioner' means any person who:

(i) is licensed in the Federated States of Micronesia by the Secretary of Health; or

(ii) is licensed by the appropriate authority of another jurisdiction recognized by the Secretary of Health and the Federated States of Micronesia; and

(iii) is legally entitled under the laws of the Federated States of Micronesia and its States or political subdivisions to practice the profession of medicine in the Federated States of Micronesia.

(ee) 'Open individual authorization' means an authorization permitting an operator to export from the Federated States of Micronesia such quantities of such controlled chemicals, equipment or materials to such countries or regions during such periods as may be specified in the authorization.

(ff) 'Operator' means any person who carries on a business of the manufacture, acquisition or supply of:

(i) a controlled substance, intended for medical, scientific use or other lawful use;

(ii) a controlled chemical or any item of controlled equipment or controlled material, intended for
lawful use or a related business, such as import, export, transit or acting as a broker, but excludes a person carrying on a business of customs agent, warehouse depositor or carrier when acting solely in that capacity.

(gg) 'Opium poppy' means the plant of the species Papaver somniferum.

(hh) 'Permit' means a permit of the kind referred to in section 211, 212, 213 or 214 of this act, as the case may be.

(ii) 'Person' means any natural or legal person.

(jj) 'Pharmacist' means any person who:

(i) is licensed in the Federated States of Micronesia by the Secretary of Health; or

(ii) is licensed by the appropriate authority of another jurisdiction recognized by the Secretary of Health and the Federated States of Micronesia; and

(iii) is legally entitled under the laws of the Federated States of Micronesia and its States or political subdivisions to practice the profession of pharmacy in the Federated States of Micronesia.

(kk) 'Place' has its normal and usual dictionary meaning, and includes any land (whether vacant, enclosed or built upon, or not), and any premises.

(ll) 'Practitioner' means:

(i) a dentist, medical practitioner or
veterinarian; or

(ii) any person who is licensed in the Federated States of Micronesia by the Secretary of Health, and is legally entitled under the laws of the Federated States of Micronesia to practice any other recognized profession whose members may lawfully prescribe, dispense or administer any controlled substance in the Federated States of Micronesia.

(mm) 'Premises' has its normal and usual dictionary meaning, and includes the whole or any part of a structure, building, aircraft, or vessel.

(nn) 'Prescription' means a written direction by a practitioner that a stated amount of a controlled substance be dispensed for the person named therein.

(oo) 'Preparation' means a solution or mixture, in whatever physical state, containing:

(i) a controlled substance; or

(ii) a controlled chemical.

(pp) 'Proceeding' or 'proceedings' means any procedure conducted by or under the supervision of a judge, magistrate or judicial officer however described in relation to any alleged or proven offense, or property derived from such offense, and includes an inquiry, investigation, or preliminary or final determination of facts.
(qq) 'Prohibited drug' means a substance listed in schedule I of this act.

(rr) 'Property' means real or personal property of every description, whether situated in the Federated States of Micronesia or elsewhere, and whether tangible or intangible, and includes an interest in any such real or personal property.

(ss) 'Property derived from an offense' means any property derived or realized directly or indirectly from a serious offense and includes, on a proportional basis, property into which any property derived or realized directly from the offense was later successively converted, transformed or intermingled, as well as income, capital or other economic gains derived or realized from such property at any time since the offense.

(tt) 'Record' means any material on which data is recorded or marked and which is capable of being read or understood by a person, computer system or other device.

(uu) 'Registration' means a notation or entry made by the Secretary of Health in an official register, thereby recording in the public records of the Federated States of Micronesia, the fact that the person whose name appears therein has complied with the requirements of section 205 of this act, and, granting official
permission by the Federated States of Micronesia to the

person named in the register, to be an operator as
defined by subsection (1)(ff) of this section, for the
purpose of and limited to engaging in the business and
activities expressly specified in or on the register,
relating to the manufacture, acquisition, supply, import
and/or export of controlled chemicals, and/or items of
controlled equipment or controlled material.

(vv) 'Risk drug' means a substance listed in
schedule III of this act.

(ww) 'Secretary' and/or 'Secretary of Health' means
the Secretary of the Department of Health, Education and
Social Affairs of the Federated States of Micronesia, or
the successor position, whatever the title of such
position in the future becomes.

(xx) 'Serious offense' means a violation of:

(i) any law of Federated States of Micronesia
or any of its States or political subdivisions, which is
a criminal offense punishable by imprisonment for a term
of more than one year;

(ii) a law of a foreign state, in relation to
acts or omissions, which, had they occurred in the
Federated States of Micronesia or any of its States or
political subdivisions, would have constituted a criminal
offense punishable by imprisonment for a term of more
than one year; or

(iii) subchapter I of chapter 3 of this act.

(yy) 'Supply' has its normal and usual dictionary
meaning, and includes, without limitation, sale,
consignment, dispatch, transport, delivery, distribution,
dispensing, as well as offer to supply.

(zz) 'Supreme Court' means the Supreme Court of the
Federated States of Micronesia, and all its divisions,
wherever or whenever constituted.

(aaa) 'Tableting machine' means any device which may
be used to compact or mold a controlled substance or
analogue into a solid tablet.

(bbb) 'Toxic chemical inhalant' means a substance
listed in schedule IV of this act.

(ccc) 'Trafficable' amount or quantity means that
amount or quantity of a controlled substance established
in regulations adopted by the Secretary of Health, to be
more than an amount or quantity of a controlled substance
which could reasonably be considered to be for personal
use exclusively, and conclusively presumed for purposes
of this act, to be intended for the purpose of sale,
supply, or distribution in illegal commerce.

(ddd) 'Transit' means the physical transfer of any
controlled substance, analogue, controlled chemical or
controlled material into and out of the territory of the
Federated States of Micronesia.

(i) without it passing through the Federated States of Micronesia Customs inspection; and

(ii) where the Federated States of Micronesia is neither its place of origin nor destination.

(eee) 'Undercover operations' means operations (which may include conduct which, apart from this act, is illegal), for the purpose of providing persons who may have committed, be committing or be about to commit a serious criminal offense with an opportunity to manifest evidence thereof.

(fff) 'Veterinarian' means any person who is:

(i) licensed in the Federated States of Micronesia by the Secretary of Health; or

(ii) licensed by the appropriate authority of another jurisdiction recognized by the Secretary of Health and the Federated States of Micronesia; and

(iii) legally entitled, under the laws of the Federated States of Micronesia and its States or political subdivisions, to practice the profession of veterinary medicine in the Federated States of Micronesia.

(2) A reference in this act to the law of:

(a) the Federated States of Micronesia;

(b) any State of the Federated States of
Micronesia; or

(c) any foreign state, includes a reference to a written or unwritten law of, or in force in, any part or State of the Federated States of Micronesia, or that foreign state, as the case may be.

Section 6. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 2 of title 44, entitled "Regulation of Controlled Substances, and the Controlled Chemicals, Equipments and Materials Used to Make Them".

Section 7. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter I of chapter 2 of title 44, entitled "Classification and Scheduling of Controlled Substances and Controlled Chemicals".

Section 8. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 201 of chapter 2 of title 44 to read as follows:

"Section 201. Classification of controlled substances and controlled chemicals.

(1) Each of the controlled substances to which this act applies is classified by the schedule in which it appears under its international non-proprietary name or, lacking such a name, under its scientific name.

(2) Different measures of control are specified in this act for different controlled substances according to the classification so adopted, with the strictest measures
being applied in relation to controlled substances listed
in schedule I, less strict measures in relation to those
listed in schedule II, and the least strict in relation
to those listed in schedule III.

(3) Each of the controlled chemicals to which this act
applies is classified by the division of schedule V in
which it appears.

(4) Different measures of control are provided for in
this act for different controlled chemicals according to
the classification so adopted, and pre-export
notification to the Secretary of Health of exports of
controlled chemicals is required only for those listed in
division I of schedule V. Measures of control relating to
registration or licensing (sections 204, 205 and 206 of
this act), reporting of material changes (section 218 of
this act), suspicious transactions (section 220 of this
act) and loss or theft (section 237 and 239 of this act),
documentation, labeling, record keeping (sections 228,
229, 230, 231, 232, 234 and 235 of this act) generally
apply in respect of all such chemicals, equipment and
materials, and any supplementary control measures
provided for in the act for the regulatory oversight of
lawful trade in controlled chemicals, controlled
equipment and controlled materials; open individual
authorization (section 215 of this act), or import,
export, transit or redirection permits (sections 206, 210 and 212 of this act) apply only if the Secretary of Health so determines under section 204(1) of this act."

Section 9. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 202 of chapter 2 of title 44 to read as follows:

"Section 202. Preparations.

(1) Preparations shall be subject to the same measures of control under this act as the controlled substances or controlled chemicals they contain, and where any preparation contains two or more constituent controlled substances, it shall be subject to the measures governing the most strictly controlled constituent.

(2) The Secretary of Health may not exempt a preparation containing a schedule I prohibited drug from any measure of control imposed by this act or regulations, but may, by regulations made under section 703 of this act, exempt any preparation containing:

(a) a controlled substance listed in schedule II or III of this act from such measure of control provided in this act, when the Secretary is satisfied that:

(i) the preparation is compounded in such a way as to present no or negligible risk of abuse; and

(ii) the controlled substance cannot be readily recovered from it in a quantity liable to present
such a risk;
(b) a controlled chemical, when the Secretary of Health is satisfied that it is in such a state that the chemical cannot easily be used for the illicit manufacture of a controlled substance.

(3) The Secretary of Health shall not exempt any preparation pursuant to subsection (2) above:
(a) insofar as it relates to the manufacture, import or export of preparations containing schedule II high risk drugs or schedule III risk drugs, or the making and keeping of records related to such activities;
(b) otherwise, except to the extent, if any, to which it may be exempted under any international drug control convention applicable to the particular preparation or class of preparation.

(4) The Secretary of Health shall maintain a register of the preparations exempted under this section, specifying in relation to each such preparation, each control measure from which it is exempted."

Section 10. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 203 of chapter 2 of title 44 to read as follows:
"Section 203. Amendment of schedules.
(1) The Secretary of Health may, by regulations promulgated under section 703 of this act, in accordance
with subsection (2) of this section, amend any schedule to this act by adding or deleting a controlled substance, controlled chemical, toxic chemical inhalant, item of controlled equipment or controlled material to or from the relevant schedule or, in the case of a controlled substance, by transferring it from one schedule to another.

(2) In deciding whether to, and if so, how to amend schedule I, II or III of this act in relation to any controlled substance, or schedule V of this act in relation to any controlled chemical, the Secretary of Health shall take into consideration:

(a) in the case of a controlled substance or controlled chemical, whether the opinion of any international drug control convention to which the Federated States of Micronesia may, from time to time, be a party, applies to it, and if so, to its classification under the relevant convention;

(b) any recommendation made to the Secretary concerning classification of that controlled substance by anybody exercising public interest supervisory functions in the Federated States of Micronesia in relation to pharmacists or practitioners or any law enforcement agency in the Federated States of Micronesia;

(c) the extent to which any likely public
detriment associated with the actual or potential abuse of the drug in the Federated States of Micronesia might outweigh any likely public benefit associated with its actual or potential medical or scientific use in the Federated States of Micronesia.

(3) For the avoidance of doubt, the powers of the Secretary of Health under subsection (1) of this section:

(a) subject to subsection (3)(b) below, extend to transferring any controlled substance listed in schedule II or III of this act to schedule I of this act and vice versa;

(b) shall not be exercised, in relation to any such drug, if to do so would have the effect of reducing controls below the minimum regulatory or control requirements for that substance established by the international drug control conventions."

Section 11. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter II of chapter 2 of title 44, entitled "Registration, Licensing and Permit System".

Section 12. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 204 of chapter 2 of title 44 to read as follows:

"Section 204. Control measures for controlled chemicals, equipment and materials operators to be determined by the
Secretary of Health.

(1) To help ensure that there is no significant risk that controlled chemicals, controlled equipment and/or controlled materials may be diverted from lawful use to the unlawful manufacture of any controlled substance in the Federated States of Micronesia or elsewhere, the Secretary of Health may, by regulations promulgated under section 703 of this act, and with notice made pursuant to title 17 of the Code of the Federated States of Micronesia, determine, in relation to any operator or class of operators, which control measure or combination of measures specified in subsection (2) of this section shall apply for the purposes of this subchapter.

(2) The control measures or combination of control measures which the Secretary of Health may determine shall apply for the purposes of subsection (1) of this section are:

(a) registration, pursuant to section 205 of this act; and/or

(b) the grant of a license, pursuant to section 208 of this act; and

(c) in the case of export activities, registration and/or licensing, plus:

(i) an open individual authorization issued to the operator by the Secretary of Health under section
of this act for all designated export activities, provided that the Secretary may, by later written notice, restrict the open authorization temporarily or indefinitely, to designated transactions or countries, as the Secretary may specify in the notice; or

(ii) a permit for each intended export transaction;

(iii) an export permit for each intended export transaction, conditional on the prior receipt of an import certificate issued by the competent authorities of the country of intended import; or

(iv) a pre-export notification made by the operator to the Secretary of Health in accordance with the prescribed form, within a prescribed period before each export transaction.

(d) in the case of import, transit or redirection activities, registration and/or licensing, plus, a permit for each intended import, or for each transit or redirection, issued under section 211 or 212 of this act.

(3) In determining, under subsection (2) of this section, which control measure shall apply in which case, the Secretary shall take into account:

(a) the likely quantities and ultimate uses (lawful or unlawful) of the controlled chemicals, equipment or materials involved;
(b) in the case of transit or export, the countries or regions to which any such chemicals, equipment or materials are likely to be destined, particularly if they are ones in which controlled substances or the raw materials for making them are believed to be illicitly produced;

(c) the commercial experience and integrity of operators and their staff, including their experience in dealing with the chemicals, equipment or materials concerned; and

(d) any other relevant matter.

(4) No operator shall manufacture, import, export, acquire, supply or possess any controlled chemical or item of controlled equipment or controlled material, except pursuant to and in accordance with the relevant control measure determined by the Secretary of Health under subsection (2) of this section. A person who knowingly violates or fails to comply with this subsection commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000.

(5) The Secretary of Health may attach such terms and
conditions to any control measure as the Secretary deems fit, including ones which limit or prohibit imports or exports of specified chemicals or specified quantities thereof, whether to or from specified countries, persons or classes of persons, or during specified periods, or not.

(6) The Secretary of Health may, by regulations promulgated under section 703 of this act, and with notice made pursuant to title 17 of the Code of the Federated States of Micronesia, exempt any operator or class of operators, other than those whose business includes the manufacture, import or export of any controlled chemical, controlled equipment or controlled material, from the operation of this section, if satisfied that to do so would not give rise to any significant risk of unlawful diversion.

(7) This section does not apply to the following classes of persons in relation to the following activities, except to the extent, if any, to which their activities include the import or export of any controlled chemical, controlled equipment or controlled material:

(a) a pharmacist, acting in accordance with the norms and standards of the pharmacy profession, in the ordinary course of compounding and dispensing preparations containing a controlled substance for
medical, scientific or related purposes;

(b) any person who holds a license issued under this act to manufacture a preparation in which a controlled substance is an essential ingredient, in the ordinary course of such manufacture;

(c) any person engaged in the conduct of scientific education or research in a laboratory which is attached to a university or hospital, and the activities of whom are recognized by the Secretary of Health, in the ordinary course of such education or research.

(8) The Secretary of Health shall be allowed to establish and collect reasonable fees for registration, licensing, permits, and grants for authorizations pursuant to this act, as well as for related services, including non-refundable application fees."

Section 13. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 205 of chapter 2 of title 44 to read as follows:

"Section 205. Registration of controlled chemical, equipment and material operators.

(1) An operator who is required to be registered for the purposes of this act with regard to the manufacture, import, export, acquisition, supply or possession of any controlled chemical or item of controlled equipment or controlled material shall, within fifteen working days
from the day on which this act enters into force, notify the Secretary of Health in writing of:

(a) the operator's full name, date of birth, social security number, passport number, residence and business address;

(b) the activity for which registration is sought;

(c) if the operator is a corporation, company, or other commercial enterprise or entity, the full name and residential address of each director, the chief executive officer, chief financial officer, president, vice-president and other managing officers; a copy of the articles of incorporation, partnership or any other enabling agreement under which it operates, together with a complete list of subsidiaries and parent companies;

(d) the business name under which the operator will engage the activity, if any;

(e) each controlled chemical or item of controlled equipment or controlled material for which registration is sought;

(f) the address of each:

(i) place where the proposed activity would be carried out;

(ii) place where the controlled chemical or item of controlled equipment or controlled material is to be stored; and the
(iii) security arrangements that would be implemented at each address;

(g) whether the applicant, or in the case of a corporation, company, or other commercial enterprise or entity, the director, chief executive officer, chief financial officers, president, vice-president or any other managing officer has ever been convicted in the Federated States of Micronesia or any of its States or political subdivisions, or elsewhere, for a serious offense or any offense, however described, relating to drug trafficking, controlled chemicals, controlled equipment or controlled material;

(h) the full name, date of birth, social security number, passport number, residence and business address and qualifications of each person under whose supervision the activity would be carried out, and whether any such person has ever been convicted of a serious offense in any jurisdiction; and

(i) such other particulars as may be requested by the Secretary.

(2) An application for registration shall be accompanied by:

(a) a plan of each of the relevant premises, indicating where the controlled chemical or item of controlled equipment or controlled material would be
stored, and the location and nature of any security devices; and

(b) the prescribed fee;

(c) a sworn statement made under penalty of perjury that the applicant has personal knowledge of the information contained in the application and that such information is known by the applicant to be accurate and true.

(3) Subject to subsection (4) of this section, and if satisfied as to the integrity and competence of the operator, on receipt of a notification made in accordance with subsection (1) of this section, the Secretary of Health shall register the operator, include the particulars of the notification, and give notice of registration to the operator.

(4) The Secretary of Health may refuse to register any operator if the operator has ever been convicted for any offense referred to in subsection (1)(g) of this section or has provided false or misleading information on the application, or for any other good cause, or with regard to a corporation, company, or other commercial enterprise or entity, any person or official thereof who has been convicted of such an offense or has provided false or misleading information on the application, or for any other good cause."
Section 14. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 206 of chapter 2 of title 44 to read as follows:

"Section 206. Licensing and permits required for controlled substances operators.

(1) Subject to subsection (2) of this section, no operator shall:

(a) cultivate any cannabis plant, coca bush, opium poppy, or any other plant that is or contains a controlled substance; or

(b) manufacture, acquire or supply any controlled substance, except pursuant to and in accordance with the terms and conditions of a license granted by the Secretary of Health under section 208 of this act.

(2) Subsection (1)(b) above does not apply to the professional supply of controlled substances by authorized persons pursuant to section 225(1) of this act.

(3) No operator shall import, export, bring into the Federated States of Micronesia in transit, or redirect from the Federated States of Micronesia while in transit, any controlled substance, except pursuant to and in accordance with any terms or conditions of:

(a) a license issued by the Secretary of Health under section 208 of this act authorizing the applicant
to carry out such activities in general; and

(b) a separate import permit, export permit, transit permit or redirection permit, as the case may be, issued by the Secretary of Health and authorizing the applicant to carry out the specific transaction of the permit application.

(4) A person who knowingly fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000.

(5) The Secretary of Health shall be allowed to establish and collect reasonable fees for licensing and permits as required by this act, as well as for related services, including non-refundable application fees."

Section 15. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 207 of chapter 2 of title 44 to read as follows:

"Section 207. Application for operators license.

(1) An operator who is required by this act to be licensed shall, within fifteen working days from the day on which this act enters into force, apply in writing to the Secretary of Health for the grant of a license and
specify:

(a) the operator's full name, date of birth, social security number, passport number, residence and business address;

(b) each activity to which the license application relates;

(c) if the applicant is a corporation, company, or other commercial enterprise or entity, the full name and residential address of each director, chief executive officer, chief financial officer, president, vice-president and other managing officers, and shall supply to the Secretary of Health a copy of the Articles of Incorporation, partnership or any other enabling agreement under which it operates, together with a complete list of subsidiaries and parent companies;

(d) if the applicant proposes to engage in the activity under a business name, that name;

(e) the controlled substance, controlled chemical or item of controlled equipment or controlled material to which the application relates;

(f) the address of each:

(i) place where the proposed activity would be carried out;

(ii) premises where the controlled substance, controlled chemical or item of controlled equipment or
controlled material would be stored;

(g) the security arrangements that would be implemented at each address;

(h) the full name, date of birth, social security number, passport number, residence and business address and qualifications of each person under whose supervision the activity would be carried out, and whether any such person has ever been convicted of a serious offense in any jurisdiction; and

(i) whether the applicant (and, if the operator is a corporation, company, or other commercial enterprise or entity, whether any director, chief executive officer, chief financial officer, president, vice-president or any other managing officer) has ever been convicted in the Federated States of Micronesia or any of its States or political subdivisions, or elsewhere, for a serious offense or any offense, however described, relating to drug trafficking, controlled substances, controlled chemicals, controlled equipment or controlled material; and

(j) such other particulars as may be prescribed by the Secretary of Health.

(2) An application for license shall be accompanied by:

(a) a plan of each of the relevant premises, indicating where the controlled substance, controlled
Section 16. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 208 of chapter 2 of title 44 to read as follows:

"Section 208. Grant of license. Where an application has been made in accordance with section 207 of this act, the Secretary of Health shall submit to the Department of Justice a request for verification of the accuracy of the information, together with a request for verification of the criminal record of the applicant and any person or official listed in section 207(1)(c) of this act. Upon receipt of the verification by the Department of Justice, the Secretary of Health may grant a license if satisfied that:

(1) the applicant and, if a corporation, company, or other commercial enterprise or entity, person or official listed in section 207 (1)(c) of this act:
(a) has never been convicted in the Federated States of Micronesia, or any of its States or political subdivisions, or elsewhere for any serious offense, or any offense, however described, relating to a controlled substance, controlled chemical or item of controlled equipment or controlled material; and

(b) is otherwise a fit and proper person to hold a license;

(2) the applicant proposes to engage in the activity;

(3) all places and premises at or in which the activity is to be undertaken are in fit and appropriate condition;

(4) the security arrangements and devices proposed at each relevant place and premises are appropriate and sufficient;

(5) the activity will, at all times, be carried out under the supervision of a person who is a fit and proper person to carry out that supervision; and

(6) where the activity relates to a controlled substance, the activity will be carried out exclusively for medical or scientific purposes recognized and accepted by the global medical or scientific community."

Section 17. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 209 of chapter 2 of title 44 to read as follows:

"Section 209. Contents and conditions of licenses.
A license issued by the Secretary of Health under section 208 of this act shall specify:

(1) the full name and address of the licensee;

(2) each activity to which the license relates;

(3) the controlled substance, controlled chemical or item of controlled equipment or controlled material to which the license relates;

(4) the address of each place and premises at which:
   
   (a) the licensed activity is to be carried out;
   
   and

   (b) the controlled substance, controlled chemical or item of controlled equipment or controlled material is to be stored;

(5) such terms and conditions as are necessary and reasonable for ensuring the proper:

   (a) carrying out and supervision of the licensed activity;

   (b) establishment, maintenance and preservation of records relating to that activity;

   (c) reporting to the Secretary of Health in relation to the carrying out of that activity;

   (d) maintenance and security of all places and premises at or in which the licensed activity will be carried out;

(6) in the case of any license to import, export or
bring to the Federated States of Micronesia in transit a
controlled substance, controlled chemical or item of
controlled equipment or controlled material, the
condition that a separate import, export or transit
permit be first obtained in relation to any such
transaction before it takes place; and

(7) such other particulars as may be prescribed."

Section 18. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 210 of
chapter 2 of title 44 to read as follows:

"Section 210. Applications for import, export or transit
permits.

(1) An application for an import, export or transit
permit shall be made in writing to the Secretary of
Health and shall specify:

(a) the full name, date of birth, social security
number, passport number, the residence and business
address of the importer, exporter, carrier, consignee
and, if known, of any ultimate consignee;

(b) the quantity, mass, and volume or volume
percent in mixture of any controlled substance,
controlled chemical or controlled material that is the
subject of the proposed operation;

(c) a description of the quantity and type of any
controlled equipment that is the subject of the
operation;

(d) the date, or period within which, the planned import, export or transit is to take place;

(e) the planned transport route, if known, including the planned point of entry or exit from the Federated States of Micronesia;

(f) in the case of a proposed import, export or transit of a controlled chemical, the name as specified in schedule V of this act and trade name; and

(g) in the case of a proposed import, export or transit of a controlled substance:

(i) its international non-proprietary name or if none, its name as listed in schedule I, II or III of this act, together with its trade name, if any;

(ii) its pharmaceutical form; and

(iii) for a proposed importation of a controlled substance to a bonded warehouse, the identity and address of the warehouse; and

(iv) for a proposed exportation of a controlled substance the intended point of entry in the foreign state of intended import.

(2) In the case of a proposed export of a controlled substance, the import permit (by whatever name described) issued by the government of the foreign state of intended import shall be attached to the application for export.
Section 19. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 211 of chapter 2 of title 44 to read as follows:

"Section 211. Grant of import, export or transit permits.

(1) The Secretary of Health may, upon written application made in accordance with section 210 of this act by a registered or licensed importer or licensed exporter, grant an import permit, export permit, or transit permit in relation to a specified import or export transaction involving a controlled substance, controlled chemical or item of controlled equipment or controlled material.

(2) An import permit, export permit or transit permit granted pursuant to subsection (1) of this section may allow import, export or transit in more than one consignment.

(3) The Secretary of Health shall not grant an export permit in relation to any consignment of a controlled substance to a bonded warehouse in a foreign state, unless the competent authority of that state has certified on the import permit referred to in section 210(2) of this act that it has approved the import to a bonded warehouse."
(4) An import permit, export permit or transit permit shall specify:

(a) the full name and address of the registered or licensed operator, together with the registration and/or license number of the operator;

(b) the name (including any international non-proprietary name and trade name), quantity and form of any controlled substance, controlled chemical or item of controlled equipment or controlled material for which it is granted;

(c) in the case of an import permit:

(i) the name and address of the exporter; and
(ii) whether the import is to be effected in a single consignment or more than one consignment;

(d) in the case of an export permit:

(i) the name and address of the immediate consignee, and if known, of the ultimate consignee;
(ii) the number and date of any required import permit, affirming that the import of the controlled substance or preparation has been authorized;
(iii) the intended point of entry in the foreign state of import;
(iv) if the export consignment is intended for a bonded warehouse and is not prohibited under subsection (3) of this section, that the consignment is to be so
exported; and

(v) the period during which the import or export is to be effected;

(e) in the case of an intended import to a bonded warehouse, a requirement that:

(i) any subsequent withdrawal from the bonded warehouse shall require a permit from the Secretary of Health; and

(ii) if the withdrawal is intended for a foreign destination, a separate export permit shall be first obtained prior to export;

(f) such terms and conditions as the Secretary of Health may consider necessary and reasonable; and

(g) such other particulars as may be prescribed."

Section 20. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 212 of chapter 2 of title 44 to read as follows:

"Section 212. Redirection permits.

(1) The Secretary of Health may, on production by a licensed operator of a valid import authorization issued by an authority in the foreign state to which it is proposed to redirect a controlled substance, controlled chemical or item of controlled equipment or controlled material, issue a redirection permit in respect of the drug, chemical, equipment or material in transit.
(2) A redirection permit shall specify:

(a) the full name and address of the registered or licensed operator, together with the registration and/or license number of the operator;

(b) the name (including any international non-proprietary name and trade name), quantity and form of any controlled substance, controlled chemical or item of controlled equipment or controlled material for which it is granted;

(c) the name and address of the immediate consignee, and if known, of the ultimate consignee;

(d) the number and date of any required import permit affirming that the import of the controlled substance or controlled chemical or item of controlled equipment or controlled material has been authorized;

(e) the intended point of entry in the foreign state of import;

(f) if the export consignment is intended for a bonded warehouse and is not prohibited under subsection (3) of this section, that the consignment is to be so exported; and

(g) the period during which import or export is to be effected;

(h) in the case of an intended import to a bonded warehouse, a requirement that:
(i) any subsequent withdrawal from the bonded warehouse shall require a permit from the Secretary of Health; and

(ii) if the withdrawal is intended for a foreign destination, a separate export permit shall be first obtained prior to export;

(i) such terms and conditions as the Secretary of Health may consider necessary and reasonable; and

(j) such other particulars as may be prescribed.

(3) The Secretary shall not issue a redirection permit under subsection (1) of this section unless the Secretary is satisfied that the controlled substance, controlled chemical or item of controlled equipment or controlled material is to be sent to the new country of destination in a lawful manner and for a proper purpose."

Section 21. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 213 of chapter 2 of title 44 to read as follows:

"Section 213. Permits in relation to first-aid kits."

(1) The Secretary of Health may, upon written application made in the prescribed form, grant a permit to include a controlled substance in a first-aid kit for medical use during international flights or voyages.

(2) A permit to include a controlled substance in a first-aid kit shall specify:
(a) the full name, date of birth, social security number, passport number, residence and business address of the authorized person;

(b) the name and maximum quantity of the controlled substance that may be kept in the first aid kit at any one time;

(c) such terms and conditions as are necessary and reasonable to ensure the proper use and safe keeping of the controlled substance; and

(d) such other particulars as may be prescribed."

Section 22. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 214 of chapter 2 of title 44 to read as follows:

"Section 214. Permits in relation to programs for medical and scientific purposes.

(1) The Secretary of Health may, upon written application made in the prescribed form, grant a permit to conduct a program for scientific or strictly limited medical purposes that would require the import, possession or use of:

(a) a controlled substance; or

(b) an analogue.

(2) An application to conduct such a program shall specify:

(a) the full name, date of birth, social security
number, passport number, the residence and business address, together with the academic, professional or other relevant qualifications of the applicant;

(b) the controlled substance or analogue of which the permit is sought;

(c) the strength and form in which the controlled substance or analogue is to be used;

(d) the maximum quantity of the controlled substance or analogue to be possessed at any one time, and the total quantity to be possessed during the period of the program;

(e) details of the manner in which the controlled substance or analogue would be used;

(f) the name and address of the place where the program is to be conducted;

(g) the full name, date of birth, social security number, passport number, residence and business address, and academic, professional or other relevant qualifications of any person, other than the applicant, under whose supervision the program would be conducted; and

(h) the security arrangements that would be undertaken while the controlled substance or analogue is possessed, used or disposed of.

(3) An application to conduct such a program shall be
accompanied by:

(a) a written description of the program, including its estimated duration;
(b) in the case of a program of research, a research protocol;
(c) in the case of a clinical trial, a clinical trial protocol; and
(d) a written statement approving the program, signed by the person in charge of the institution in relation to which the permit is granted.

(4) The Secretary of Health may authorize such a program if satisfied that:

(a) the program cannot be carried out satisfactorily without the use of the specified controlled substance or analogue;
(b) the program is scientifically viable having regard to any relevant protocol;
(c) the applicant is a fit and proper person to conduct the program;
(d) the program will be adequately supervised; and
(e) the program is to be conducted at, or under the auspices of, a recognized institution.

(5) A permit shall specify:

(a) the full name and address of the authorized person;
(b) the controlled substance or analogue to which the permit relates;

(c) the strength and form in which the controlled substance or analogue may be used;

(d) the maximum quantity of the controlled substance or analogue that may be possessed at any one time, and the total quantity that may be possessed during the period of the program;

(e) the purpose for which the permit is granted, the duration of the permit and expiration date;

(f) the institution in relation to which the permit is granted;

(g) such conditions as are necessary and reasonable for ensuring:

   (i) the proper use and safe-keeping of the controlled substance or analogue; and

   (ii) that proper records are kept concerning its receipt, use and disposal;

(h) the condition that such reports as the Secretary of Health may specify are sent to him on the use of the controlled substance or analogue in the program, including particulars of the quantities acquired, used, disposed of and still held; and

   (i) such other particulars as may be prescribed."

Section 23. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 215 of chapter 2 of title 44 to read as follows:

"Section 215. Open individual authorization for exports of controlled chemicals, equipment or material.

   (1) Where an operator is required, under section 204 of this act, to hold an open individual authorization issued by the Secretary of Health, the operator shall, within fifteen working days from the day on which this act enters into force, notify the Secretary of Health in writing of:

   (a) the full name, date of birth, social security number, passport number, residence and business address of the operator;

   (b) the activity for which authorization is sought;

   (c) if the applicant is a corporation, company, or other commercial enterprise or entity, the full name and residential address of each director, chief executive officer, chief financial officer, president, vice-president and other managing officers, and shall supply to the Secretary of Health a copy of the Articles of Incorporation, partnership or other enabling agreement under which it operates, together with a complete list of subsidiaries and parent companies;

   (d) if the operator will engage in the activity
under a business name, that name;

(e) each controlled chemical or item of controlled equipment or controlled material for which authorization is sought;

(f) details of the operator's commercial experience relevant to the controlled chemicals, equipment or materials concerned, and of each person under whose supervision the activity will be carried out;

(g) details in summary form of export transactions in the relevant chemicals, equipment or materials during the preceding twelve months, specifying by country of export in relation to each chemical or item of equipment or material exported, the total quantities and total number of transactions involved; and

(h) such other particulars as may be prescribed.

(2) Subject to subsection (3) of this section, upon receipt of an application made in accordance with subsection (1) of this section, the Secretary of Health may:

(a) grant an open individual authorization; and

(b) subject the authorization to such terms and conditions as the Secretary deems fit.

(3) The Secretary of Health may refuse to grant the open individual authorization, if the operator, or in the case of a corporation, company, or other commercial
enterprise or entity, any director, chief executive
officer, chief financial officer, president, vice-
president or other managing officer has ever:

(a) failed to comply with a provision of this act
or any other law in the Federated States of Micronesia or
elsewhere relating to any controlled substance,
controlled chemical or item of controlled equipment or
controlled material; or

(b) been convicted in the Federated States of
Micronesia, any of its States or political subdivisions,
or elsewhere for any serious offense or any offense
however described, relating to drug trafficking,
controlled substances, controlled chemicals, equipment or
material; or

(c) if the operator provided false or misleading
information on the application; or

(d) for other good cause."

Section 24. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 216 of chapter 2 of title 44 to read as follows:

"Section 216. Extended authorization for related activities. Where a person is registered or licensed, or holds a permit or authorization under this chapter in relation to any activity, the person shall, subject to this act and to any terms or conditions of the license,
permit or authorization, be deemed to be entitled to
possess the relevant controlled substance, analogue,
controlled chemical or item of controlled equipment or
controlled material for the purpose of that activity."

Section 25. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 217 of
chapter 2 of title 44 to read as follows:

"Section 217. Duration of registration, licenses,
permits and open individual authorizations.

(1) A registration or license shall remain in force for
one year, unless earlier surrendered, suspended or
revoked, and may be successively renewed (provided the
applicant continues to meet the relevant requirements for
such registration or licensing) for a period of twelve
months by application in writing, signed by the applicant
and accompanied by the prescribed fee.

(2) A permit or open individual authorization shall
only remain in force for such period as may be specified
in it, which, in the case of an import permit, export
permit or transit permit shall not exceed six months."

Section 26. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 218 of
chapter 2 of title 44 to read as follows:

"Section 218. Duty to notify Secretary of Health of
material changes."
(l) Where, in relation to any license or permit granted to any person under this chapter, a material change occurs in the:

(a) name or address of the person, or in the case of a corporation, company, or other commercial enterprise or entity, name and residential address of any director, chief executive officer, chief financial officer, president, vice-president and/or other managing officers;

(b) address of the place where:

   (i) the licensed or permitted activity is carried out; or

   (ii) any controlled substance, controlled chemical or item of controlled equipment or controlled material is stored;

(c) raw materials, or manufacturing or denaturing processes used in the licensed manufacture of any controlled substance;

(d) security arrangements implemented at any relevant address or where there has been any significant breach of security of the operation under which the authorized activity has been carried out, including, without limitation the theft or loss of a controlled substance or a controlled chemical or material or controlled item of equipment;

(e) identity of persons under whose supervision
the licensed activity is carried out;

(f) planned transport route, including the planned point of entry or exit from the Federated States of Micronesia of any import, export or transit consignment for which a permit has been granted under section 211(1) of this act; or

(g) data or information required to be supplied or reported to the Secretary of Health under any provision of this act, the person shall, within fourteen days of its occurrence, furnish the Secretary of Health with a written notice containing full particulars of the change, and shall return to the Secretary any license or permit issued under this chapter.

(2) Where, in relation to any registration or open individual authorization granted to any person under this chapter, a material change occurs in the:

(a) name or address of the person, or in the case of a corporation, company, or other commercial enterprise or entity, the name and residential address of any director, chief executive officer, chief financial officer, president, vice-president and/or other managing officers; or

(b) address of the place where:

(i) the registered or authorized activity is carried out; or
(ii) the controlled chemical, or item of controlled equipment or controlled material is stored; or

where

(iii) there has been any significant breach of security of the operation under which the open individual authorization has been carried out, including, without limitation the theft or loss of a controlled chemical or item of controlled equipment or controlled material, the person shall, within fourteen days of its occurrence, furnish the Secretary of Health with a written notice containing full particulars of the change."

Section 27. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 219 of chapter 2 of title 44 to read as follows:

"Section 219. Variation, suspension or revocation of registration, licenses, permits or authorizations.

(1) If, at any time after the grant of a license, permit, registration or open individual authorization, it appears to the Secretary of Health that:

(a) it was granted on the basis of information that was false or misleading in any material way;

(b) a material change of circumstances referred to in section 218 of this act has occurred since it was granted, whether notified under that section or not;

(c) a condition to which it was subject has not
been complied with;

(d) the person has been charged or convicted of a violation of this chapter, or of a serious offense; or

(e) security measures have proved inadequate.

the Secretary may, as the Secretary deems necessary and reasonable, given all the circumstances to prevent the risk of unlawful diversion:

(i) impose conditions, or vary any existing conditions specified in the license, permit or authorization, which shall take effect twenty-eight days following the date of issue of a notice of variation, unless an earlier effective date is noted in such notice;

(ii) suspend the registration, license, permit or authorization for such period as the Secretary deems fit; or

(iii) revoke the registration, license, permit or authorization.

(2) Any person whose license, permit or authorization is suspended or revoked under subsection (1) of this section, shall return it to the Secretary of Health no later than twenty-one days after the Secretary notifies the person in writing of the revocation or suspension.

Section 28. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 220 of chapter 2 of title 44 to read as follows:
"Section 220. Duty of operators to check and notify Secretary of Health of suspicious orders and transactions.

(1) Whenever an operator who is registered, licensed, permitted or authorized under this chapter receives an order, or becomes party to a transaction involving a controlled substance, controlled chemical or item of controlled equipment or controlled materials, and has reasonable grounds to suspect that information the operator has concerning the order or transaction may be relevant to an offense, or a possible offense against chapter 3 of this act, the operator shall, immediately after forming that suspicion, communicate to the Secretary of Health particulars of the suspicion, the basis for it, and such other information, if requested, as the person has in relation to the order or transaction.

(2) An operator who knowingly fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 29. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 221 of
chapter 2 of title 44 to read as follows:

"Section 221. Licensed operators not to deal with unlicensed parties.

(1) No operator licensed under this chapter, in relation to any controlled substance, shall supply to or acquire from another party in the Federated States of Micronesia any controlled substance, unless the second party is also licensed under this chapter.

(2) A person who knowingly fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 30. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 222 of chapter 2 of title 44 to read as follows:

"Section 222. Unlawful interference with controlled substances, or controlled chemicals, equipment or materials in lawful transit.

(1) No person shall:

(a) cause a controlled substance lawfully in transit, to be subjected to any process which could alter its nature; or
(b) otherwise than in accordance with instructions issued by the Secretary of Health or official Federated States of Micronesia Customs inspector, knowingly open or break any package or container containing any controlled substance in transit.

(2) No licensed operator shall, except under the authority of a redirection permit issued under this chapter, procure or cause any controlled substance or controlled chemical, or item of controlled equipment or controlled material in transit, to be redirected to any destination other than that shown on the export permit or redirection permit accompanying the drug, chemical, equipment or material.

(3) A person who knowingly fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 31. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 223 of chapter 2 of title 44 to read as follows:

"Section 223. Secretary of Health to determine annual quota.

(1) On or before December 31 of each year, the
Secretary of Health shall, in the light of the prevailing market conditions, determine the maximum quantities (if any), of each controlled substance and controlled chemical that each operator licensed or registered under subchapter I of this chapter may manufacture or stock for the normal conduct of its business during the following year.

(2) The Secretary of Health may, at any time amend any quota determined pursuant to subsection (1) of this section, and shall promptly notify each licensed or registered operator in writing of the amended quota.

(3) When the Secretary of Health is satisfied that a person authorized to stock a controlled substance or controlled chemical holds a quantity in excess of the person's annual quota as revised in accordance with subsection (2) of this section, the Secretary may requisition the surplus quantity upon payment of an amount not less than the amount paid by the person to acquire it."

Section 32. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter III of chapter 2 of title 44, entitled "Professional Supply of Controlled Substances".

Section 33. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 224 of
chapter 2 of title 44 to read as follows:

"Section 224. Meaning of 'authorized person' and 'professional supply'. For the purposes of this subchapter, unless the context indicates otherwise:

(1) 'authorized person' means a person referred to in section 225(1) of this act; and

(2) 'professional supply' means supply by an authorized person in the circumstances referred to in section 225 of this act, and in that context, includes supply by such person by way of retail sale, offering for such sale, and acquisition and possession for the purpose of such sale."

Section 34. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 225 of chapter 2 of title 44 to read as follows:

"Section 225. Persons authorized to engage in professional supply of controlled substances.

(1) No person shall engage in conduct that constitutes professional supply of any controlled substance except:

(a) a pharmacist, acting in accordance with the norms and standards of the pharmacy profession, who supplies to another person on prescription or on requisition, as defined by section 227 of this act, in the ordinary course of a pharmacy business;

(b) a person licensed under section 206(1)(b) of this act, provided that such supply at all times takes
place under the immediate supervision of a pharmacist;

(c) a practitioner who, in accordance with the norms and standards of the practitioner's profession:

   (i) administers the controlled substance directly to a patient or animal in the ordinary course of treatment; or

   (ii) supplies the controlled substance to a patient or for an animal in the ordinary course of treatment.

(2) A person who knowingly violates or fails to comply with subsection 1 of this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000.

(3) Notwithstanding subsection (1) of this section, where access to a practitioner is not reasonably possible by virtue of distance, the Secretary of Health may authorize a licensed retail distributor to supply a controlled substance without prescription, in exceptional cases for use by individuals in small quantities for exclusively medical purposes."

Section 35. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 226 of
chapter 2 of title 44 to read as follows:

"Section 226. Prescriptions.

(1) No person shall prescribe a controlled substance, unless that person is:

(a) a medical practitioner, who prescribes the controlled substance in the ordinary course of treatment of another person's physical or mental condition;

(b) a dentist, who prescribes the controlled substance in the ordinary course of treatment of another person's dental condition;

(c) a veterinarian, who prescribes the controlled substance in the ordinary course of treatment of an animal; or

(d) a person or class of persons which the Secretary of Health may authorize from time to time for the purposes of this section to prescribe certain controlled substances in places where access to a practitioner is not reasonably possible.

(2) A person referred to in subsection (1) of this section shall not, except in cases of medical necessity, or in the ordinary course of treatment under subchapter II of chapter 4 of this title, prescribe a controlled substance to a person who he or she knows to be a drug dependent person.

(3) Subject to subsection (4) of this section, a
prescription for a controlled substance shall:

(a) be on a form prescribed by the Secretary of

Health;

(b) be legible;

(c) be written in terms and symbols used in

ordinary professional practice;

(d) specify the name, address, qualifications and

registration number of the prescribing practitioner;

(e) specify the date on which it is issued if
different from the date on which it is signed, and the

period during which it may be filled;

(f) specify the name and address of the patient,
or the owner of the animal, as the case may be;

(g) specify the name, quantity, form and strength

of the controlled substance;

(h) specify the number of times up to a maximum of

three, the controlled substance may be refilled and, if

more than once, the interval to elapse between

dispensing, provided however, in exceptional cases where

undue hardship would result because of the geographical

location of the patient on an outer island, where no

person referred to in subsection (l) of this section is

readily available, and where the patient suffers from a

life threatening, chronic condition requiring

administration of a controlled substance on a regular and
long-term basis, the prescription for such controlled substance may be of sufficient quantity to allow for the patient's continued use of the necessary controlled substance for six month intervals;

(i) if the prescription is for an unusual or dangerous dose, bear the initials of the prescribing practitioner beside an underlined reference to the dose;

(j) if the prescription is issued by a veterinarian:

(i) be endorsed as being for the treatment of an animal;

(ii) specify the name and address of the owner or caretaker of the animal;

(iii) specify the species of animal;

(iv) if possible, specify a means of identifying the animal; and

(k) be signed and dated by the prescribing practitioner.

(4) Where the need for treatment is urgent, a prescription may be given orally and acted upon, provided it is confirmed by a written prescription within twenty-four hours.

(5) A person who knowingly violates or fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a
maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 36. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 227 of chapter 2 of title 44 to read as follows:

"Section 227. Requisitions.

(1) A 'requisition' is defined, for purposes of this chapter, as an order, demand, direction or request, made orally, in writing, or by any other form of communication, for the production, supply or provision of drugs, pharmaceuticals, chemicals, equipment or materials.

(2) No person shall issue a requisition for a controlled substance unless the person is:

(a) a pharmacist in a dispensary in an institution;

(b) a practitioner practicing in an institution; or

(c) a person in charge of a ward in an institution.

(3) A person shall not supply a controlled substance against a requisition except to a person referred to in subsection (2)(a), (b) or (c) of this section at an institution for the treatment of a person therein.

(4) Subject to subsection (5) of this section, a requisition for a controlled substance shall:

(a) be in writing;
(b) be legible;
(c) specify the name of the person issuing it and the capacity in which he or she issues it;
(d) specify the name, quantity, form and strength of the controlled substance;
(e) specify the ward or dispensary where the controlled substance is required;
(f) be signed and dated by the person issuing it; and
(g) be countersigned by either the pharmacist who is to supply the controlled substance, or a medical practitioner.

(5) Where the need is urgent, a requisition may be given orally and acted upon, provided it is confirmed by a written requisition within twenty-four hours.

(6) A person who knowingly violates or fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 37. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter IV of chapter 2 of title 44 entitled "Commercial Documentation and
Labeling, Records and Security”.1

Section 38. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 228 of chapter 2 of title 44 to read as follows:

"Section 228. Commercial documents. Any commercial document, such as an invoice, cargo manifest or a customs, transport or other shipping document, relating to any transaction by an operator involving a controlled substance, controlled chemical, item of controlled equipment or controlled material, shall include:

(1) the name and quantity of the controlled substance, controlled chemical, item of controlled equipment or controlled material as listed in the relevant schedule of this act;

(2) in the case of any import or export, the name, address and license, registration and/or permit number of the exporter, the importer and, where known, the consignee."

Section 39. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 229 of chapter 2 of title 44 to read as follows:

"Section 229. Import permit to be forwarded in advance to a proposed foreign exporter. Where the Secretary of Health issues an import permit under this chapter to an operator, the operator shall, as soon as possible but no
later than five working days after its receipt, forward
the permit to the exporter named in the permit."

Section 40. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 230 of
chapter 2 of title 44 to read as follows:

"Section 230. Export permits to be attached to
consignments. Where the Secretary of Health issues
an export permit under this chapter to an operator, the
operator shall attach an authenticated copy of the permit
to each consignment on export."

Section 41. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 231 of
chapter 2 of title 44 to read as follows:

"Section 231. Endorsement and return of export permits
following import. After an imported consignment has
entered the Federated States of Micronesia or when the
period stipulated in the import permit expires without
importation of the consignment, the Secretary of Health
shall cause the export permit issued by the competent
authority of the exporting country or territory to be
returned to that authority, with an endorsement
specifying the quantity of each controlled substance or
controlled chemical, item of controlled equipment or
controlled material actually imported."

Section 42. The Code of the Federated States of Micronesia, as

70 of 219
amended, is hereby further amended by enacting a new section 232 of chapter 2 of title 44 to read as follows:

"Section 232. Forwarding of redirection permits.

(1) Where a redirection permit is issued under section 212(1) of this act:

(a) one copy shall accompany the controlled substance, controlled chemical, equipment or material when it is exported from the Federated States of Micronesia; and

(b) the Secretary of Health shall cause another copy of the redirection permit to be sent forthwith, to the authority in the foreign country to which the consignment has been redirected.

(2) Upon issuance of a redirection permit by the Secretary of Health under section 212(1) of this act, any person holding the export permit or redirection permit accompanying the drug, chemical, equipment or material upon its arrival in the Federated States of Micronesia shall remit it to the Secretary of Health who shall return it to the competent authority issuing it, together with:

(a) notice of the name of the foreign country to which the consignment has been redirected; and

(b) an endorsement specifying the quantity of each controlled substance or controlled chemical, item of
controlled equipment or controlled material actually imported."

Section 43. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 233 of chapter 2 of title 44 to read as follows:

"Section 233. Confiscation and forfeiture of improperly documented or undocumented consignments.

(1) A consignment of a controlled substance or controlled chemical, or item of controlled equipment or controlled material is liable for confiscation and forfeiture if:

(a) it is accompanied by an export permit or redirection permit, and there are reasonable grounds to believe that the permit is false, or has been obtained by fraud or knowing misrepresentation of a material fact;

(b) there are reasonable grounds to believe that any import permit relating to it is false; or

(c) in the case of a consignment of a controlled substance, it is not accompanied by any import, export or redirection permit.

(2) Where the Secretary of Health is satisfied that any consignment referred to in subsection (1) of this section is legitimate, the consignment shall be released forthwith to the person lawfully entitled to it."

Section 44. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 234 of chapter 2 of title 44 to read as follows:

"Section 234. Controlled substances registers.

(1) The following persons shall keep, or cause to be kept at a place where any controlled substance is kept, a register in accordance with the form prescribed from time to time by the Secretary of Health:

(a) any person granted registration, or a license or a permit under subchapter II of this chapter in relation to any controlled substance;

(b) any person authorized under subchapter III of this chapter to issue a prescription or requisition for a controlled substance, or to supply such a controlled substance by retail;

(c) any pharmacist, including a pharmacist responsible for the supervision of all other pharmacists employed in a hospital or other institution for medical treatment or care; or

(d) any duly qualified person for the time being in charge of a ward or other area of an institution in which any controlled substance is administered.

(2) A person required by subsection (1) of this section to keep or cause to be kept a register in relation to any controlled substance, shall within twenty-four hours of any import, export, manufacture, administration, supply,
acquisition, disposal or return of such controlled 
substance, enter or cause to be entered in the register:

(a) the date of the import, export, manufacture, 
administration, supply, acquisition, disposal or return; 

(b) the name, quantity, dosage, form and strength 
of the controlled substance, imported, exported, 
manufactured, administered, supplied, acquired, disposed 
of or returned; 

(c) the name and occupational or business address 
of the person to or from whom the controlled substance 
was imported, exported, supplied or acquired; 

(d) in the case of export or supply, the quantity 
of the controlled substance, if any, still kept; 

(e) in the case of supply on prescription for the 
purpose of treatment, or of administration of a 
controlled substance for that purpose: 

(i) the name and address of the person who 
prescribed the controlled substance or ordered its 
administration; 

(ii) the name and residential address of the 
person for whom or to whom the controlled substance was 
supplied or administered, or where prescribed for or 
administered to an animal, of the person having custody 
of the animal at the time; 

(iii) the name and residential address of the
patient to whom the controlled substance was prescribed, if different from the person referred to in (e)(ii) of this subsection; and

(iv) where applicable, the name and address of any person other than the treating practitioner who administered the controlled substance, the time of administration, and any particulars sufficient to identify any animal for whose treatment the controlled substance was administered, prescribed or supplied on prescription;

(f) in the case of supply on requisition in an institution, details of the dispensary, ward or other place to which the controlled substance was supplied;

(g) in the case of return, the name of the person to whom the controlled substance was returned; and

(h) in the case of disposal:

(i) the method of disposal; and

(ii) the signature, name and designation of the person responsible for the disposal, and of at least one witness to the disposal.

(3) A person who makes an entry in a controlled substances register shall date and sign the entry.

(4) A person may, in the presence of a witness, correct, by notation, a mistake in an entry in a controlled substances register, providing the person
making the correction makes, signs and dates the
notation, and the witness countersigns the notation.

(5) Any person who:

(a) delivers a controlled substance to a ward or
other area of an institution; or

(b) in the ordinary course of duties in a medical,
dental or veterinary practice, or in a ward or other area
of an institution, witnesses the administration of that
controlled substance, shall countersign the relevant
entry in the controlled substances register.

(6) Any person required by this section to keep a
controlled substances register shall, subject to any
written direction to the person by the Secretary of
Health retain possession of the register and all
prescriptions, requisitions and commercial documents
relating to entries therein such as orders, invoices,
dispatch notes, cargo manifests or customs or other
shipping documents, for three years after the date of the
last entry in the register."

Section 45. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 235 of
chapter 2 of title 44 to read as follows:

"Section 235. Controlled chemicals, equipment and
materials registers.

(1) Any person granted registration, a license, a
permit or open individual authorization under subchapter II of this chapter in relation to any controlled chemical or item of controlled equipment or controlled material shall keep, or cause to be kept, at a place where any such chemical, equipment or material is kept by that person, a register in accordance with the form prescribed from time to time by the Secretary of Health.

(2) Any person required under subsection (1) of this section to keep and maintain a register in relation to any controlled chemical or item of controlled equipment or controlled material shall, within twenty-four hours of any import, export, manufacture, supply, acquisition or disposal by that person of any such chemical or item, enter or cause to be entered in such register:

(a) the date of the import, export, manufacture, supply, acquisition or disposal;

(b) the name of the chemical, equipment or material, and the quantity involved;

(c) in the case of a controlled chemical, its form and strength;

(d) in the case of disposal, the method of disposal; and

(e) in the case of import, export, acquisition or supply, the name and occupational or business address of the person to or from whom the chemical, equipment or
material was imported, exported, acquired or supplied, and where known, the name of any ultimate consignee.

(3) Any register required to be kept under subsection (1) of this section, and all commercial documents relating to entries therein such as orders, invoices, dispatch notes, cargo manifests or customs or other shipping documents shall be kept for at least three years after the date of the last entry in the register."

Section 46. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 236 of chapter 2 of title 44 to read as follows:

"Section 236. False or misleading entries in registers and records.

(1) Any person required to keep a register or other record under this act shall not:

(a) make, or cause or permit to be made, an entry in or on it that is, to the knowledge of that person, false or misleading in any material way; or

(b) cancel, obliterate or alter any entry, except to correct an error in accordance with section 234(4) of this act.

(2) A person who knowingly violates or fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in
the case of a corporation, company, commercial
enterprise, commercial entity or other legal person, the
maximum fine shall be increased to $250,000."

Section 47. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 237 of
chapter 2 of title 44 to read as follows:

"Section 237. Duty to notify Secretary of Health of
register loss, destruction or discrepancies.

(1) Any person required to keep a register under this
subchapter shall, immediately on discovering:

(a) the loss or destruction of the register, or of
the whole or any part of the contents of the register; or

(b) any discrepancy in the register, other than a
mistaken entry, advise the Secretary of Health in writing
accordingly.

(2) A person who knowingly violates or fails to comply
with this section commits a felony offense, punishable by
imprisonment for a maximum term of five years or a
maximum fine of $50,000, or both; provided, however, in
the case of a corporation, company, commercial
enterprise, commercial entity or other legal person, the
maximum fine shall be increased to $250,000."

Section 48. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 238 of
chapter 2 of title 44 to read as follows:
"Section 238. Safe keeping of controlled substances and controlled chemicals.

(1) Any person authorized:

(a) to import, export, manufacture, administer, supply or acquire a controlled substance or controlled chemical in accordance with this chapter; or

(b) to engage in professional supply in accordance with section 225 of this act, shall, while the controlled substance or chemical is in the person's custody or control, keep it or cause it to be kept in a vault, safe or other prescribed secure storage.

(2) A person referred to in subsection (1) of this section shall take such measures as the Secretary of Health may direct in writing to ensure that no unauthorized person has:

(a) access to the combination, key or other means of access to any secure receptacle containing a controlled substance or controlled chemical; or

(b) the controlled substance or chemical contained therein.

(3) A person who knowingly violates or fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial
enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 49. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 239 of chapter 2 of title 44 to read as follows:

"Section 239. Duty to report loss or theft of a controlled substance or controlled chemical.

(1) Any person authorized:

   (a) to import, export, manufacture, administer, supply or acquire a controlled substance or controlled chemical in accordance with this chapter; or

   (b) to engage in professional supply in accordance with section 225 of this act, shall, immediately upon becoming aware of the loss or theft of any quantity of the controlled substance or chemical in the person’s custody or control:

       (i) if the person believes on reasonable grounds that the controlled substance or chemical has been stolen, notify an inspector and an authorized officer orally, and in writing within twenty-four hours;

       (ii) in the case of loss, give a written report of the circumstances of the loss to an inspector; and

       (iii) record relevant particulars of the loss or theft in the appropriate register.
(2) A person who knowingly violates or fails to comply with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 50. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 3 of title 44 entitled "Trafficking and Related Serious Offenses".

Section 51. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter I of chapter 3 of title 44, entitled "Trafficking in Controlled Substances, Analogues, or Controlled Chemicals, Equipment or Materials".

Section 52. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 301 of chapter 3 of title 44 to read as follows:

"Section 301. Unlawful cultivation or possession of controlled substance plants.

(1) Except as permitted by or authorized under this act, no person shall knowingly cultivate or possess a cannabis plant, coca bush or opium poppy; or any other plant that is, for the purposes of this act, a controlled substance."
(2) Where the subject of the offense is cannabis or cannabis plants, notwithstanding other provisions of this act relating to schedule I prohibited drugs, violation of subsection (1) of this section is:

(a) a misdemeanor offense, punishable by imprisonment for a maximum term of thirty days or a maximum fine of $1,000, or both, where the amount of cultivated or possessed cannabis does not exceed:

(i) 5 plants;  
(ii) 1 ounce of cannabis plants (dried weight); or  
(iii) 1 ounce of cannabis;

(b) a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the amount of cannabis cultivated or possessed is:

(i) more than 5 plants but does not exceed 20 plants;  
(ii) more than 1 ounce, but does not exceed 4 ounces of cannabis plants (dried weight); or  
(iii) more than 1 ounce, but does not exceed 4 ounces of cannabis;

(c) a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the amount of cannabis cultivated
or possessed is:

(i) more than 20 plants but does not exceed 1,000 plants;

(ii) more than 4 ounces, but does not exceed 200 ounces of cannabis plants (dried weight); or

(iii) more than 4 ounces, but does not exceed 200 ounces of cannabis;

(d) a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both, where the subject of the offense is cannabis or cannabis plants, and the amount cultivated or possessed is:

(i) more than 1,000 plants;

(ii) more than 200 ounces of cannabis plants (dried weight); or

(iii) more than 200 ounces of cannabis.

(3) Where the subject of the offense is coca bush, opium poppy, or, any other plant that is, for the purposes of this act, a controlled substance other than cannabis or cannabis plants, notwithstanding other provisions of this act relating to schedule I, II or III drugs, violation of subsection (1) of this section is:

(a) a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the amount cultivated or
possessed does not exceed:

(i) 5 plants;  
(ii) 1 ounce of plants (dried weight);  

(b) a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the amount cultivated or possessed is:

(i) more than 5 plants but does not exceed 20 plants; or  
(ii) more than 1 ounce of plants (dried weight), but does not exceed 4 ounces;  

(c) a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both, where the amount cultivated or possessed is:

(i) more than 20 plants but does not exceed 1,000 plants; or  
(ii) more than 4 ounces of plants (dried weight), but does not exceed 200 ounces;  

(d) a felony offense, punishable by imprisonment for a maximum term of life or a maximum fine of $500,000, or both, where the amount cultivated or possessed is:

(i) more than 1,000 plants; or  
(ii) more than 200 ounces of plants (dried weight).
(4) Upon conviction for any offense under this section, the offender shall be sentenced in accordance with the penalties established by this act; provided, however, that the maximum allowable fine for each offense shall, in the case of a corporation, company or other commercial enterprise, commercial entity or legal person, be increased to five times the maximum allowable fine for a natural person."

Section 53. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 302 of chapter 3 of title 44 to read as follows:

"Section 302. Unlawful import or export, or possession for those purposes.

(1) Except as is otherwise permitted by, or authorized, under this act, no person shall knowingly:

(a) import any controlled substance or analogue into the Federated States of Micronesia;

(b) export any controlled substance or analogue from the Federated States of Micronesia;

(c) bring any controlled substance or analogue into the Federated States of Micronesia in transit; or

(d) acquire or possess any controlled substance or analogue for the purpose of importing it into the Federated States of Micronesia, exporting it from the Federated States of Micronesia, or bringing it into the
Federated States of Micronesia in transit.

(2) Violation of subsection (1) of this section is a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the subject of the offense was less than a trafficable quantity of a schedule III risk drug under this act.

(3) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the subject of the offense was:

(a) less than a trafficable quantity of an analogue; or

(b) less than a trafficable quantity of a schedule II high risk drug under this act; or

(c) a trafficable quantity of a schedule III risk drug under this act.

(4) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both, where the subject of the offense was:

(a) less than a trafficable quantity of a schedule I prohibited drug under this act;

(b) a trafficable quantity of an analogue; or

(c) a trafficable quantity of a schedule II high risk drug under this act;
risk drug under this act.

(5) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of life imprisonment or a maximum fine of $500,000, or both, where the subject of the offense was a trafficable quantity of a schedule I prohibited drug under this act.

(6) Except as is otherwise permitted by or authorized under this act, no person shall knowingly:

(a) import any controlled chemical, controlled equipment or controlled material into the Federated States of Micronesia;

(b) export any controlled chemical, controlled equipment or controlled material from the Federated States of Micronesia;

(c) bring any controlled chemical, controlled equipment or controlled material into the Federated States of Micronesia in transit; or

(d) acquire or possess any controlled chemical, controlled equipment or controlled material for the purpose of importing it into the Federated States of Micronesia, exporting it from the Federated States of Micronesia, or bringing it into the Federated States of Micronesia in transit.

(7) Violation of subsection (6) of this section is a
misdemeanor offense, punishable by imprisonment for a maximum term of thirty days or a maximum fine of $1,000, or both, where the subject of the offense was:

(a) controlled equipment or controlled material commonly used in the manufacture of a schedule II high risk drug under this act, an analogue, or a schedule III risk drug under this act; or

(b) a controlled chemical listed in division 2 of schedule V of this act commonly used in the manufacture of a schedule II high risk drug under this act, an analogue, or a schedule III risk drug under this act; or

(c) a controlled chemical listed in division 1 of schedule V of this act, commonly used in the manufacture of a schedule III risk drug under this act;

(d) a controlled chemical listed in division 1 of schedule V of this act, commonly used in the manufacture of a schedule III risk drug under this act.

(8) Violation of subsection (6) of this section is a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the subject of the offense was:

(a) controlled equipment or controlled material commonly used in the manufacture of a schedule I prohibited drug under this act;

(b) a controlled chemical listed in division 2 of
schedule V of this act, commonly used in the manufacture
of a schedule I prohibited drug under this act;

(c) a controlled chemical listed in division 1 of
schedule V of this act, commonly used in the manufacture
of:

(i) an analogue; or

(ii) a schedule II high risk drug under this
act.

(9) Violation of subsection (6) of this section is a
felony offense, punishable by imprisonment for a maximum
term of five years or a maximum fine of $50,000, or both,
where the subject of the offense was a controlled
chemical listed in division 1 of schedule V of this act
commonly used in the manufacture of a schedule I
prohibited drug under this act.

(10) Upon conviction for any offense under this section,
the offender shall be sentenced in accordance with the
penalties established by this act; provided, however, the
maximum allowable fine for each offense shall, in the
case of a corporation, company or other commercial
enterprise, commercial entity or legal person, be
increased to five times the maximum allowable fine for a
natural person."

Section 54. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 303 of
chapter 3 of title 44 to read as follows:

"Section 303. Unlawful manufacture, or possession for that purpose.

(1) Except as otherwise permitted by or authorized under this act, no person shall knowingly:

(a) manufacture a controlled substance or analogue in the Federated States of Micronesia; or

(b) acquire or possess a controlled substance or analogue in the Federated States of Micronesia:

   (i) for the purpose of such manufacture; or

   (ii) for the purpose of manufacturing another controlled substance or analogue.

(2) Violation of subsection (1) of this section is a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the subject of the offense was less than a trafficable quantity of a schedule III risk drug under this act.

(3) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the subject of the offense was:

   (a) less than a trafficable quantity of an analogue; or

   (b) less than a trafficable quantity of a schedule
II high risk drug under this act; or

(c) a trafficable quantity of a schedule III risk
drug under this act.

(4) Violation of subsection (1) of this section is a
felony offense, punishable by imprisonment for a maximum
term of ten years or a maximum fine of $100,000, or both,
where the subject of the offense was:

(a) less than a trafficable quantity of a schedule
I prohibited drug under this act;

(b) a trafficable quantity of an analogue; or

(c) a trafficable quantity of a schedule II high
risk drug under this act.

(5) Violation of subsection (1) of this section is a
felony offense, punishable by imprisonment for a maximum
term of life imprisonment or a maximum fine of $500,000,
or both, where the subject of the offense was a
trafficable quantity of a schedule I prohibited drug
under this act.

(6) Except as otherwise permitted by or authorized
under this act, no person shall knowingly:

(a) manufacture a controlled chemical, or
controlled equipment or controlled material in the
Federated States of Micronesia; or

(b) acquire or possess a controlled chemical, or
controlled equipment or controlled material in the
Federated States of Micronesia, for the purpose of such manufacture;

if the person knows or has reasonable grounds for believing that it is to be used, in the Federated States of Micronesia or elsewhere:

   (i) for the unlawful manufacture of a controlled substance or analogue; or

   (ii) in the unlawful cultivation of a cannabis plant, coca bush, opium poppy, or other plant which is a controlled substance.

(7) Violation of subsection (6) above is a misdemeanor offense, punishable by imprisonment for a maximum term of thirty days or a maximum fine of $1,000, or both, where the subject of the offense was:

   (a) controlled equipment or controlled material commonly used in the manufacture of a schedule II high risk drug under this act, an analogue, or a schedule III risk drug under this act; or

   (b) a controlled chemical listed in division 2 of schedule V of this act commonly used in the manufacture of a schedule II high risk drug under this act, an analogue, or a schedule III risk drug under this act; or

   (c) a controlled chemical listed in division 1 of schedule V of this act, commonly used in the manufacture of a schedule III risk drug under this act.
(8) Violation of subsection (6) of this section is a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the subject of the offense was:

(a) controlled equipment or controlled material commonly used in the manufacture of a schedule I prohibited drug under this act;

(b) a controlled chemical listed in division 2 of schedule V of this act, commonly used in the manufacture of a schedule I prohibited drug under this act;

(c) a controlled chemical listed in division 1 of schedule V of this act, commonly used in the manufacture of:

(i) an analogue; or

(ii) a schedule II high risk drug under this act.

(9) Violation of subsection (6) of this section is a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the subject of the offense was a controlled chemical listed in division 1 of schedule V of this act commonly used in the manufacture of a schedule I prohibited drug under this act.

(10) Upon conviction for any offense under this section, the offender shall be sentenced in accordance with the
penalties established by this act; provided, however, the
maximum allowable fine for each offense shall, in the
case of a corporation, company or other commercial
enterprise, commercial entity or legal person, be
increased to five times the maximum allowable fine for a
natural person."

Section 55. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 304 of
chapter 3 of title 44 to read as follows:

"Section 304. Unlawful supply or administration, or
possession for those purposes.

(1) Except as otherwise permitted by or authorized
under this act, no person shall knowingly:

(a) supply a controlled substance or analogue in
the Federated States of Micronesia;

(b) administer a controlled substance or analogue
to another person in the Federated States of Micronesia;
or

(c) acquire or possess a controlled substance or
analogue for the purpose of such supply or administration.

(2) Violation of subsection (1) of this section is a
misdemeanor offense, punishable by imprisonment for a
maximum term of one year or a maximum fine of $5,000, or
both, where the subject of the offense was less than a
trafficable quantity of a schedule III risk drug under
(3) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the subject of the offense was:

(a) less than a trafficable quantity of an analogue; or

(b) less than a trafficable quantity of a schedule II high risk drug under this act; or

(c) a trafficable quantity of a schedule III risk drug under this act.

(4) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both, where the subject of the offense was:

(a) less than a trafficable quantity of a schedule I prohibited drug under this act;

(b) a trafficable quantity of an analogue; or

(c) a trafficable quantity of a schedule II high risk drug under this act.

(5) Violation of subsection (1) of this section is a felony offense, punishable by imprisonment for a maximum term of life imprisonment or a maximum fine of $500,000, or both, where the subject of the offense was a trafficable quantity of a schedule I prohibited drug.
under this act.

(6) Except as otherwise permitted by or authorized
under this act, no person shall knowingly:

(a) supply any controlled chemical, controlled
equipment or controlled material in the Federated States
of Micronesia; or

(b) acquire or possess any controlled chemical,
controlled equipment or controlled material for the
purpose of such supply, if the person knows or has
reasonable grounds for believing that the controlled
chemical or item of controlled equipment or controlled
material is to be used, in the Federated States of
Micronesia or elsewhere:

(i) for the unlawful manufacture of a
controlled substance or analogue; or

(ii) in the unlawful cultivation of a cannabis
plant, coca bush, opium poppy, or another plant which is
a controlled substance.

(7) Violation of subsection (6) of this section is a
maximum term of thirty days or a maximum fine of $1,000,
or both, where the subject of the offense was:

(a) controlled equipment or controlled material
commonly used in the manufacture of a schedule II high
risk drug under this act, an analogue, or a schedule III
risk drug under this act; or
(b) a controlled chemical listed in division 2 of schedule V of this act commonly used in the manufacture of a schedule II high risk drug under this act, an analogue, or a schedule III risk drug under this act; or
(c) a controlled chemical listed in division 1 of schedule V of this act, commonly used in the manufacture of a schedule III risk drug under this act.

(8) Violation of subsection (6) of this section is a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the subject of the offense was:
(a) controlled equipment or controlled material commonly used in the manufacture of a schedule I prohibited drug under this act;
(b) a controlled chemical listed in division 2 of schedule V of this act, commonly used in the manufacture of a schedule I prohibited drug under this act;
(c) a controlled chemical listed in division 1 of schedule V of this act, commonly used in the manufacture of:
   (i) an analogue; or
   (ii) a schedule II high risk drug under this act.

(9) Violation of subsection (6) of this section is a felony offense, punishable by imprisonment for a maximum
term of five years or a maximum fine of $50,000, or both, where the subject of the offense was a controlled chemical listed in division 1 of schedule V of this act commonly used in the manufacture of a schedule I prohibited drug under this act.

(10) Upon conviction for any offense under this section, the offender shall be sentenced in accordance with the penalties established by this act; provided, however, the maximum allowable fine for each offense shall, in the case of a corporation, company or other commercial enterprise, commercial entity or legal person, be increased to five times the maximum allowable fine for a natural person."

Section 56. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 305 of chapter 3 of title 44 to read as follows:

"Section 305. Facilitating personal use by others.

(1) Except as permitted by or authorized under this act, no person shall:

(a) publish or display; or

(b) cause or permit to be published or displayed, any thing promoting or encouraging the use of any:

(i) controlled substance; or

(ii) analogue;

for any purpose other than a medical or scientific
(2) No owner, occupier or person in charge of any place used by or accessible to the public shall cause or permit there the unlawful use of any:

(a) controlled substance; or

(b) analogue;

(3) No person shall knowingly and unlawfully add to the food or drink of another person any:

(a) controlled substance; or

(b) analogue;

without the knowledge and consent of the consumer.

(4) No person shall knowingly issue a prescription for a controlled substance to a drug abuser or drug-dependent person, except for the purposes of treatment of that person:

(a) in accordance with the provisions of subchapter II of chapter 4 of this act; or

(b) for a condition unrelated to drug abuse or dependency.

(5) No person shall supply any controlled substance on presentation of a prescription, if the person knows or has reason to believe that the prescription is:

(a) forged, unlawfully altered, or cancelled; or

(b) issued more than six months before presentation.

(6) A person who knowingly violates or fails to comply
with this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 57. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 306 of chapter 3 of title 44 to read as follows:

"Section 306. Supply of toxic chemical inhalants.

(1) No person shall supply any toxic chemical inhalant to any person, if the person supplying it knows or has reasonable grounds for suspecting that the person acquiring it is acquiring it for the purposes of abuse by that person or by another.

(2) With respect to subsection (1) above, 'purposes of abuse' includes:

(a) inhaling, inspiring, breathing, smelling, sniffing or ingesting a toxic chemical inhalant for recreational purposes; and/or,

(b) using the toxic chemical inhalant for any purpose other than the purpose for which the toxic chemical inhalant or the product containing the toxic chemical inhalant was legally intended.

(3) A person who knowingly violates or fails to comply
with subsection (1) of this section commits a felony
offense, punishable by imprisonment for a maximum term of
five years or a maximum fine of $50,000, or both; provided,
however, in the case of a corporation, company, commercial
enterprise, commercial entity or other legal person, the
maximum fine shall be increased to $250,000."

Section 58. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 307 of
chapter 3 of title 44 to read as follows:

"Section 307. Facilitation via computerized data
networks.

(1) For the purposes of subsection (2) of this section,
'server supplier' means any person who, in the normal
course of business, supplies any online server facility.

(2) No server supplier shall supply any online server
facility to enable access to any computerized data
exchange network, including a network such as 'Internet',
so as to permit any other person to offer via such
network accessible in the Federated States of Micronesia,
any data the purpose or effect of which is to permit,
incite, facilitate or promote the unlawful cultivation,
manufacture, supply or use of any controlled substance,
analogue or controlled chemical.

(3) It shall be an affirmative defense to any
prosecution for a violation of subsection (2) of this
section to establish that he, she or it had taken
reasonable steps to prevent persons from offering such
data.

(4) No person shall, without lawful authority, input,
or cause to be input into a computerized data exchange
network accessible in the Federated States of Micronesia,
any data knowing or having reasonable grounds to believe
that its effect will be to permit, incite, facilitate or
promote the unlawful cultivation, manufacture, supply or
use of any controlled substance, analogue or controlled
chemical.

(5) A person who knowingly violates or fails to comply
with this section commits a felony offense, punishable by
imprisonment for a maximum term of ten years or a maximum
fine of $100,000, or both; provided, however, in the case
of a corporation, company, commercial enterprise,
commercial entity or other legal person, the maximum fine
shall be increased to $500,000."

Section 59. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 308 of
chapter 3 of title 44 to read as follows:

"Section 308. Conspiracy, attempt, aiding and abetting.

(1) Any person who:

(a) conspires to commit, or attempts to engage in
conduct that constitutes a violation of this act;
(b) aids, abets, counsels or procures, or is by act or omission in any way directly or indirectly knowingly concerned in, or party to, any conduct that constitutes a violation of this act; or

(c) incites to commit, or urges or encourages, any conduct that constitutes a violation of this act, commits a violation of this section.

(2) A person convicted of attempt, solicitation, or conspiracy shall be punished:

(a) by imprisonment for not more than ten years or a fine of $100,000, or both, if the maximum term of imprisonment provided for any offense which was the object of the attempt, solicitation, or conspiracy is life imprisonment; or

(b) by imprisonment for not more than one-half the maximum term of imprisonment, and/or fine, which is provided for the most serious offense which was the object of the attempt, solicitation, or conspiracy if the maximum is less than life imprisonment.

(3) For the purposes of subsection (1) of this section a person commits the offense of conspiracy if the person agrees with one or more persons:

(a) to commit any crime against this act; and

(b) any party to the conspiracy commits an overt act in furtherance of the conspiracy.
(4) If a person conspires to commit a number of crimes, the person is guilty of only one conspiracy if the multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

(5) The agreement to conspire may be implicit or explicit and need not be oral or in writing but may be shown by the circumstances surrounding the conduct of the conspirators.

(6) The crime underlying the conspiracy need not have been accomplished for the crime of conspiracy to occur.

(7) Nothing in this section shall be construed as a bar to prosecution of the underlying crime.

(8) A defendant is responsible for all actions of a co-conspirator that are taken in furtherance of the conspiracy, whether or not those actions were part of any plan and whether or not the defendant was privy to them.

(9) It is an affirmative defense to a prosecution for conspiracy under this section, that the defendant, under circumstances showing a complete and voluntary renunciation of criminal intent, made a reasonable effort to prevent the conduct or result which is the object of the conspiracy, and as soon as possible after withdrawing from the conspiracy, reported the matter to the police.

(10) A person may be found guilty of conspiracy under this section, even though commission of the principal
(11) In the case of conviction of a corporation, company, commercial enterprise, commercial entity or other legal person, under this section, the maximum fine shall be increased to five times the maximum allowable fine for a natural person."

Section 60. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 309 of chapter 3 of title 44 to read as follows:

"Section 309. Assisting in or influencing the commission of an offense abroad.

(1) A person commits an offense if in the Federated States of Micronesia the person knowingly assists in or induces the commission in any place outside the Federated States of Micronesia of an offense punishable under the law of a foreign state relating in whole or in part to the control of any controlled substance, analogue, controlled chemical, controlled equipment or controlled material.

(2) An offense under subsection (1) of this section shall be graded in accordance with the same class and grade of offense that such offense would have been had such offense been committed in the Federated States of Micronesia, and shall be subject to the same penalties; provided, however, where such offense would not
constitute a criminal offense under the laws of the Federated States of Micronesia or any of its states or political subdivisions, had such offense been committed in the Federated States of Micronesia, the offense shall be graded as a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both."

Section 61. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter II of chapter 3 of title 44, entitled "Further Provisions on Penalties and Sanctions".

Section 62. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 310 of chapter 3 of title 44 to read as follows:

"Section 310. Grounds for aggravation. In determining the nature and extent of any penalty to be ordered in relation to any person convicted of a violation of this chapter, it shall be grounds for a finding of aggravation, and the Supreme Court shall take into account whether:

(1) the convicted offender:
   (a) belonged to an organized criminal syndicate;
   (b) participated in other illegal activities facilitated by the offense;
   (c) used violence or weapons;"
(d) committed the offense in the exercise of a public office or public duty;

(e) added any substance to the drugs which aggravated their danger to a user;

(f) made use or took advantage of a minor or mentally handicapped person in committing the offense; or

(g) is a repeat offender, a habitual criminal, and/or has previously been convicted of one or more criminal offenses in the Federated States of Micronesia, or in any other jurisdiction, foreign or domestic.

(2) the offense was committed:

(a) by a health professional or person responsible for combating drug abuse or drug trafficking;

(b) in a teaching or educational institution, a hospital or care institution, a social service facility or in other places to which school children or students resort for educational, sports or social activities, or in the immediate vicinity of such establishments and premises; or

(c) in a penal institution or a military establishment;

(3) the controlled substance was supplied or offered to a minor, a mentally handicapped person or a person undergoing treatment, or when use by such a person was facilitated; and
Section 63. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 311 of chapter 3 of title 44 to read as follows:

"Section 311. Alternate sanctions.

(1) Where a person has been convicted of a violation of this chapter, the Supreme Court may order house arrest, or other deprivation or restriction of liberty for the term prescribed, instead of imprisonment.

(2) Where a person has been convicted of a violation of this chapter, the case is one of a minor nature, and it appears to the Supreme Court that it would be appropriate, in the interests of justice, and not contrary to the broader public interest to do so, the Supreme Court may sentence the defendant to a prescribed term of probation and, as a condition of probation:

(a) order that the person undergo community service or periodic detention;

(b) order surrender of the person's passport, if a citizen of the Federated States of Micronesia;

(c) order:

   (i) disqualification, cancellation or suspension of any right or authority in the Federated States of Micronesia to operate a vehicle, vessel or
aircraft used by the person in connection with the commission of the offense, or otherwise, where the safety of the public requires such disqualification, cancellation or suspension;

(ii) suspension of the right to hold or exercise public office in the Federated States of Micronesia by the person in connection with the commission of the offense, or otherwise, where the safety of the public requires such suspension;

(d) order the suspension of any license or registration entitling the person to carry on any trade or business carried on by the person in connection with the commission of the offense, or otherwise, where the safety of the public requires such suspension;

(e) recommend to the appropriate professional body, the suspension or disqualification of the person's right to practice any profession practiced by the person in connection with the commission of the offense, or otherwise, where the safety of the public requires such suspension or disqualification; for such period as the Supreme Court considers appropriate."

Section 64. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 312 of chapter 3 of title 44 to read as follows:
Section 312. Optional additional sanctions.

(1) Where a drug abuser or drug dependent person has been convicted of a violation of this chapter, the Supreme Court may, in addition to ordering any penalty specified in relation to that offense, or any alternate sanction specified in section 311 of this act, make a treatment order pursuant to section 406 of this act.

(2) Where a foreigner has been convicted of a violation of this chapter, the Supreme Court may, in addition to ordering the penalty provided for the offense or alternate measures in section 311 of this act, order the person to depart from and not return to the Federated States of Micronesia.

Section 65. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 313 of chapter 3 of title 44 to read as follows:

Section 313. Suspension and revocation of suspension of sentences.

(1) Where a defendant has been convicted of a violation of this chapter and is also:

(a) between the ages of 16 and 18; or

(b) a first offender;

the Supreme Court may impose a sentence and order suspension of the execution of the whole or any part of the penalties and sanctions imposed on the defendant, on
such terms and conditions as appear to be necessary to
ensure that the defendant does not re-offend, provided
that it is in the interests of justice and not contrary
to the broader public interest to make such an order.

(2) Where a defendant fails without reasonable excuse
to abide by the terms and conditions of a suspension
order under subsection (1) above, the Supreme Court may
revoke the order of suspension, in which case execution
of the original sentence shall be carried out.

(3) Notwithstanding any other law to the contrary,
including the sentencing provisions of title 11 of the
Code of the Federated States of Micronesia, the authority
of a judge to suspend the whole or any part of any
sentence, or the execution of the whole or any part of
any sentence, for an offense under this act, shall be
limited to the categories of offenders set forth in
subsection (1) of this section."

Section 66. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new chapter 4 of
title 44, entitled "Drug Abuse".

Section 67. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new subchapter I of
chapter 4 of title 44, entitled "Personal Use and Related Offenses".

Section 68. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 401 of
chapter 4 of title 44 to read as follows:

"Section 401. Unlawful possession of a controlled substance or controlled chemical for personal use or otherwise.

(1) Except as is otherwise permitted by or authorized under this act, no person shall possess, in the Federated States of Micronesia, for personal use or any other purpose, any:

(a) controlled substance, except:

   (i) a person to whom it has been lawfully supplied for medical treatment; or

   (ii) a person having custody of an animal, and the controlled substance was prescribed under lawful veterinary treatment;

(b) analogue; or

(c) controlled chemical.

(2) Where the subject of the offense is a schedule III risk drug under this act, violation of subsection (1) above is:

(a) a misdemeanor offense, punishable by imprisonment for a maximum term of thirty days or a maximum fine of $1,000, or both, where the defendant is a natural person, the amount possessed was less than a trafficable quantity, and the defendant proves by a preponderance of the evidence that the schedule III risk
(b) a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the amount possessed was less than a trafficable quantity;

(c) a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the amount possessed was a trafficable quantity.

(3) Where the subject of the offense is a schedule II high risk drug under this act or an analogue, violation of subsection (1) of this section is:

(a) a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both, where the defendant is a natural person, the amount possessed was less than a trafficable quantity and the defendant proves by a preponderance of the evidence that the schedule II high risk drug under this act or analogue was possessed by the defendant solely for the defendant's exclusive personal use;

(b) a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the amount possessed was less than a trafficable quantity;
(c) a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both, where the amount possessed was a trafficable quantity.

(4) Where the subject of the offense is a schedule I prohibited drug under this act, violation of subsection (1) of this section is:

(a) a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, where the defendant is a natural person, the amount possessed was less than a trafficable quantity, and the defendant proves by a preponderance of the evidence that the schedule I prohibited drug under this act was possessed by the defendant solely for the defendant’s exclusive personal use;

(b) a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both, where the amount possessed was less than a trafficable quantity;

(c) a felony offense, punishable by imprisonment for a maximum term of life imprisonment or a maximum fine of $500,000, or both, where the amount possessed was a trafficable quantity.

(5) Where the subject of the offense is a schedule V controlled chemical under this act, violation of
subsection (1) of this section is a misdemeanor offense, punishable by imprisonment for a maximum term of thirty days or a maximum fine of $1,000, or both.

(6) Sections 310, 311, 312 and 313 of this act shall be deemed to apply to offenses against subsection (1) of this section.

(7) Classification of offenses and penalties for violation of subsection (1) of the section shall be subject to section 301 of this act, which shall take precedence when the subject of the offense was cannabis or cannabis plants, coca bush, opium poppy, or any other plant which is, for purposes of this act, a controlled substance.

(8) Upon conviction for any offense under this section (other than subsection (2)(a), (3)(a), or (4)(a), personal use offenses, within this subsection) the offender shall be sentenced in accordance with the penalties established by this act; provided, however, the maximum allowable fine for each offense shall, in the case of a corporation, company or other commercial enterprise, commercial entity or legal person, be increased to five times the maximum allowable fine for a natural person."

Section 69. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 402 of chapter 4 of title 44 to read as follows:
"Section 402. Carrying of controlled substances by international travelers. Notwithstanding anything contained in this act, any person undergoing treatment of a medical condition, who is entering, leaving or passing through the Federated States of Micronesia, may possess such quantities of a lawfully prescribed controlled substance (wherever prescribed) as are reasonable for the purposes of such treatment."

Section 70. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter II of chapter 4 of title 44, entitled "Treatment and Rehabilitation".

Section 71. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 403 of chapter 4 of title 44 to read as follows:

"Section 403. 'Treatment' and 'approved treatment center' defined. In this act, unless the context indicates otherwise:

(1) 'Treatment' includes medical treatment, therapy, or admission to an education or rehabilitation program, which is aimed at:

   (a) preventing drug abusers from further abusing drugs; and

   (b) assisting drug dependent persons to overcome their dependence.

(2) 'approved treatment center' means a hospital,
nursing home, hostel, health facility or other institution that the Secretary of Health may designate from time to time as an approved treatment center to provide treatment for persons who are drug abusers or drug dependent."

Section 72. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 404 of chapter 4 of title 44 to read as follows:

"Section 404. Treatment panels.

(1) The Secretary of Health shall establish treatment assessment panels for the purposes of this subchapter.

(2) A panel shall consist of three people appointed by the Secretary of Health, who are fit and proper for the purpose. One shall have legal qualifications or experience, and the others knowledge of the psychological, physical and social problems connected with abuse of drugs and analogues."

Section 73. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 405 of chapter 4 of title 44 to read as follows:


(1) Subject to subsection (2) below, any person who has committed an offense only against sections 301 or 401 of this act, and who before being arrested or charged for
that offense:

(a) voluntarily submits himself or herself to an approved treatment center for treatment; and

(b) undertakes and successfully completes the treatment without committing any further offense, shall not be prosecuted for that offense, or be identified to the public;

(2) Subsection (1) above shall not apply where:

(a) the controlled substance plant, controlled substance, or analogue which is the subject of the offense, was not proved by the person, by a preponderance of the evidence, to have been cultivated or possessed by the person exclusively for such person's own personal use; or

(b) in any case where the amount of the controlled substance plant, controlled substance or analogue was a trafficable quantity."

Section 74. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 406 of chapter 4 of title 44 to read as follows:

"Section 406. Treatment orders.

(1) Where the Supreme Court:

(a) finds an offense under this or any other act proved against any person; and

(b) considers that the person may have been:
(i) under the influence of a controlled substance or analogue at the time of the offense; or
(ii) motivated to commit the offense by a desire either to use the substance or obtain resources to enable its use;
the Supreme Court may order that the person submit for assessment by a treatment assessment panel.

(2) Where the panel recommends that the person undergo treatment at an approved treatment center, the Supreme Court may:

(a) order that the person, during a period of two years or such shorter period as the Supreme Court may specify, submit himself or herself to the treatment specified in the order, or for other treatment as directed from time to time by a panel; and
(b) specify conditions relating to the supervision of the person, including attendance at a treatment center, and periodic attendance before a panel for review and evaluation of treatment and progress."

Section 75. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 407 of chapter 4 of title 44 to read as follows:

"Section 407. Suspension of penal sanctions. Where an order has been made under section 406(2)(a) of this act, and the person promises to undertake and complete
the treatment, the Supreme Court may at the same time
also order that any or all the penalties and sanctions
imposed under chapter 3 or section 401 of this act or any
other act be suspended."

Section 76. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 408 of
chapter 4 of title 44 to read as follows:

"Section 408. Discharge of penal sanctions. Where a
person completes treatment ordered under section 406(2)(a)
of this act to the satisfaction of a panel, and proves to
the satisfaction of the Supreme Court that he or she has
committed no further offense of any description within two
years from the date of such person's conviction, any orders
made under chapter 3 or section 401 of this act:

(1) shall be deemed to be fully served and discharged
in relation to the offense in respect of which they were
made; and

(2) in relation to any other offense, may be discharged
by order if the Supreme Court is satisfied that it is in
the public interest for the Supreme Court to make such an
order, following consideration of a report of a panel to
the effect that the person is fit to return to everyday
responsibilities and functions."

Section 77. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 409 of
Chapter 4 of Title 44 to read as follows:

"Section 409. Revocation of Suspension Orders.

(1) Where the person does not complete the course of treatment as ordered, the Supreme Court may revoke the order of suspension made under section 407 of this act.

(2) In that event, time spent in treatment shall count as time towards the discharge of any relevant orders made under chapter 3 or section 401 of this act or any other act."

Section 78. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 410 of chapter 4 of Title 44 to read as follows:

"Section 410. Failure to Comply with Treatment Orders.

(1) Any person who refuses or fails:

(a) to comply with a treatment order;

(b) to inform the person in charge of a treatment center attended by the person pursuant to such an order of any change in the person's address;

(c) to appear before a panel as ordered; or

(d) to attend a treatment center for assessment or treatment as ordered;

shall forthwith be brought before the Supreme Court, and shall be required to show cause why he or she failed or refused to comply.

(2) Where the person's failure or refusal to comply,
under subsection (1) of this section, was not found by
the Supreme Court to be justified under the existing
circumstances, the Supreme Court may revoke the order of
suspension pursuant to section 409 of this act."

Section 79. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new chapter 5 of
title 44, entitled "Administration, Compliance and Enforcement".

Section 80. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new subchapter I of
chapter 5 of title 44, entitled "Inspection for Compliance".

Section 81. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 501 of
chapter 5 of title 44 to read as follows:

"Section 501. Appointment of inspectors.

(1) The Secretary of Health may designate any person to
be an inspector for the purposes of this act and
regulations promulgated thereunder, including, without
limitation, National Food Inspectors qualified under the
National Food Safety Act.

(2) An inspector shall perform such duties for the
purposes of this act and regulations promulgated
thereunder as the Secretary may direct.

(3) The Secretary shall cause to be issued to an
inspector an identity card which states the name and
appointment of the inspector and on which appears a
Section 82. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 502 of chapter 5 of title 44 to read as follows:

"Section 502. Inspection of authorized premises and operations.

(1) A person who is registered, or holds a license or permit issued under subchapter II of chapter 2 of this act shall, when required to do so in writing by an inspector, provide the inspector with a statement in writing, signed and dated by the person, accounting for each controlled substance, controlled chemical or item of controlled equipment or controlled material in possession of the authorized person at any time since the grant of the registration, license, or permit, as the case may be.

(2) Any person who knowingly fails or neglects to comply with a requirement under subsection (1) of this section if a first offense under this section, commits a misdemeanor offense, punishable, by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both.

(3) Any person who knowingly fails or neglects to comply with a requirement under subsection (1) of this section, as a second or subsequent offense commits a felony offense, punishable by imprisonment for a maximum
term of five years or a maximum fine of $50,000, or both.

(4) In the case of violation of subsection (1) of this section or (2) of this section by a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to five times the maximum allowable for a natural person."

Section 83. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 503 of chapter 5 of title 44 to read as follows:

"Section 503. Powers of inspectors.

(1) A person appointed as an inspector by the Secretary of Health pursuant to section 501 of this act may, at any time during ordinary business or professional hours, with such assistance and by such force as is necessary and reasonable, enter any premises or place at which any activity is carried out by any person:

(a) granted a registration, license or permit under subchapter II of chapter 2 of this act; or

(b) authorized in accordance with section 225 of this act to engage in professional supply.

(2) Subject to section 505 of this act, an inspector who enters any premises or place pursuant to subsection (1) above may:

(a) require the occupier of the premises to supply his or her name and address;
(b) inspect the premises or place in order to ascertain whether or not this act, or a term or condition of any license or permit granted pursuant to this act, has been or is being complied with;

(c) examine any label, advertising material, register, record, book, electronic data or other document therein relating to any controlled substance, controlled chemical or item of controlled equipment or controlled material;

(d) make an extract therefrom or take a copy thereof, and require from any person an explanation of an entry in any such register, record or document;

(e) open and examine any receptacle or package found in that place in which a controlled substance, analogue, controlled chemical or item of controlled equipment may be found;

(f) examine any thing found in that place that is used or may be capable of being used for the manufacture, packaging or storage of a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material;

(g) use or cause to be used any computer system at that place to examine any electronic data referred to in subsection (2)(c) of this section and reproduce any document from any such data or cause it to be reproduced
in the form of a print-out or other output;

(h) take any thing referred to in subsections (2)(c) or (2)(f) of this section for examination or copying;

(i) use or cause to be used any copying equipment at that place to make copies of any document;

(j) examine any substance found in that place and take, for the purpose of analysis, such samples thereof as are reasonably required;

(k) seize and detain anything, which in the opinion of the inspector, is connected with, or may provide proof of a violation of chapter 2 of this act, or a term or condition of any license or permit granted under this act, or which the inspector believes on reasonable grounds is necessary for the purpose of ensuring compliance with this act or regulations promulgated thereunder.

(3) Where an inspector seizes and detains any substance suspected to be a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material, it may, at the discretion of the inspector be kept or stored at the place where it was seized or, at the direction of the inspector, be removed to any other proper place.

(4) Where an inspector determines that for the purpose
of ensuring compliance with this act or regulations promulgated thereunder it is no longer necessary to detain a substance suspected to be a controlled substance, controlled chemical or item of controlled equipment or controlled material under subsection (2)(k) of this section, the inspector shall notify in writing the owner or other person in charge of the place where it was detained of that determination and, on being issued a receipt therefor shall return the substance to that person.

(5) Where in the ordinary course of duty, an inspector becomes aware of a possible offense against chapter 3 of this act, the inspector shall immediately report that fact to the Attorney General and provide such further lawful assistance as may be reasonable or necessary for the purpose of any investigation or proceeding relating to that possible offense."

Section 84. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 504 of chapter 5 of title 44 to read as follows:

"Section 504. Inspection of approved treatment centers.

(1) An inspector may, at any reasonable hour of the day or night, with such assistance and by such force which is necessary and reasonable, enter the premises of an approved treatment center.

(2) Subject to section 505 of this act, an inspector
who enters an approved treatment center pursuant to subsection (1) of this section may:

(a) inspect the premises and any facilities provided at, or equipment used at the premises for, or in connection with, the provision of treatment or accommodation at the center;

(b) inspect any controlled substances register, prescribed book, record or document kept on the premises relating to such treatment or accommodation, or otherwise relating to the conduct of the center in relation to patients referred to the center pursuant to chapter 4, subchapter II of this act;

(c) require the occupier of the premises to produce any controlled substances register, prescribed book, record or document or to give to the inspector any prescribed information in such person's possession relating to such treatment or accommodation or otherwise relating to the conduct of the center in relation to such patients;

(d) exercise any of the powers referred to in subsections 503(2)(c) to (k) of this act inclusive, which for the purposes of this section shall apply, with necessary changes in points of detail, to the center and its patients."

Section 85. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 505 of chapter 5 of title 44 to read as follows:

"Section 505. Inspectors to produce authority."

(1) An inspector exercising any powers conferred under sections 503 or 504 of this act shall produce the inspector's identity card issued under section 501(3) of this act to the person in charge of any place entered pursuant to this act for the purposes of inspection.

(2) An inspector who enters premises in accordance with this act is not authorized to remain on the premises if, on request by or on behalf of the occupier of the premises, the inspector does not produce the identity card issued under section 501(3) of this act, and any person in or on the premises of whom the inspector made a request in the exercise of a power under sections 503 or 504 of this act is not obliged to comply with that request."

Section 86. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 506 of chapter 5 of title 44 to read as follows:

"Section 506. Obstruction of inspectors."

(1) No person shall, without reasonable excuse, knowingly, by act or omission:

(a) obstruct or hinder an inspector in the exercise of the powers or performance of the duties of the inspector under this act or regulations; or
(b) refuse or fail to comply with a reasonable request of an inspector who has entered any premises in accordance with this act.

(2) Any person who knowingly violates subsection (1) above, if a first offense under this section, commits a misdemeanor offense, punishable, by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both.

(3) Any person who knowingly violates subsection (1) of this section, as a second or subsequent offense commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both.

(4) In the case of violation of subsection (1) of this section by a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to five times the maximum allowable for a natural person."

Section 87. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter II of chapter 5 of title 44, entitled "Investigation of Violations of Chapter 3".

Section 88. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 507 of chapter 5 of title 44 to read as follows:

"Section 507. Use of covert monitoring devices."
(1) Where any person is believed on probable cause to have either committed a violation of chapter 3 of this act, or believed to be about to commit such an offense, the Supreme Court may, on the application of the Attorney General permit an authorized officer to covertly monitor and record by such means as are specified in the order, the conduct, movements and communications (including telecommunications) of the person.

(2) In making such an order, the Supreme Court shall specify an appropriate time limit, which shall not be extended unless it considers it in the interests of justice and not contrary to the broader public interest to grant the extension.

(3) Notwithstanding any law to the contrary, evidence obtained pursuant to and in accordance with an order made under subsection (1) of this section:

(a) shall be admissible in any proceedings relating to a violation of chapter 3 of this act;

(b) may be communicated to any competent authority;

(i) in the Federated States of Micronesia, for the purpose of an investigation or proceeding relating to a serious offense; or

(ii) elsewhere, for the purpose of a mutual assistance request made or received under the Mutual
Section 89. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 508 of chapter 5 of title 44 to read as follows:

"Section 508. Undercover and controlled delivery operations.

(1) Where the Attorney General has probable cause to believe that any person has committed, or is about to commit, a violation of this act, the Attorney General may give approval in writing for:

(a) a controlled delivery to be carried out; and

(b) specified persons or classes of persons to carry out or participate in the controlled delivery.

(2) Notwithstanding any law to the contrary, the activities which may be undertaken in the course of and for the purposes of a controlled delivery include:

(a) allowing any vehicle, vessel, aircraft or other means of transport to enter or leave the Federated States of Micronesia;

(b) allowing any:

(i) controlled substance, analogue,
controlled chemical, or controlled equipment or material or other thing in or on the vehicle, vessel, aircraft or
other means of transport; or

(ii) property believed to be derived directly or indirectly from any offense;

to enter or leave the Federated States of Micronesia, or

be delivered or collected in the Federated States of Micronesia;

(c) using such force as may be reasonable and necessary in the circumstances to enter and search the vehicle, vessel, aircraft or other means of transport, provided a search warrant has been obtained or the requirements of section 512 of this act have been met;

(d) placing a tracking device on board the vehicle, vessel, aircraft or other means of transport;

(e) allowing any person who has possession or custody of the controlled substance, analogue, controlled chemical, item of controlled equipment or controlled material or other thing to enter or leave the Federated States of Micronesia.

(3) Where the Attorney General has probable cause to believe that any person has committed, or is about to commit, a violation of this act, the Attorney General may give approval in writing for:

(a) undercover operations to be carried out for a specified period; and

(b) specified persons or classes of persons to
carry out or participate in the undercover operations, for the purpose of gathering evidence in the Federated States of Micronesia or elsewhere, relating to the commission of any such offense.

(4) An approval may not be given, unless the Attorney General:

   (a) has probable cause to believe that any person, whose identity may or may not be known, has committed, is committing or is about to commit a violation of this act;

   (b) is satisfied on reasonable grounds that the proposed undercover operations:

       (i) are properly designed to provide the suspect with an opportunity to manifest or provide evidence of that offense; and

       (ii) will not give rise to an undue risk that any person not involved in criminal activities would be encouraged to commit a criminal offense they would otherwise not have contemplated.

(5) The Attorney General may renew an approval given under subsection (3) of this section from time to time for periods each of which shall not exceed three months.

(6) Any controlled substance, analogue, controlled chemical, controlled equipment, controlled material or other thing imported into the Federated States of Micronesia in the course of an approved undercover
operation or controlled delivery shall, when no longer
required for the purposes of the due enforcement of this
act, be liable to be dealt with as if it were a
prohibited import for the purposes of the Customs Act.

(7) Despite any other law, an authorized participant in
an undercover operation or a controlled delivery incurs
no criminal liability by taking part in it in accordance
with the terms of approval, notwithstanding that in doing
so, the person may, but for this subsection, commit an
offense.

(8) Subsection (7) above operates retrospectively in
respect of a participant in any undercover operation or
controlled delivery undertaken prior to the commencement
of this act, provided the requirements of (4)(a) and (b).
of this section could have been met in the case had they
been in force at the time."

Section 90. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 509 of
chapter 5 of title 44 to read as follows:

"Section 509. Monitoring of the mails.

(1) Where the Attorney General, Customs authority,
Postmaster General, or Chief of the National Police has
probable cause to believe that any consignment by mail
may contain evidence of a violation of this act or the
commission of a serious offense in the Federated States
of Micronesia or another jurisdiction, the Attorney
General may give approval in writing for an authorized
officer to carry out at any time inspections in the
postal services in order to detect that consignment, and
if found, to detain it for further investigation.

(2) Where the Supreme Court is satisfied by information
on oath that there is probable cause to believe that any
consignment detected and detained pursuant to subsection
(1) above may contain evidence of a violation of this act
or the commission of a serious offense in the Federated
States of Micronesia or another jurisdiction, and where
approval has been obtained through the Attorney General
of the Federated States of Micronesia to inspect and
detain any consignment by mail, the Supreme Court may
issue a search warrant and order any authorized officer
to:

(a) open the consignment; and

(b) if such evidence is found on opening, to seize
and detain it until further order of the Supreme Court."

Section 91. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 510 of
chapter 5 of title 44 to read as follows:

"Section 510. Access to computer systems.

(1) Where the Supreme Court is satisfied by information
on oath that there is probable cause to believe, that a
C.B. NO. 12-103

1. computer system in the custody of any person in the
   Federated States of Micronesia contains data which may be
   relevant to proving a violation of chapter 3 of this act,
   the Supreme Court may issue a search warrant directing
   any person having custody or control of that system to
   give access to the data to the police officer presenting
   the warrant.

   (2) Any person who, without reasonable excuse, fails
       to:

       (a) give access as ordered; or

       (b) provide reasonable assistance to enable the
           data to be retrieved and recorded; commits a felony
           offense, punishable by imprisonment for a maximum term of
           five years or a maximum fine of $50,000, or both;
           provided, however, in the case of violation of this
           subsection by a corporation, company, commercial
           enterprise, commercial entity or other legal person, the
           maximum fine shall be increased to $250,000."

Section 92. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 511 of
chapter 5 of title 44 to read as follows:

"Section 511. Search warrants.

(1) Where the Supreme Court is satisfied, by
    information on oath, that there is probable cause to
    believe that there is in any place:
(a) a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material in respect of which this act has been violated, or another serious offense has been committed relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material;

(b) any thing in which such a controlled substance, analogue, chemical or item is contained or concealed;

(c) any property derived from a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material; or

(d) any other thing that will afford evidence in respect of a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material. The Supreme Court may issue a warrant empowering a police officer at any time, or at such time as the Supreme Court may specify in the warrant, to enter the place, search for any such controlled substance, analogue, chemical, item or thing and if found, seize it.

(2) A police officer who executes a warrant under subsection (1) above may:
(a) enter any place named or described in the warrant and search the place for things of the kind described;

(b) search any person found at or in the place, or any person whom the officer reasonably believes to be about to enter or to have recently left the place, and any clothing that the person is wearing, or property in the apparent control of the person that the officer believes on reasonable grounds to be connected with the offense;

(c) to seize any thing that will afford evidence in respect of a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material, which is found as a result.

(3) A police officer who executes a warrant issued under subsection (1) of this section may seize, in addition to the things mentioned in the warrant:

(a) any controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material in respect of which the officer believes on reasonable grounds that this act has been violated, or another serious offense has been committed;

(b) any thing that the officer believes on reasonable grounds to contain or conceal such a
(c) any thing that the officer believes, on reasonable grounds, to be property derived from a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material; or

(d) any thing that the officer believes on reasonable grounds will afford evidence in respect of a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material."

Section 93. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 512 of chapter 5 of title 44 to read as follows:

"Section 512. Search and seizure without warrant in emergencies.

(1) A police officer may exercise any of the powers in section 511 of this act without a warrant, if the conditions for obtaining a warrant under section 511(1) of this act exist and the officer has probable cause to believe, that:

(a) it is necessary to do so in order to prevent the concealment, loss or destruction of any thing
connected with a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material; and

(b) the circumstances are of such seriousness and urgency as to require the immediate exercise of the power without the authority of a warrant issued under section 511(1) of this act or of an order of the Supreme Court.

(2) A police officer acting pursuant to subsection (1) of this section may:

(a) search any person or the clothing that is being worn by, and property in the apparent control of a person suspected by the officer to be carrying any thing connected with an offense; or

(b) enter and search any place at or in which the police officer has probable cause to believe that any thing connected with an offense is situated; and

(c) seize any such thing that the officer finds in the course of that search or at or in the place.

(3) A police officer may, for the purpose of this section, detain any person the officer has probable cause to believe is carrying without lawful authority or reasonable excuse any thing connected with a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or
item of controlled equipment or controlled material.
(4) A police officer may, for the purposes of this section, stop any vehicle, vessel or aircraft where the officer has probable cause to believe that any thing connected with a violation of this act, or another serious offense relating to a controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material, is upon or in the vehicle, vessel or aircraft.
(5) Any person aggrieved by the seizure of any thing under this section by a police officer, may apply to the Supreme Court for judicial review of the seizure action.
(6) Upon hearing any application under subsection (5) above, the Supreme Court may:
   (a) confirm the seizure; or
   (b) order the release of the thing seized to the applicant, subject to such conditions as to the security and continued preservation of the thing as the Supreme Court deems fit."

Section 94. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 513 of chapter 5 of title 44 to read as follows:
"Section 513. Searching a person and clothing.
(1) Where a police officer is authorized under this chapter to search the clothing that a person is wearing,
the officer may remove or require the person to remove
any clothing that the person is wearing.

(2) A person shall not be searched under this chapter
except by a police officer of the same sex."

Section 95. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 514 of
chapter 5 of title 44 to read as follows:

"Section 514. Internal body cavity searches.

(1) Where a police officer has reason to believe that a
person is transporting any controlled substance or
analogue, by concealing it inside the body and the person
refuses to submit to a medical examination, the officer
may detain the person for a period not exceeding twenty-
four hours, pending the acquisition of an order from the
Supreme Court under subsection (2) of this section.

(2) Where the Supreme Court is satisfied, by
information on oath, that there is probable cause to
believe that a person is transporting any controlled
substance or analogue by concealing it inside the body
and the person has refused without reasonable cause to
submit to a medical examination, the Supreme Court may
issue an order:

(a) directing the person to submit forthwith to
such medical examination including x-ray, nonsurgical
internal body cavity searches, or other tests as may be
reasonably necessary to establish whether the person is
transporting a controlled substance or analogue inside
the body;

(b) authorizing the person to be taken in custody
by a police officer to any place stated in the order for
the purpose of having the medical examination carried
out; and

(c) authorizing any medical practitioner to carry
out such examination and to provide such medical
treatment as may be reasonable and appropriate in the
circumstances.

(3) No person shall without reasonable excuse refuse or
fail to submit to a medical examination as directed by
order made under subsection (2) of this section.

(4) Violation of subsection (3) of this section is a
felony offense, punishable by imprisonment for a maximum
term of five years or a maximum fine of $50,000, or both."

Section 96. The Code of the Federated States of Micronesia, as
amended, is hereby further amended by enacting a new section 515 of
chapter 5 of title 44 to read as follows:

"Section 515. Application for search warrants and other
court orders made by telephone.

(1) For the purposes of sections 507(1), 509(2),
510(1), 511(1) or 514(2) of this act, where by reason of
urgency a police officer considers it necessary to do so,
the officer may make application for a court order or search warrant, or submit an information by telephone, radio communication, facsimile or other means of communication by which identity of the requesting officer can be identified.

(2) A judge, to whom an application for the issuance of an order or warrant is made by telephone or other means of communication, may sign the order or warrant if the judge is satisfied that it is necessary to do so, and shall inform the police officer of the terms of the order or warrant so signed. In executing that order or warrant, the police officer shall inform any person subject to and present at the time of the search of the terms of the order or warrant.

(3) The police officer to whom an order or warrant is granted by telephone or other means of communication shall, not later than three working days following issuance of the order or warrant, provide the judge with a duly sworn application for the order or warrant completed by the officer, together with the officer's sworn affidavit in support of the order or warrant."

Section 97. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 516 of chapter 5 of title 44 to read as follows:

"Section 516. Use of force. For the purpose of
exercising any of the powers conferred under sections 510, 511, 512 or 513, of this act a police officer may use as much force as is reasonably necessary in the circumstances.”

Section 98. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 517 of chapter 5 of title 44 to read as follows:

"Section 517. Temporary detention of certain suspects.

(1) Any person may be arrested and detained for questioning for a period of twenty-four hours if believed on probable cause to be involved in the commission of any offense against chapter 3 or section 401 of this act.

(2) The Supreme Court may authorize one or more extensions, each of twenty-four hours duration, if satisfied that it is in the interests of justice and not contrary to the broader public interest to do so, but in no case shall the cumulative period of temporary detention exceed ninety-six hours."

Section 99. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 518 of chapter 5 of title 44 to read as follows:

"Section 518. Power to destroy cannabis and other unlawful crops.

(1) Subject to subsection (2) below, where it appears to any police officer, on probable cause, that cannabis
plants, coca bushes, opium poppy or any other plants that are a controlled substance are:

(a) growing in the wild; or

(b) being cultivated unlawfully;

the officer may, under a search warrant issued pursuant to section 511 of this act, or without a warrant where the requirements of section 512 of this act have been met, and with such assistance and force as is reasonable, enter any place on or in which they are growing and cause them to be uprooted and destroyed.

(2) The powers under subsection (1)(b) of this section to uproot and destroy shall not be exercised unless the police officer believes, on reasonable grounds, that in all the circumstances:

(a) sufficient samples and other evidence have been collected to properly establish the identity and estimated number, quantity and weight of the plants under unlawful cultivation; and

(b) it appears to the officer necessary to exercise the powers forthwith, in order to prevent other persons known or unknown from:

(i) unlawfully harvesting, removing, concealing or using the plants; or

(ii) endangering the life or safety of the officer or any person, before the plants can be safely
Section 100. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter III of chapter 5 of title 44, entitled "Post Seizure Procedures".

Section 101. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 519 of chapter 5 of title 44 to read as follows:

"Section 519. Collection and processing of evidence at seizures.

(1) The officer in charge at the seizure scene shall ensure that any material evidence is collected and processed, and in particular that any seized controlled substance, analogue or controlled chemical is properly marked for identification, weighed, counted, sampled, sealed, labeled and, until destroyed or otherwise disposed of in accordance with subchapter V of this title, preserved for evidentiary purposes.

(2) Where any substance seized is found in packages or containers of similar size and weight and bearing identical markings, and color testing of the contents of a representative number of them yields similar results for each, the seizing officer shall cause all such packages or containers to be classified, serially numbered and separated into lots ready for weighing."
counting, sampling, sealing and labeling.

(3) Where it is physically possible to count and weigh the seizure as a complete entity, the seizing officer shall cause it to be counted and weighed. Where it is not physically possible to count or weigh the seizure as a complete entity, the seizing officer shall cause its count or gross weight and net weight as the case may be to be estimated.

(4) The seizing officer shall also prepare a report of the seizure as soon as possible but no later than twenty-four hours after seizure, which include particulars of:

(a) the time, place and date of seizure;

(b) the identity of the seizing officer and all persons present;

(c) the circumstances in which seizure took place;

(d) a description of the vehicle, vessel, place or person searched and the location where the substance was found;

(e) a description of the substance found;

(f) a description of packaging, seals, and other identifying features;

(g) a description of quantity, volume and units and the measurement method employed;

(h) a description of any preliminary identification test used and results;
(i) all subsequent movements of the seized substance; and

(j) any other prescribed matter.

(5) The officer in charge of an investigation following a seizure shall ensure that all items of evidentiary value are stored in appropriate conditions for the prevention of loss, theft or any other form of misappropriation, as well as accidental or accelerated deterioration, and that any change in custody of that evidence following seizure is accurately recorded."

Section 102. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter IV of chapter 5 of title 44, entitled "Scientific Analysis".

Section 103. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 520 of chapter 5 of title 44 to read as follows:

"Section 520. Designation of analysts. The Secretary of Health may designate any appropriately qualified and experienced person or class of persons in the Federated States of Micronesia or elsewhere as an analyst for the purposes of this act and regulations promulgated thereunder."

Section 104. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 521 of chapter 5 of title 44 to read as follows:
Section 521. Sampling and analysis of bulk seizures.

(1) As soon as possible but no later than twenty-one working days after counting and weighing any significant quantity of seized substance, samples shall be taken for scientific analysis, in duplicate.

(2) Any samples taken under subsection (1) of this section shall be signed or otherwise marked for identification by the seizing officer and each other person present when it is taken."

Section 105. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter V of chapter 5 of title 44, entitled "Disposal of Seized Controlled Substances, Analogues and Precursors".

Section 106. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 522 of chapter 5 of title 44 to read as follows:

"Section 522. Early disposal of seized controlled substances, chemicals and analogues.

(1) If scientific analysis of a sample indicates that the seized substance is a controlled substance, analogue, or controlled chemical, the seizing officer shall forthwith forward a copy of any scientific analysis report to the Attorney General and to the Secretary of Health.

(2) Where following receipt of the report referred to
in subsection (1) above and after consultation with the Secretary of Health, the Attorney General is of the opinion that:

(a) proceedings are likely to be brought against any person (whether or not the identity of that person is yet known):

(b) physical preservation of all the seized substances is not necessary for the purposes of any actual or contemplated proceedings under this act; and that they:

(i) may properly and lawfully be used, in the Federated States of Micronesia for medical or scientific purposes, or in small amounts for the training of personnel responsible for carrying out functions under this act; or

(ii) cannot be safely, securely or conveniently stored until the final determination of such proceedings;

the Attorney General may apply to the Supreme Court for an order directing the disposal of such part of the seized substances or samples as the Attorney General certifies are not necessary to retain for the purposes of the due administration of justice.

(3) Where the Attorney General has made an application for a disposal order under subsection (2) above in
relation to a seizure, and the Supreme Court is satisfied that:

(a) the seized substances are illegal property liable to forfeiture under this act;

(b) the provisions of this section relating to the taking and analysis of samples have been complied with;

(c) sufficient samples have been taken, analyzed and preserved to enable all material questions relating to the seized substances to be properly determined in any actual or contemplated proceedings under this act; and

(d) any suspect or accused person in relation to the seizure has had reasonable opportunity to have samples independently analyzed at that person's expense, the Supreme Court may order the disposal of such seized substances or samples as the Attorney General has certified need not be retained for the purpose of the due administration of justice.

(4) Where, in relation to any seized controlled substance, analogue or controlled chemical, and after reasonable investigatory efforts, the Attorney General is:

(a) of the opinion that proceedings are not likely to be brought against any person for the reason only that no suspect has been identified or located; and

(b) satisfied that sufficient samples have been
taken, analyzed and preserved to enable all material questions relating to the seized substances to be properly determined should any suspect be ultimately identified and proceedings be brought; the Attorney General may order the disposal of such part of the seized substances or samples as the Attorney General certifies are not necessary to retain for the purposes of the due administration of justice.

(5) Substances subject to an order under subsection (3) or (4) of this section shall be disposed of only:

(a) by delivery to the Secretary of Health for use exclusively in meeting the lawful medical, scientific or training needs of the Federated States of Micronesia; or

(b) by incineration, or such other safe means of destruction as the Secretary of Health may direct.

(6) In any prosecution for a violation of this act or regulations promulgated thereunder, a certificate or report:

(a) signed by the officer in charge of carrying out a disposal order made under subsection (3) or (4) of this section and two witnesses to the disposal; and

(b) stating:

(i) that the substance, the subject of an order, has been disposed of in accordance with the order; and
(ii) the identity and quantity of the substance disposed of; is admissible in evidence.

(7) In the absence of evidence to the contrary, a certificate or report admissible under subsection (6) of this section is \textit{prima facie} evidence of the statements contained therein, without proof of the signature, expertise or official character of the person appearing to have signed it."

Section 107. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter VI of chapter 5 of title 44, entitled "Special Enforcement Powers at Sea".

Section 108. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 523 of chapter 5 of title 44 to read as follows:

"Section 523. Conditions and limitations on the exercise of special enforcement powers.

(1) The powers conferred on authorized officers in sections 524, 525, 526, 527 and 528 of this act shall be exercisable in relation to any ship described in section 102(2)(c) of this act for the purposes of detecting and taking appropriate action in respect of offenses described in chapter 3 of this act.

(2) Those powers shall not be exercised by the
Federated States of Micronesia outside the seaward limits of the territorial sea of the Federated States of Micronesia except with the authority of the Secretary of the Department of Foreign Affairs acting in cooperation with and with approval of the Attorney General where:

(a) in the case of a ship of a convention state, that state:

(i) requested assistance of the Federated States of Micronesia for the purposes of detecting possible serious criminal offenses and taking appropriate action; or

(ii) authorized the Federated States of Micronesia to act for that purpose; or

(b) in the case of a ship of no nationality or assimilated to a ship of no nationality; it is appropriate to do so.

(3) The Attorney General shall impose such conditions or limitations on the exercise of the powers:

(a) in a case to which subsection (2)(a) of this section applies, as may be necessary to give effect to any conditions or limitations imposed by the requesting convention state; and

(b) in any other case, as may be appropriate.

(4) The Attorney General may either on the Attorney General's own initiative or in response to a request from
a convention state, authorize a convention state to exercise, in relation to a Federated States of Micronesia ship, powers corresponding to those conferred on authorized officers under sections 524, 525, 526, 527 and 528 of this act, but subject to such conditions or limitations, if any, as the Attorney General may impose. The Attorney General shall immediately notify the Secretary of the Department of Foreign Affairs of the Federated States of Micronesia of the name of the foreign country to which the request is being made, the nature of the request, and the nature of the criminal matter.

(5) Subsection (4) above is without prejudice to any agreement made, or which may be made, on behalf of the Federated States of Micronesia whereby the Federated States of Micronesia undertakes not to object to the exercise by any other state in relation to a Federated States of Micronesia ship of powers corresponding to those conferred on authorized officers under sections 524, 525, 526, 527 and 528 of this act.

(6) The powers conferred on authorized officers under sections 524, 525, 526, 527 and 528 of this act shall not be exercised in the territorial sea of any foreign state without consent by the foreign state to the exercise of those powers, and without the authority of the Secretary of the Department of Foreign Affairs acting in
cooperation with and with approval of the Attorney General.

(7) A certificate issued by or on behalf of the government of any foreign state providing that the importation or export of a particular controlled substance, controlled chemical or item of controlled equipment or material, is prohibited by the law of that foreign state, shall be *prima facie* evidence, and in the Federated States of Micronesia sufficient evidence, of the matters stated, without proof of the signature, expertise or official character of the person appearing to have signed it."

Section 109. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 524 of chapter 5 of title 44 to read as follows:

"Section 524. Power to stop, board, divert and detain.

(1) For the purpose of this subchapter, an authorized officer may stop a ship, board it and, if the officer deems it necessary for the exercise of the officer's functions, require it to be taken to a port in the Federated States of Micronesia and detain it there.

(2) Where an authorized officer is exercising the officer's powers with the authority of Attorney General pursuant to sections 524, 525, 526, 527 and 528 of this act, the officer may require the ship to be taken to a
port in the convention state in question or, if that
state has so requested, in any other state willing to
receive it.

(3) For any of those purposes, the officer may require
the master or any member of the crew to take such action
as may be necessary.

(4) If an authorized officer detains a vessel, the
officer shall serve on the master a notice in writing
stating that it is to be detained until the notice is
withdrawn by the service on the master of a further
notice in writing signed by the officer.

(5) Notwithstanding any other law to the contrary,
where an authorized officer has seized any thing in the
exercise of the officer’s powers under this subchapter,
the thing may be brought into the Federated States of
 Micronesia and dealt with in accordance with this act,
the Money Laundering and Proceeds of Crime Act of 2001,
or any other law of the Federated States of Micronesia.

Section 110. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 525
of chapter 5 of title 44 to read as follows:

"Section 525. Power to search and obtain information.

(1) An authorized officer may search the ship, anyone
on it, and anything on it including its cargo.

(2) An authorized officer may require any person on the
ship to give information concerning himself or anything on the ship.

(3) Without prejudice to the generality of those powers, an authorized officer may:

(a) open any container;

(b) make tests and take samples of anything on the ship;

(c) require the production of ship's logs, documents, books or records relating to the ship or anything on it;

(d) make photographs or copies of anything whose production the officer has power to acquire."

Section 111. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 526 of chapter 5 of title 44 to read as follows:

"Section 526. Powers in respect of suspected offense. If an authorized officer has probable cause to believe that a serious offense relating to a controlled substance, analogue, controlled chemical, or item of controlled equipment or controlled material has been committed on the ship, the officer may:

(1) arrest without warrant anyone whom the officer has probable cause to believe is guilty of the offense; and

(2) seize and detain anything found in the ship which appears to the officer to be evidence of the offense."
Section 112. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 527 of chapter 5 of title 44 to read as follows:

"Section 527. Assistance.

(1) An authorized officer may take with him to assist in the exercise of powers conferred under this subchapter:

(a) any other law enforcement personnel; and

(b) any other equipment or materials.

(2) A person whom an authorized officer takes to assist, may perform any of the officer's functions, but only under the officer's supervision."

Section 113. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 528 of chapter 5 of title 44 to read as follows:

"Section 528. Use of reasonable force. An authorized officer may use reasonable force, if necessary, in the performance of the officer's official functions."

Section 114. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 529 of chapter 5 of title 44 to read as follows:

"Section 529. Evidence of authority. An authorized officer shall, if requested, produce evidence of the officer's authority."

Section 115. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 530
of chapter 5 of title 44 to read as follows:

"Section 530. Protection of officers.

(1) An authorized officer, and other law enforcement personnel assisting such authorized officer, shall not be liable in any civil or criminal proceedings for anything done in the purported performance of the officer's functions under this subchapter if the Supreme Court is satisfied that the act was done with due diligence and in good faith and that there were reasonable grounds for doing it.

(2) Nothing in this act affects the right of a person to seek redress for due process or civil rights violations pursuant to the laws of the Federated States of Micronesia."

Section 116. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 531 of chapter 5 of title 44 to read as follows:

"Section 531. Offenses.

(1) A person commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both, if the person:

(a) intentionally obstructs an authorized officer in the performance of any of the officer's functions under this subchapter;

(b) fails without reasonable excuse to comply with
any request made by an authorized officer in the
performance of those functions; or

   (c) in purporting to give information requested by
an authorized officer for the performance of those
functions:

   (i) makes a statement he or she knows to be
false or misleading in a material way, or recklessly
makes a statement which is false or misleading in a
material way; or

   (ii) intentionally fails to disclose any
material fact.

(2) In the case of violation of subsection (1) above by
a corporation, company, commercial enterprise, commercial
entity or other legal person, the maximum fine of $50,000
shall be increased to $250,000."

Section 117. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new subchapter
VII of chapter 5 of title 44, entitled "Evidentiary Matters".

Section 118. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 532
of chapter 5 of title 44 to read as follows:

"Section 532. Burden of proof.

   (1) No exception, excuse or qualification prescribed by
law is required to be set-out, pleaded or refuted in any
information, complaint or other process commencing
proceedings for an offense under this act.

    (2) In any prosecution under this act, the prosecutor is not required, except by way of rebuttal, to prove that a certificate, license, permit or other qualification does not operate in favor of the accused, whether or not the qualification is set out or pleaded in the information or complaint."

Section 119. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 533 of chapter 5 of title 44 to read as follows:

"Section 533. Factual presumption relating to liability of corporations.

    (1) Where in proceedings for a violation of subchapter I of chapter 3 of this act in respect of any conduct, it is necessary to establish the state of mind of a corporation, it is sufficient to show that a director, officer or agent who engaged in the conduct within the scope of such person's actual or apparent authority, had that state of mind.

    (2) Any conduct engaged in by:

        (a) a director, officer or agent of a corporation within the scope of such person's actual or apparent authority; or

        (b) any other person at the direction or with the consent or agreement (whether express or implied) of a
director, officer or agent of the corporation, where the
giving of such direction, consent or agreement is within
the scope of the actual or apparent authority of the
director, officer or agent, shall be deemed, for the
purposes of this act, to have also been engaged in by the
corporation.

(3) A reference in subsection (1) of this section to
the state of mind of a person includes a reference to the
knowledge, intention, opinion, belief, suspicion or
purpose of the person and that person's reasons for his
or her intention, opinion, belief, suspicion or purpose.

(4) At any time a corporation commits an offense under
this act with the consent or connivance, or because of
neglect by, any person, the person also commits that
offense if at the time:

(a) the person is a director, officer or agent or
other supervisory or managing official of the corporation;

(b) the person is purporting to act as a director,
officer or agent or other supervisory or managing official
of the corporation; or

(c) the corporation is managed by its shareholders,
and the person is a shareholder."

Section 120. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 534
of chapter 5 of title 44 to read as follows:
"Section 534. Factual presumptions relating to possession of controlled substances or analogues. If in the prosecution of a person for a violation of this act or regulations promulgated thereunder it is proved that a controlled substance or analogue was found:

(1) in the immediate vicinity of the accused; or

(2) on any animal, vehicle, vessel, or aircraft, and that the accused accompanied or was at the time on or in charge of, any such animal, vehicle, vessel, or aircraft; it shall be presumed, until the contrary is proved, that the accused was found in possession of the controlled substance or analogue."

Section 121. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 535 of chapter 5 of title 44 to read as follows:

"Section 535. Factual presumption relating to a particular purpose. Under this act, a person shall be presumed to have engaged in conduct (whether by act or omission) for a particular purpose if the person engaged in the conduct for any purposes that included that particular purpose, and the particular purpose was a substantial purpose."

Section 122. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 536 of chapter 5 of title 44 to read as follows:
"Section 536. Factual presumptions relating to purpose of supply of controlled substances or analogues.

(1) In subsection (2) of this section:

(a) 'school' means any educational institution, except a university or other tertiary institution, where full time education, including, without limitation, pre-school education, is provided to pupils; and

(b) 'school grounds' means land, whether contiguous or not, buildings or accommodations, and sporting or other facilities used for or in connection with the activities of a school.

(2) If in a prosecution of a person for a violation of section 304(1) of this act it is proved that the accused was found unlawfully in possession of any controlled substance or analogue:

(a) in or on any school grounds or within a distance one hundred yards therefrom; or

(b) of a quantity of controlled substances or analogues which exceeds the quantity which the accused could have acquired for medical or scientific purposes pursuant to this act, it shall be presumed, until the contrary is proved, that the possession was for the purpose of supply.

(3) For the purposes of this act, where a person:

(a) has in his or her possession;
(b) imports into or exports from the Federated States of Micronesia; or

(c) has in his or her possession for the purpose of importing into or exporting from the Federated States of Micronesia a trafficable quantity or amount of a controlled substance or analogue, it shall be presumed until the contrary is proved that the possession, import, export, intended import or intended export, as the case may be, is for the purpose of sale or supply."

Section 123. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 537 of chapter 5 of title 44 to read as follows:

"Section 537. Proof of street or market value. For purposes of this act, any authorized officer who is engaged in or has recently carried out duties relating to the investigation of violations of chapter 3 or section 401 of this act, is a competent witness for purposes of testifying in any proceedings relating to:

(1) a violation of chapter 3 or section 401 of this act; or
(2) subchapter II of the Money Laundering and Proceeds of Crime Act of 2001 (chapter 9 of title 11 of the Code of the Federated States of Micronesia); or

(3) any serious offense, as to the street or market value in the Federated States of Micronesia of any
controlled substance, analogue or controlled chemical,
and as to the demand for, availability of and other
circumstances pertaining to its sale, supply or
distribution, and the Supreme Court may give such
probative weight to that evidence as it deems fit."

Section 124. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 538
of chapter 5 of title 44 to read as follows:

"Section 538. Factual presumption relating to samples.
If in any prosecution for a violation of this act it is
proved that a sample which was taken from any substance
possesses particular properties, it shall be presumed,
until the contrary is proven, that the substance from
which the sample was taken possesses the same properties
as the sample."

Section 125. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 539
of chapter 5 of title 44 to read as follows:

"Section 539. Proof of chain of custody of exhibits.
(1) In any proceedings under this act, chain of custody
of any exhibit tendered as evidence may be proved by
testimony given under oath by, or the sworn affidavit of,
the person claiming to have had it in his or her
possession.

(2) Where the sworn affidavit of a person is offered in
proof of chain of custody under subsection (1) above, the
Supreme Court may require the person to appear before it
for examination or cross-examination in respect of the
issue of chain of custody."

Section 126. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 540
of chapter 5 of title 44 to read as follows:

"Section 540. Admissibility of official records. A
copy of any record of a department, agency, or other body
established by or pursuant to a law of the Federated
States of Micronesia, or of any statement containing
information from the records kept by any such department,
agency, or other body, certified by an official having
custody of that document or those records, is admissible
in evidence in any prosecution for a violation of this
act, and in the absence of reliable evidence to the
contrary, is prima facie evidence of the facts contained
in the document, without proof of the signature or
official character of the person who certified it."

Section 127. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 541
of chapter 5 of title 44 to read as follows:

"Section 541. Proof of certificate or report of
scientific analysis.

(1) Subject to this section, in any prosecution for a
violation of this act or regulations promulgated thereunder, a certificate or report signed by an analyst and stating that an article, sample or substance has been submitted to, examined and analyzed by the analyst and stating the results of the analysis or examination, is admissible in evidence.

(2) In the absence of reliable evidence to the contrary, a certificate or report admissible under subsection (1) above is *prima facie* evidence of the statements contained therein, without proof of the signature, expertise or official character of the person appearing to have signed it.

(3) Without limiting the generality of subsection (1) of this section, the certificate or report may include a statement in relation to a controlled substance, analogue or controlled chemical, as to:

(a) when and from whom it was received;

(b) what, if any identifying labels or other things accompanied it;

(c) what container it was in;

(d) a description of it, and its weight;

(e) if it, or any portion of it, was analyzed:

   (i) the name of the method of analysis;

   (ii) the results of the analysis, including as to its identity, pure drug or chemical content; and
(f) how it was dealt with after handling by the analyst, including details of:

(i) the quantity retained;

(ii) the name of the person, if any, to whom any retained quantity was given; and

(iii) measures taken to secure any retained quantity.

(4) The party against whom a certificate or report is produced under subsection (1) of this section may, with leave of the Supreme Court, require the attendance of the analyst for the purpose of cross examination.

(5) Unless the Supreme Court otherwise orders, no certificate or report shall be received in evidence under subsection (1) of this section, unless the party intending to produce it has, before the trial, given to the party against whom it is intended to be produced reasonable notice of that intention, together with a copy of that certificate or report."

Section 128. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 542 of chapter 5 of title 44 to read as follows:

"Section 542. Proof that the Federated States of Micronesia is a party to a drug control convention. A certificate by the Attorney General stating that:

(1) an international drug control convention entered
into force for the Federated States of Micronesia on a
specified date; and

(2) as of the date of the certificate, the convention
remains in force for the Federated States of Micronesia;
is, for the purpose of any proceedings under this act,
prima facie evidence of those facts."

Section 129. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 543
of chapter 5 of title 44 to read as follows:

"Section 543. Proof of prohibited import or export under
foreign law. A certificate issued by or on behalf of a
foreign state stating that the import or export of a
controlled substance, controlled chemical, controlled
equipment, or controlled material is prohibited by the
law of that foreign state shall for the purpose of any
proceedings under this act, be prima facie evidence of
the matters stated."

Section 130. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 544
of chapter 5 of title 44 to read as follows:

"Section 544. Interfering with evidence.

(1) Any person who unlawfully interferes with, uses,
takes or disposes of any seized substance or any sample
thereof, or who unlawfully interferes with, or falsifies
the results of any analysis with the intention of
interfering with the proper course of justice, commits a felony offense, punishable by imprisonment for a maximum term of ten years or a maximum fine of $100,000, or both.

(2) In the case of violation of subsection (1) above by a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $500,000."

Section 131. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter VIII of chapter 5 of title 44, entitled "General".

Section 132. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 545 of chapter 5 of title 44 to read as follows:

"Section 545. Designation of authorized officers. The Attorney General may in writing designate any police officer or any other person or class of persons to be an authorized officer for purposes relating to the exercise of powers under subchapters II and VI of chapter 5 of this act."

Section 133. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 546 of chapter 5 of title 44 to read as follows:

"Section 546. Delegation. The Attorney General, the Secretary of Health and any other person on whom any power is conferred by this act may, either generally or
as otherwise provided by the instrument of delegation,
delegate to:

(1) any officer of his department, all or any of his
powers under this act, except:

(a) this power of delegation;
(b) the power to grant exemption from the
operation of the act or regulations promulgated
thereunder under section 547 of this act; and
(c) the power to make regulations under section
703 of this act;

(2) any authorized officer, any power conferred under
chapter 5 of this act, except the power to authorize the
boarding of ships under section 524 of this act."

Section 134. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 547
of chapter 5 of title 44 to read as follows:

"Section 547. Exemption from operation of act or
regulations. Subject to section 202(3) of this act,
the Secretary of Health may, on such terms and conditions
as the Secretary deems necessary, exempt any person or
class of persons or any controlled substance, controlled
chemical or item of controlled equipment or controlled
material, or any class thereof, from the application of
all or any provisions of this act or regulations
promulgated thereunder if, in the opinion of Secretary,
the exemption is necessary for a medical or scientific purpose and is otherwise in the public interest."

Section 135. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 548 of chapter 5 of title 44 to read as follows:

"Section 548. Tipping-off.

(1) Except for the purposes of the due administration and enforcement of this act, no person shall, without lawful authority or reasonable excuse, disclose to another person who is the subject of an investigation in respect of an offense alleged or suspected to have been committed by such other person under this act:

(a) the fact that such other person is subject to such an investigation;

(b) any details of the investigation; or

(c) disclose to any other person either the identity of any person who is the subject of such an investigation or any details of such an investigation.

(2) Any person who violates subsection (1) above commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000.
(3) Subsection (1) shall cease to apply in relation to the identity of the person when:

(a) a search warrant issued under chapter 5 of this act has been executed at the person's premises;

(b) a warrant for the arrest of the person has been issued, or the person has been arrested."

Section 136. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 549 of chapter 5 of title 44 to read as follows:

"Section 549. Obstruction of officers.

(1) No person shall:

(a) furnish to any officer any information which the person is required to furnish which is to the person's knowledge or belief false or misleading in a material way;

(b) by any other act or omission whatsoever, knowingly hinder or obstruct any officer in the exercise of the officer's powers under this act.

(2) Any person who violates subsection (1) of this section commits a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."
Section 137. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 550 of chapter 5 of title 44 to read as follows:

"Section 550. Perverting the course of justice.

(1) Any inspector, police officer, or authorized officer who knowingly and maliciously, under color of law, but without reasonable and articulable grounds for suspecting that an offense has been committed or is about to be committed:

(a) enters or searches or causes to be entered or searched any place, person, clothing of that person, or property under the control of that person;

(b) seizes the property of any person on the pretence of seizing or searching for any controlled substance, analogue, controlled chemical or item of controlled equipment or controlled material or other property liable to be forfeited or to be confiscated under this act or the Money Laundering and Proceeds of Crime Act of 2001, or on the pretence of seizing any record, article or other thing liable to be seized under this act; or

(c) detains, searches or arrests any person, commits an offense.

(2) Any person who knowingly gives false information leading to the arrest of a person or a search being made
pursuant to this act commits an offense.

(3) Violation of subsection (1) or (2) of this section is a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000."

Section 138. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 551 of chapter 5 of title 44 to read as follows:

"Section 551. Immunity for official powers or functions exercised diligently and in good faith.

(1) No suit, prosecution or other legal proceedings shall lie against the Government of the Federated States of Micronesia, or any officer or other person in respect of anything done by or on behalf of that person, with due diligence and in good faith, in the exercise of any power or the performance of any function under this act or regulations promulgated thereunder.

(2) Nothing in this act affects the right of a person to seek redress for due process or civil rights violations pursuant to the laws of the Federated States of Micronesia."

Section 139. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 552
of chapter 5 of title 44 to read as follows:

"Section 552. Protection of informants."

(1) Subject to subsection (2) of this section, no
witness in any proceedings under this act shall be
required:

(a) to disclose the name or address of any
informant who has given information with respect to an
offense under this act, or of any person who has assisted
in detecting, investigating or otherwise assisting with
respect to the due administration or enforcement of this
act; or

(b) to answer any question if the answer thereto
would lead, or would tend to lead, to the discovery of
the name, address or identity of such informant or
person;

if the informant or person is not a witness in the
proceedings.

(2) If any record which is in evidence or liable to
inspection in any proceedings contains an entry in which
any such informant or person is named or described or
which might lead to his discovery, the Supreme Court
shall cause all such entries to be concealed from view or
to be obliterated so far as may be necessary to protect
the informant or such person from discovery.
(3) If in any proceedings before the Supreme Court under this act the Court, after full inquiry into the case, is satisfied that an informant knowingly made a material statement which the informant knew to be false or did not believe to be true, or if in any other proceedings the Supreme Court is of the opinion that justice cannot be fully done between the parties thereto without disclosure of the name of the informant or other person who has assisted in any investigation or the proceedings under this act, the Court may permit inquiry and require full disclosure concerning the informant or person."

Section 140. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 553 of chapter 5 of title 44 to read as follows:

"Section 553. Conditional immunity for offenders assisting the prosecution.

(1) The Attorney General may, with a view to obtaining the evidence of any person who appears to have been directly or indirectly concerned in the violation of any provision of this act, grant to the person immunity from prosecution for any offense under this act on condition that the person makes a full and true disclosure of the whole circumstances relating to the violation and provides any other requested assistance with the
investigation or prosecution of the matter.

(2) Any immunity granted by the Attorney General under subsection (1) above and accepted by a person shall, to the extent to which the immunity extends, render the person immune from prosecution for any offense in respect of which immunity was tendered.

(3) If it appears to the Attorney General at any time that any person to whom immunity has been tendered under subsection (1) of this section has knowingly:

(a) failed or refused to comply with any term or condition on which immunity was granted;

(b) concealed anything or given false or misleading evidence;

(c) interfered with the investigation or prosecution of the case in any material way; or

(d) subsequent to the grant of immunity, has committed a violation of this act;

the Attorney General may by notice in writing to the person withdraw the immunity, whereupon the person may be tried for the offense in respect of which immunity was granted and any other offense of which the person appears to have been guilty in connection with that offense."

Section 141. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 554 of chapter 5 of title 44 to read as follows:
"Section 554. Limited official secrecy.

(1) This section applies to any inspector, analyst, authorized officer or other person who is, or has been, a person exercising powers or performing duties under this act.

(2) Subject to subsection (3) of this section, a person to whom this section applies shall not, either directly or indirectly, except in the exercise of a power or the performance of a duty under this act, knowingly:

(a) make a record of, or divulge or communicate to another any information acquired by the person concerning the business, professional or personal affairs of a third person;

(b) produce to another a document produced to or otherwise acquired by the person, by reason of the exercise of those powers or the performance of those duties.

(3) Violation of subsection (2) above is a felony offense, punishable by imprisonment for a maximum term of five years or a maximum fine of $50,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $250,000.

(4) Nothing in this section applies in relation to the giving of information or the production of a document:
(a) to an authorized officer while acting in the course of the officer's duties;

(b) to the Supreme Court in relation to any proceedings under this act or the Money Laundering and Proceeds of Crime Act of 2001;

(c) to a treatment assessment panel established under chapter 4 of this act;

(d) to any person where the giving of information or the production of the document is necessary to remove a threat to the life or health of the person;

(e) subject to subsection (5) of this section, to any other person for the purposes of:

   (i) any investigation, prosecution or other proceedings in the Federated States of Micronesia or elsewhere; or

   (ii) the due administration and enforcement of this act.

(5) Nothing in subsection (4)(e) of this section entitles any person to obtain, by way of discovery, any information or document to which the person would not be entitled under the ordinary rules relating to discovery.
(1) Any person who knowingly violates:

(a) a provision of this act for which punishment is not otherwise provided; or

(b) a regulation promulgated pursuant to this act, commits a misdemeanor offense, punishable by imprisonment for a maximum term of one year or a maximum fine of $5,000, or both; provided, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to $25,000.

(2) Where a criminal offense is established by a provision of this act relating to a particular and named controlled substance (including, without limitation, cannabis, cannabis plants, cannabis resin, coca bush, or opium poppy), and a criminal penalty is specifically established by that provision for the particular controlled substance, notwithstanding other provisions of this act relating to schedule I, II or III drugs under this act, such criminal offense and penalty shall take precedence over more generalized criminal offense provisions and penalties which do not identify particular controlled substances by name but only refer to controlled substances by the schedule to this act in which they appear."

Section 143. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new chapter 6 of title 44, entitled "Fund for Drug Abuse Prevention and Control".

Section 144. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 601 of chapter 6 of title 44 to read as follows:

"Section 601. Establishment of the Fund for Drug Abuse Prevention and Control.

(1) There is hereby established in the accounts of the Federated States of Micronesia an account to be known as the Federated States of Micronesia Fund For Drug Abuse Prevention and Control.

(2) In this chapter, the term 'Fund' means the Federated States of Micronesia Fund For Drug Abuse Prevention and Control and the account established pursuant to subsection (1) of this section."

Section 145. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 602 of chapter 6 of title 44 to read as follows:

"Section 602. Deposits and disbursements.

(1) Unless otherwise provided by this chapter or other law, the following shall be deposited in the Fund for Drug Abuse Prevention and Control:

(a) any sums of money allocated to the Fund from time to time by Congressional appropriation;

(b) any property paid or transferred to the Fund
pursuant to or in accordance with:

(i) section 968(3)(b) of the Money Laundering and Proceeds of Crime Act of 2001 (chapter 9 of title 11 of the Code of the Federated States of Micronesia);

(ii) section 1719 of the Mutual Assistance in Criminal Matters Act of 2001 (chapter 17 of title 12 of the Code of the Federated States of Micronesia);

(c) any voluntary payment, grant or gift made by any person for the purposes of the Fund; and

(d) any income derived from the investment of any amount standing to the credit of the Fund.

(2) The assets of the Fund shall be applied towards meeting expenses incurred in carrying out and furthering the purposes of this act, and in particular, in preventing drug abuse in the Federated States of Micronesia, in providing treatment and rehabilitation facilities and services of drug and alcohol dependent persons, in detecting, investigating, prosecuting or adjudicating any proceedings which may be taken under this act, and in giving or receiving international cooperation under the Mutual Assistance in Criminal Matters Act of 2001 (chapter 17 of title 12 of the Code of the Federated States of Micronesia)."

Section 146. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 603
of chapter 6 of title 44 to read as follows:

"Section 603. Board of Trustees. The Fund shall be administered by a board of trustees appointed by the President, which shall meet no less than four times each year, report annually to the Congress on its administration of the Fund, and consist of:

(1) a chairperson, nominated by the President;

(2) a current or former justice of the Supreme Court, nominated by the Chief Justice of the Supreme Court;

(3) the Chief of the National Police, or the Chief's nominee;

(4) the Secretary of the Department of Finance and Administration, or such Secretary's nominee;

(5) the Attorney General, or the Attorney General's nominee;

(6) the Public Auditor, or the Public Auditor's nominee;

(7) the Secretary of Health, or the Secretary's nominee;

(8) a practicing or former practicing medical practitioner nominated by the Secretary of Health;

(9) a practicing or former practicing pharmacist nominated by the Secretary of Health;

(10) a person with substantial experience in the field of finance nominated by the Secretary of the Department.
of Finance and Administration;

(11) a person with substantial experience in the field of banking nominated by the President of Federated States of Micronesia, and employed in the Federated States of Micronesia in the field of banking and finance;

(12) a practicing attorney nominated by the Attorney General of the Federated States of Micronesia."

Section 147. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 7 of title 44, entitled "Miscellaneous".

Section 148. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 701 of chapter 7 of title 44 to read as follows:

"Section 701. Supremacy.

(1) The provisions of this act shall have supremacy over any inconsistent provisions of any other law in force in the Federated States of Micronesia.

(2) Chapter 11 of title 11 of the Code of the Federated States of Micronesia is superseded by this act, subject to the transitional provisions of section 702 of this act."

Section 149. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 702 of chapter 7 of title 44 to read as follows:

"Section 702. Transitional.
(1) Where a person has committed a violation of chapter 11 of title 11 of the Code of the Federated States of Micronesia, either before this act becomes law or before the coming into force of this act, and proceedings for that offense have not been instituted against that person before the date of coming into force of this act, proceedings may still be instituted against the person for that offense under chapter 11 of title 11 of the Code of the Federated States of Micronesia and dealt with as if chapter 11, title 11 of the Code of the Federated States of Micronesia had not been repealed by this act.

(2) Where any proceedings instituted before the date of coming into force of this act for a violation of chapter 11 of title 11 of the Code of the Federated States of Micronesia have not been finally concluded by that date, the proceedings shall continue just as though chapter 11 of title 11 of the Code of the Federated States of Micronesia had not been repealed by this act; and everything done in relation to the proceedings brought under chapter 11 of title 11 of the Code of the Federated States of Micronesia before the date this act comes into force shall have effect notwithstanding the coming into force of this act, and subject to subsection (3) of this section, the person may be dealt with as if chapter 11 of title 11 of the Code of the Federated States of
Micronesia had not been repealed.

(3) Where in a case to which subsection (2) of this section applies, any penalty, punishment, forfeiture or confiscation provided for by chapter 11 of title 11 of the Code of the Federated States of Micronesia is varied by this act, the lesser penalty, punishment, forfeiture or confiscation shall apply in respect of any offense committed before the coming into force of this act.

(4) Every license, registration, permit, authorization or certificate issued under chapter 11 of title 11 of the Code of the Federated States of Micronesia or regulations made under that act, and in force immediately before the coming into force of this act, shall be deemed to continue in force under this act until six months after this act takes effect."

Section 150. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 703 of chapter 7 of title 44 to read as follows:

"Section 703. Regulations. The Attorney General and the Secretary of Health may promulgate regulations, not inconsistent with this act, prescribing all matters necessary or convenient for giving effect to it, and, without restricting the generality of the foregoing, may promulgate regulations:

(1) amending any schedule, in accordance with section
203 of this act and establishing the amount or quantity
of any controlled substance or controlled chemical that
shall constitute a trafficable amount or quantity;

(2) governing, controlling, limiting, authorizing the
import into or export from the Federated States of
Micronesia, production, packaging, sending,
transportation, delivery, sale, provision,
administration, possession or obtaining of or other
dealing in any controlled substance, controlled chemical
or item of controlled equipment or material;

(3) prescribing the fees payable on application for any
registration, license, permit or authorization provided
for by this act;

(4) relating to the method of production, preservation,
testing, packaging or storage of any controlled
substance, controlled chemical or item of controlled
equipment or controlled material;

(5) relating to the premises, processes or conditions
for the manufacture, sale or supply of any controlled
substance or controlled chemical, or item of controlled
equipment or controlled material, and deeming such
premises, processes or conditions to be or not to be
suitable for the purposes of the grant or holding of
registration or a license or permit provided for by this
act;
(6) relating to the qualifications of persons engaged in the production, preservation, testing, packaging, storage, supplying or otherwise dealing in any controlled substance, controlled chemical or item of controlled equipment or controlled material;

(7) prescribing standards of composition, strength, concentration, potency, purity or quality or any other property of any controlled substance;

(8) relating to the labeling, packaging, size, dimensions, fill and other specifications of packages used for the import into the Federated States of Micronesia, export from the Federated States of Micronesia, sending, transportation, delivery, sale, supply or other dealing in any controlled substance;

(9) controlling or limiting the advertising for sale of any controlled substance;

(10) relating to the establishment, maintenance, keeping or provision of records, books, electronic data or other documents by persons or classes of persons for the purposes of this act in respect of controlled substances, controlled chemicals, controlled equipment and controlled materials;

(11) relating to the making and provision of reports by persons or classes of persons for the purposes of this act in respect of controlled substances, controlled
chemicals, controlled equipment and controlled materials;
(12) relating to the powers and duties of inspectors in relation to the enforcement, and compliance with, the regulations;
(13) relating to the powers and duties of analysts;
(14) relating to the detention and disposal of any controlled substance or controlled chemical, or item of controlled equipment or controlled material;
(15) relating to the taking of samples of substances;
(16) relating to the communication of any information obtained under this act or regulations promulgated thereunder to any person or class of persons in the Federated States of Micronesia or elsewhere to whom, in the opinion of the Attorney General or Secretary of Health it is necessary or desirable to communicate that information for the proper administration or enforcement of this act, regulations promulgated thereunder made under this section, or any law of the Federated States of Micronesia relating to international assistance in criminal matters;
(17) relating to the making, serving, filing and manner of proving service of any notice, order, report or other document required or authorized under this act or regulations promulgated thereunder;
(18) prescribing forms for the purposes of this act or
regulations promulgated thereunder;

(19) conferring powers or imposing duties and functions in relation to treatment panels;

(20) exempting, on such terms and conditions as may be specified in regulations promulgated thereunder, any person or class of persons or any controlled substance, controlled chemical or item of controlled equipment or controlled material, or any class thereof, from the application of all or any of the provisions of this act or regulations promulgated thereunder; and

(21) prescribing anything that, by this act, is to be or may be prescribed."

Section 151. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 704 of chapter 7 of title 44 to read as follows:

"Section 704. Administration of this act. This act shall be administered by the Attorney General and the Secretary of Health."

Section 152. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 8 of title 44, entitled "Schedules".

Section 153. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 801 of chapter 8 of title 44 to read as follows:

"Section 801. General provisions on schedules. This
section applies to all substances listed in subchapters I through V of chapter 8 of this act, designated by their international non-proprietary names or the names used in the international conventions in force. All such substances include:

(1) their isomers, unless specifically excepted, whenever the existence of such isomers is possible within the specific chemical designation;

(2) their esters and ethers, unless specifically excepted, whenever the existence of such esters and ethers is possible;

(3) their salts, including the salts of esters, ethers and isomers, whenever the existence of such salts is possible, with the exception of sulfuric acid and hydrochloric acid for subchapter V, schedule V, controlled chemicals under this act; and

(4) preparations of these substances, unless exempted by law."

Section 154. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter I of chapter 8 of title 44, entitled "Schedule I. Prohibited Drugs of Abuse".

Section 155. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 802 of chapter 8 of title 44 to read as follows:
"Section 802. Schedule I prohibited drugs designated under schedule IV of the Single Convention on Narcotic Drugs. Schedule I prohibited drugs include the following drugs designated under schedule IV of the Single Convention on Narcotic Drugs, done at New York on 30 March 1961:

1. Acetorphine;
2. Cannabis and cannabis resin;
3. Desomorphine;
4. Etorphine;
5. Heroin;
6. Ketobemidone;
7. Acetyl-alpha-methyl-fentanyl;
8. Alphacetylmethadol;
9. Alpha-methylfentanyl;
10. Beta-hydroxyfentanyl;
11. Beta-hydroxy-methyl-3-fentanyl;
12. Methyl-3-fentanyl;
13. Methyl-3-thio-fentanyl;
14. MPPP;
15. Para-fluorofentanyl;
16. PEPAP;
17. Thiofentanyl."

Section 156. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 803
of chapter 8 of title 44 to read as follows:

"Section 803. Schedule I prohibited drugs designated under schedule I of the Convention on Psychotropic Substances. Schedule I prohibited drugs include the following drugs designated under schedule I of the Convention on Psychotropic Substances, done at Vienna on 21 February 1971:

(1) Brolamphetamine;
(2) Cathinone;
(3) DET;
(4) DMA;
(5) DMHP;
(6) DMT;
(7) Eticyclidine;
(8) Etryptamine;
(9) (+)-Lysergide;
(10) MDA;
(11) Mescaline;
(12) Methcathinone;
(13) Methyl-4 aminorex;
(14) MMDA;
(15) MDMA;
(16) N-ethyl MDA;
(17) N-hydroxy MDA;
(18) Parahexyl;"
Section 157. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter II of chapter 8 of title 44, entitled "Schedule II. High Risk Drugs of Abuse".

Section 158. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 804 of chapter 8 of title 44 to read as follows:

"Section 804. Schedule II high risk drugs designated under schedule I of the Single Convention on Narcotic Drugs. Schedule II high risk drugs include the following drugs designated under schedule I of the Single Convention on Narcotic Drugs, done at New York on 30 March 1961:

(1) Acetylmethadol;
(2) Alfentanil;
(3) Allylprodine;
1. Alphameprodine;
2. Alphamethadol;
3. Alphamethylthiofentanyl;
4. Alphaprodine;
5. Anileridine;
6. Benzethidine;
7. Benzylmorphine;
8. Betacetylmethadol;
9. Betameprodine;
10. Betamethadol;
11. Betaprodine;
12. Bezitramide;
13. Clonitazene;
14. Coca (leaf);
15. Cocaine;
16. Codoxime;
17. Concentrate of poppy straw;
18. Dextromoramide;
19. Diampromide;
20. Diethylthiambutene;
21. Difenoxin;
22. Dihydromorphine;
23. Dimenoxadol;
24. Dimepheptanol;
25. Dimethylthiambutene;
1. (29) Dioxaphetyl butyrate;
2. (30) Diphenoxylate;
3. (31) Dipipanone;
4. (32) Drotebanol;
5. (33) Ecgonine, its esters and derivatives;
6. (34) Ethylmethylthiambutene;
7. (35) Etonitazene;
8. (36) Etoxeridine;
9. (37) Fentanyl;
10. (38) Furethidine;
11. (39) Hydrocodone;
12. (40) Hydromorphinol;
13. (41) Hydromorphone;
14. (42) Hydroxypethidine;
15. (43) Isomethadone;
16. (44) Levomethorphan;
17. (45) Levomoramide;
18. (46) Levophenacylmorphan;
19. (47) Levorphanol;
20. (48) Metazocine;
21. (49) Methadone;
22. (50) Methadone intermediate (4-cyano-2-dimethyl-amino-4, 4-diphenyl butane);
23. (51) Methyldesorphine;
24. (52) Methyldihydromorphine;
(53) Metopon;
(54) Moramide;
(55) Morpheridine;
(56) Morphone;
(57) Morphine methobromide and other pentavalent 
nitrogen morphine derivatives;
(58) Morphine-N-oxide;
(59) Myrophine;
(60) Nicomorphine;
(61) Noracymethadol;
(62) Norlevorphanol;
(63) Normethadone;
(64) Normorphine;
(65) Norpipanone;
(66) Opium;
(67) Oxycodone;
(68) Oxymorphone;
(69) Pethidine;
(70) Pethidine intermediate A (4-cyano-1-methyl-4-
phenyl-piperidine);
(71) Pethidine intermediate B (4-phenylpiperidine-4-
carboxylic acid ethyl ester);
(72) Pethidine intermediate C (1-methyl-4-
phenylpiperidine4-carboxylic acid);
(73) Phenadoxone;
(74) Phenampromide;
(75) Phenazocine;
(76) Phenomorphan;
(77) Phenoperidine;
(78) Piminodine;
(79) Piritramide;
(80) Proheptazine;
(81) Properidine;
(82) Racemethorphan;
(83) Racemoramide;
(84) Racemorphan;
(85) Sufentanil;
(86) Thebacon;
(87) Thebaine;
(88) Tilidine;
(89) Trimeperidine."

Section 159. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 805 of chapter 8 of title 44 to read as follows:

"Section 805. Schedule II high risk drugs designated under schedule II of the Single Convention on Narcotic Drugs. Schedule II high risk drugs include the following drugs designated under schedule II of the Single Convention on Narcotic Drugs, done at New York on 30 March 1961:
Section 160. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 806 of chapter 8 of title 44 to read as follows:

"Section 806. Schedule II high risk drugs designated under schedule II of the Convention on Psychotropic Substances. Schedule II high risk drugs include the following drugs designated under schedule II of the Convention on Psychotropic Substances, done at Vienna on 21 February 1971:

(1) Amphetamine;
(2) Dexamphetamine;
(3) Fenetylline;
(4) Levamphetamine;
(5) Mecloqualone;
(6) Methamphetamine;
(7) Methamphetamine racemate;
(8) Methaqualone;
(9) Methylphenidate;
(10) Phencyclidine;
(11) Phenmetrazine;
(12) Secobarbital;
(13) Zipeprol."

Section 161. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter III of chapter 8 of title 44, entitled "Schedule III. Risk Drugs of Abuse".

Section 162. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 807 of chapter 8 of title 44 to read as follows:

"Section 807. Schedule III risk drugs designated under schedule III of the Convention on Psychotropic Substances. Schedule III risk drugs include the following drugs designated under schedule III of the Convention on Psychotropic Substances, done at Vienna on 21 February 1971:

(1) Amobarbital;
(2) Buprenorphine;
(3) Butalbital;
(4) Cathine;
(5) Cyclobarbital;"
Glutethimide;

Pentazocine;

Pentobarbital;

Flunitrazepam."

Section 163. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 808 of chapter 8 of title 44 to read as follows:

"Section 808. Schedule III risk drugs designated under schedule IV of the Convention on Psychotropic Substances.

Schedule III risk drugs include the following drugs designated under schedule IV of the Convention on Psychotropic Substances, done at Vienna on 21 February 1971:

(1) Allobarbital;

(2) Alprazolam;

(3) Aminorex;

(4) Amphepramone;

(5) Barbital;

(6) Benzphetamine;

(7) Bromazepam;

(8) Brotizolam;

(9) Butobarbital;

(10) Camazepam;

(11) Chlordiazepoxide;

(12) Clobazam;
(13) Clonazepam;
(14) Clorazepate;
(15) Clotiazepam;
(16) Cloxazolam;
(17) Delorazepam;
(18) Diazepam;
(19) Estazolam;
(20) Ethchlorvynol;
(21) Ethinamate;
(22) Ethyl loflazepate;
(23) Ethylamphetamine;
(24) Fencamfamin;
(25) Fenproporex;
(26) Fludiazepam;
(27) Flurazepam;
(28) Halazepam;
(29) Haloxazolam;
(30) Ketazolam;
(31) Lefetamine;
(32) Loprazolam;
(33) Lorazepam;
(34) Lormetazepam;
(35) Mazindol;
(36) Medazepam;
(37) Mefenorex;
Section 164. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter
IV of chapter 8 of title 44, entitled "Schedule IV. Toxic Chemical Inhalants".

Section 165. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 809 of chapter 8 of title 44 to read as follows:

"Section 809. Volatile substances. Schedule IV toxic chemical inhalants include the following volatile substances which are subject to abuse by inhalation:

(1) Aliphatic Hydrocarbons, including:
   (a) Acetylene;
   (b) Butane;
   (c) Hexane;
   (d) Isobutane (2-methylpropane);
   (e) Propane;

(2) Aromatic Hydrocarbons, including:
   (a) Toluene (toluol, methylbenzene, phenylmethane);
   (b) Xylene (xylol, dimethylbenzene);

(3) Mixed Hydrocarbons, including:
   (a) Petrol (gasoline);
   (b) Petroleum ethers;

(4) Halogenated Hydrocarbons, including:
   (a) Bromochlorodifluoromethane (BCF, FC 12B1);
   (b) Carbon tetrachloride (tetrachloromethane);
   (c) Chlorodifluoromethane (FC 22, Freon 22);
   (d) Chloroform (trichloromethane);
(e) Dichlorodifluoromethane (FC 12, Freon 12);
(f) Dichloromethane (methylene chloride);
(g) 1,2-Dichloropropane (propylene dichloride);
(h) Ethyl chloride (monochloroethane);
(i) Fluorotrichloromethane (FC 11, Freon 11);
(j) Halothane (2-bromo-2-chloro-1,1,1-
trifluoroethane);
(k) Tetrachloroethylene (perchloroethylene);
(l) 1,1,1-Trichloroethane (methylchloroform, Genklene);
(m) 1,1,2-Trichlorotrifluoroethane (FC 113);
(n) Trichloroethylene ('tri', Trilene);

(5) Oxygenated compounds, including:
(a) Butanone (2-butanone, methyl ethyl ketone, MEK);
(b) Butyl nitrite;
(c) Enflurane (2-chloro-1,1,2-trifluoroethyl difluoromethyl ether);
(d) Ethyl acetate;
(e) Diethyl ether (ethoxyethane);
(f) Dimethyl ether (DME, methoxymethane);
(g) Isobutyl nitrite ('butyl nitrite');
(h) Isoflurane (1-chloro-2,2,2-trifluoroethyl
difluororomethyl ether);
(i) Isopentyl nitrite (3-methylbutyl nitrite,
isoamyl nitrite, 'amyl nitrite');

(j) Methyl acetate;

(k) Methyl isobutyl ketone (MIBK, Isopropyl acetone);

(l) Methyl tert.-butyl ether (MTBE);

(m) Nitrous oxide (dinitrogen monoxide, 'laughing gas');

(n) Sevoflurane (fluoromethyl 2,2,2-trifluoro-1-(trifluoromethyl)ethyl ether).

Section 166. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 810 of chapter 8 of title 44 to read as follows:

"Section 810. Products. Schedule IV toxic chemical inhalants include the following products which are subject to abuse by inhalation:

(1) Adhesives, including:

   (a) balsa wood cement containing ethyl acetate;

   (b) contact adhesives containing:

      (i) butanone;

      (ii) hexane;

      (iii) toluene;

   (c) tire repair cement containing:

      (i) toluene; and/or

      (ii) xylenes;

   (d) polyvinylchloride (PVC) cement containing:
(i) acetone;
(ii) butanone;
(iii) cyclohexanone; and/or
(iv) trichloroethylene; and
(e) woodworking adhesives containing xylenes;

(2) Aerosols containing butane, dimethyl ether, and/or fluorocarbons, including, without limitation:

(a) air fresheners;
(b) deodorants and/or antiperspirants;
(c) insect spray;
(d) hair spray;
(e) paint;

(3) Inhalation anaesthetics containing:

(a) nitrous oxide;
(b) diethyl ether;
(c) enflurane;
(d) halothane; and/or
(e) isoflurane;

(4) Topical analgesics containing:

(a) FC 11;
(b) FC 12; and/or
(c) ethyl chloride;

(5) Cigarette lighters and refills containing

(a) butane;
(b) isobutane; and/or
(c) propane;

(6) Dry cleaning and degreasing agents containing:
   (a) dichloromethane;
   (b) FC 113;
   (c) methanol;
   (d) 1,1,1-trichloroethane;
   (e) tetrachloroethylene;
   (f) toluene;
   (g) trichloroethylene (carbon tetrachloride, 1,2-
dichloropropane);

(7) Dust removers containing:
   (a) dimethyl ether; and/or
   (b) FC 22;

(8) Spot removers or dry cleaners containing:
   (a) dichloromethane;
   (b) 1,1,1-trichloroethane;
   (c) tetrachloroethylene;
   (d) trichloroethylene;

(9) Fire extinguishers containing:
   (a) bromochlorodifluoromethane;
   (b) FC 11; and/or
   (c) FC 12;

(10) Fuel gases, including butane and propane,
    containing:
    (a) butane;
(b) butenes;
(c) isobutane;
(d) propane; and/or
(e) propenes;

(11) Nail polish, nail varnish, and nail polish or varnish removers containing acetone and/or esters thereof;

(12) Paints and paint thinners containing:
(a) acetone;
(b) butanone;
(c) esters;
(d) hexane;
(e) toluene;
(f) trichloroethylene; and/or
(g) xylenes;

(13) Paint stripper containing:
(a) dichloromethane;
(b) methanol; and/or
(c) toluene;

(14) Room deodorizers containing isobutyl nitrite;

(15) Surgical plaster or chewing gum remover containing:
(a) 1,1,1-trichloroethane; or
(b) trichloroethylene;

(16) Typewriter correction fluids or thinners containing 1,1,1-trichloroethane;
Section 167. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter V of chapter 8 of title 44, entitled "Schedule V. Controlled Chemicals".

Section 168. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 811 of chapter 8 of title 44 to read as follows:

"Section 811. Division I controlled chemicals. Division I of schedule V include the following controlled chemicals designated under Table I of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on 20 December 1988:

(1) Ephedrine;
(2) Ergometrine;
(3) Ergotamine;
(4) Lysergic acid;
(5) l-phenyl-2-propanone;
(6) Pseudoephedrine;
(7) N-acetylanthranilic acid;
(8) Isosafrole;
(9) 3,4-methylenedioxymethylphenyl-2-propanone;
(10) Piperonal;
(11) Safrole."

216 of 219
Section 169. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 812 of chapter 8 of title 44 to read as follows:

"Section 812. Division II controlled chemicals.
Division II of schedule V includes the following controlled chemicals designated under Table II of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on 20 December 1988:

(1) Acetic anhydride;
(2) Acetone;
(3) Anthranilic acid;
(4) Ethyl ether;
(5) Phenylacetic acid;
(6) Piperidine;
(7) Hydrochloric acid;
(8) Methyl ethyl ketone;
(9) Potassium permanganate;
(10) Sulfuric acid;
(11) Toluene."

Section 170. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new subchapter VI of chapter 8 of title 44, entitled "Schedule VI. Controlled Material and Equipment".

Section 171. The Code of the Federated States of Micronesia,
as amended, is hereby further amended by enacting a new section 813 of chapter 8 of title 44 to read as follows:

"Section 813. Controlled equipment. Division I of schedule VI includes the following controlled equipment:

(1) Encapsulating machines;
(2) Tableting machines;
(3) Rotary evaporators;
(4) Laboratory equipment with a capacity for large volume production, including, without limitation, flasks of 25 liters or above and related condensers, separating funnels and heating apparatus."

Section 172. The Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new section 814 of chapter 8 of title 44 to read as follows:

"Section 814. Controlled materials. Division II of schedule VI includes the following controlled materials:

(1) gelatin capsules, including, without limitation, capsules made of glucose, lactose, and/or phenolphthalein;
(2) bulking agents, including, without limitation, magnesium stearate, calcium oxide ('talc')."

Section 173. This act shall take effect one hundred-eighty-one (181) days after its becoming law.
Section 174. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 5/16/02  Introduced by: /s/ Joseph J. Urusemal
Joseph J. Urusemal
(by request)