A BILL FOR AN ACT

To amend chapter 8 of title 41 of the Code of the Federated States of Micronesia, by enacting new sections 802 and 803 to establish the standard of proper packaging and labeling of tobacco products, and for other purposes.

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

Section 1. Chapter 8 of title 41 of the Code of the Federated States of Micronesia, is hereby amended by adding a new section 802 to read as follows:

“Section 802. Prohibition on tobacco packaging and labeling. No person shall distribute, import, purchase for commercial purposes, or display tobacco:

(1) which contains on each unit packet and package of tobacco products, and any outside packaging and labeling any false, misleading, deceptive or likely to create an erroneous impression about the product’s characteristics, health effects, and hazards or emissions, including any term, descriptor, trademark, figurative, or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include, but are not limited to words or descriptors such as “light”, “mild”, “ultra-light”,

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“less tar”, “slim”, or similar descriptors, or graphics associated with such descriptors; 

(2) unless the outside packaging and labeling of each unit packet and package of tobacco products, or wrapper in the case of cigars, contains permanently affixed health warnings describing the harmful effects of tobacco use, and may include other appropriate messages as described in relevant regulations. These warnings and messages:

(a) shall be approved by the Secretary of the FSM Department of Health and Social Affairs or his/her designee;  
(b) shall be rotating;  
(c) shall be in English and/or the respective state’s local vernacular;  
(d) shall be large, clear, visible and legible;  
(e) should be up 50 percent or more of the principle display area; and  
(f) may be in the form of or include pictures or pictograms.  

(3) unless the outside packaging and labeling of each unit packet and package of tobacco products contains, in addition to warnings, information on
the relevant constituents and emissions of the tobacco product, in English and/or the respective state’s local vernacular, and as defined by regulation;

(4) unless the package contains a package insert, written in English and/or the respective state’s local vernacular, and complies with all applicable regulations;

(5) which does not contain the name and license number of the manufacturer, and as applicable, wholesaler, importer, and exporter, permanently affixed on its package, and on any larger package, box, or container holding a number of tobacco product packages;

(6) which does not contain the manufacture serial number, lot number or batch number and the name of the country in which it was manufactured;

(7) unless the unit packets and packages of tobacco products for retail and wholesale use that are sold in Federated States of Micronesia’s domestic market carry the statement: “Sales only allowed in the FSM” or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale in the domestic
Section 2. Chapter 8 of title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 803 to read as follows:

"Section 803. Regulations. The Secretary of the Department of Health and Social Affairs may, from time to time, promulgate such regulations as are reasonably necessary to implement the provisions of this chapter."

Section 3. 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: 5/25/10

Introduced by: /s/ Joe N. Suka
Joe N. Suka
(by request)