A BILL FOR AN ACT

To amend sections 501 through 505, 507 through 515, 518, 519, 521 through 523, 525, 526, 528 through 532, 537, 539, 542 through 544, and 546 of title 22 of the Code of the Federated States of Micronesia to apply the Export Inspection Act to plant products, and for other purposes.

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

1 Section 1. Section 501 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 501. Short title. This chapter shall be designated as the 'Federated States of Micronesia Export Meat and Plant Product Inspection Act.'"

2 Section 2. Section 502 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 502. Definitions. As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

(1) 'Adulterated' shall apply to any carcass, part thereof, meat, or food product under one or more of the following circumstances:

(a) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but, in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(b) (i) if it bears or contains (by reason of administration of any substance to the plant product or live animal or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity, a food additive, a color additive, or antibiotic or other medication) which may, in the judgment of
the chief of agriculture make such article unfit for human food;

(ii) if it is, in whole or in part, a raw agricultural commodity, and such commodity bears or contains a pesticide chemical which is unsafe as defined by the chief of agriculture;

(iii) if it bears or contains any food additive which is unsafe as defined by the chief of agriculture;

(iv) if it bears or contains any color additive which is unsafe as defined by the chief of agriculture; provided, that an article which is not adulterated under clauses (ii), (iii) or this clause shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, color additive, or antibiotic in or on such article is prohibited by regulations of the chief of agriculture in establishments at which inspection is maintained under this chapter;

(c) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(d) if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(e) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;
(f) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(g) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to regulations issued by the chief of agriculture;

(h) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(i) if it is margarine containing animal fat and any of the raw material used therein consisting in whole or in part of any filthy, putrid, or decomposed substance.

(2) 'Animal-food manufacturer' means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, or goats.

(3) 'Capable of use as human food' shall apply to any plant product, carcass, or part or product of a carcass, of any animal unless it is denatured or otherwise identified as required by regulations prescribed by the chief of agriculture to deter its use as human food, or it is naturally inedible by
humans.

(4) 'Chief of agriculture' means the chief of agriculture or his designated representative.

(5) 'Export' means commerce from the Federated States of Micronesia to any foreign country or the United States, its territories, and possessions.

(6) 'Firm' means any partnership, association, or other unincorporated business organization.

(7) 'Label' means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(8) 'Labeling' means all labels and other written, printed, or graphic matter,

   (a) upon any article or any of its containers or wrappers; or

   (b) accompanying such article.

(9) 'Meat broker' means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, or goats, on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

(10) 'Meat food product' means any product capable of use as human food which is made wholly or in part from any plant product, meat or other portion of the carcass of any cattle,
sheep, swine, or goats, excepting products which contain meat or
other portions of such carcasses only in a relatively small
proportion or historically have not been considered by consumers
as products of the meat food industry, and which are
exempted from definition as a meat food product by the chief of
agriculture under such conditions as he may prescribe to assure
that the meat or other portions of such carcasses contained in
such product are not adulterated and that such products are not
represented as meat food products.

(11) 'Misbranded' shall apply to any plant product or
carcass, part thereof, meat, or meat food product under one or
more of the following circumstances:
(a) if its labeling is false or misleading in any
particular;
(b) if it is offered for sale under the name of
another food;
(c) if it is an imitation of another food,
unless its label bears, in type of uniform size
and prominence, the word 'imitation' and
immediately thereafter, the name of the
food imitated;
(d) if its container is so made, formed, or
filled as to be misleading;
(e) if in a package or other container unless
it bears a label showing:
(i) the name and place of business of the manufacturer, packer, or distributor; and

(ii) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under clause (ii) of this paragraph, reasonable variations may be permitted, and exemptions as to small packages may be established by regulations prescribed by the chief of agriculture.

(f) if any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be used and understood by the ordinary individual under customary conditions of purchase and use;

(g) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the chief of agriculture under sections 508 through 512 of this chapter unless:

(i) it conforms to such definition and standard; and

(ii) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices,
flavoring, and coloring) present in such food;

(h) if it purports to be or is represented as a food

for which a standard or standards of fill of container have been

prescribed by regulations of the chief of agriculture under

paragraph (g) of this subsection, and it falls below the

standard of fill of container applicable thereto, unless its

label bears, in such manner and form as such regulations

specify, a statement that it falls below such standard;

(i) if it is not subject to the provisions of para-

graph (g) of this subsection, unless its label bears

(i) the common or usual name of the food, if any

there be; and

(ii) in case it is fabricated from two or more

ingredients, the common or usual name of each such ingredient;

except that spices, flavorings, and colorings may, when

authorized by the chief of agriculture, be designated as spices,

flavorings, and colorings without naming each; provided, that, to

the extent that compliance with the requirements of clause (ii)

of this subsection is impracticable, or results in deception or

unfair competition, exemptions shall be established by regula-

tions promulgated by the chief of agriculture;

(j) if it purports to be or is

represented for special dietary uses, unless its

label bears such information concerning its

vitamin, mineral, and other dietary properties as the chief
of agriculture, after consultation with the director for Health
Services, determines to be, and by regulations prescribes as
necessary in order fully to inform purchasers as to its value
for such uses;

(k) if it bears or contains any artificial flavoring,
artificial coloring, or chemical preservative, unless it bears
labeling stating that fact; provided, that, to the extent that
compliance with the requirements of this paragraph is
impracticable, exemptions shall be established by regulations
promulgated by the chief of agriculture; or

(1) if it fails to bear the inspection legend directly
thereon or on its container as the chief of agriculture may by
regulations prescribe, and, unrestricted by any of the
foregoing, such information as the chief of agriculture may
require in such regulations to assure that it will not have
false or misleading labeling and that the public will be
informed of the manner of handling required to maintain the
article in a wholesome condition.

(12) 'Official certificate' means any certificate pre-
scribed by regulations of the chief of agriculture for issuance
by an inspector or other person performing official functions
under this chapter.

(13) 'Official device' means any device prescribed or
authorized by the chief of agriculture for use in applying any
official mark.
(14) 'Official inspection legend' means any symbol prescribed by regulations of the chief of agriculture showing that an article was inspected and passed in accordance with this chapter.

(15) 'Official mark' means the official inspection legend or any other symbol prescribed by regulations of the chief of agriculture to identify the status of any article or animal under this chapter.

(16) 'Pesticide chemical,' 'food additive,' 'color additive,' 'antibiotic' or other medication, and 'raw agricultural commodity' shall be defined by the chief of agriculture.

(17) 'Prepared' means slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed.

(18) 'Renderer' means any person, firm, or corporation engaged in the business of rendering plant products, carcasses, or parts or products of carcasses, of cattle, sheep, swine, or goats, except rendering conducted under inspection under this chapter."

Section 3. Section 503 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 503. Examination and inspection of animals prior to slaughtering.

(1) For the purpose of preventing the use in export commerce, as hereinafter provided, of meat and meat food products
which are adulterated, the chief of agriculture shall cause to be
made, by inspectors appointed for that purpose, an examination
and inspection of all cattle, sheep, swine, and goats before
they shall be allowed to enter into any slaughtering, packing,
meat canning, rendering, or similar establishment in the Federated States of Micronesia in which slaughtering
and preparation of meat and meat food products of such animals
are conducted solely for export commerce.

(2) All cattle, sheep, swine, and goats found on such
inspection to show symptoms of disease shall be set apart and
slaughtered separately from all other cattle, sheep, swine, or
goats, and when so slaughtered, the carcasses of said cattle,
sheep, swine, or goats shall be subject to a careful examination
and inspection, all as provided by the rules and regulations to
be prescribed by the chief of agriculture.

(3) The chief of agriculture may, with the approval of the
President of the Federated States of Micronesia, promulgate and issue rules and regulations covering the
disposition of condemned carcasses and materials classified as
inedible. Such rules and regulations shall have the force and
effect of law."

Section 4. Section 504 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 504. Methods of slaughtering allowed. No method
of slaughtering or handling in connection with slaughtering shall
be deemed to comply with the public policy of the Federated States of Micronesia unless it is humane. The following methods of slaughtering and handling are hereby found to be humane in the case of cattle, calves, sheep, swine, goats, and other livestock: where all animals are rendered insensible to pain by a single blow or gunshot or an electric, chemical, or other means that is rapid and effective before being shackled, hoisted, thrown, cast, or cut."

Section 5. Section 505 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 505. Post-mortem examination. For the purposes set forth in sections 502 through 504 of this chapter:

(1) The chief of agriculture shall appoint inspectors and cause the same to make post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats capable of use as human food, to be prepared at any slaughtering, meat canning, salting, packing, rendering, or similar establishment in the Federated States of Micronesia in which such articles are prepared solely for export commerce.

(2) The carcasses and parts of all such animals found to be unadulterated shall be marked, stamped, tagged, or labeled as 'Inspected and Passed.' The carcasses and parts of all such animals found to be adulterated shall be marked, stamped, tagged, or labeled as 'Inspected and Condemned.' The carcasses and parts
of all such inspected and condemned animals shall be destroyed
for food purposes by said establishment in the presence of an
inspector, and the chief of agriculture may remove inspectors
from any such establishment which fails to so destroy any such
condemned carcass or part thereof.

(3) After the first inspection authorized under subsection
(1) of this section, the inspectors shall, when they deem it
necessary, reinspect said animal carcasses or parts thereof to
determine whether the same have become adulterated, and, if any
carcass or any parts thereof shall be found to have become
adulterated, the same shall be destroyed for food purposes by
the establishment in the presence of an inspector.

(4) The chief of agriculture may remove inspectors from
any establishment which fails to so destroy any such condemned
carcass or part thereof."

Section 6. Section 507 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 507. Examination and inspection of meat products
prepared for export.

(1) For the purposes of this chapter, the chief of
agriculture shall appoint inspectors and cause the same to make
an examination and inspection of all meat food products prepared
in any slaughtering, meat canning, salting, packing, rendering,
or similar establishment, where such articles are prepared solely
for export commerce.
(2) For the purposes of any examination and inspection, said inspectors shall have access at all times, by day or by night, whether the establishment be then in operation or not, to every part of the establishment.

(3) The inspectors shall mark, stamp, tag, or label as 'Passed' all such products found to be unadulterated.

(4) The inspectors shall label, mark, stamp, or tag as 'Condemned' all such products found adulterated, and all such food products shall be destroyed for food purposes as provided in subsection (2) of section 505 of this chapter.

(5) The chief of agriculture may remove inspectors from any establishment which fails to so destroy such condemned food products."

Section 7. Section 508 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 508. Labeling of packaged meat products - General requirements. When any meat or meat food product prepared for export commerce which has been inspected as provided in section 507 of this chapter and marked 'Passed' shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or
corporation preparing said product shall cause a label to be
attached to said can, pot, tin, canvas, or other receptacle or
covering, under supervision of an inspector, which label shall
state that the contents thereof have been inspected and passed
under the provisions of this chapter, and no inspection and
examination of meat or food products deposited or enclosed
in cans, tins, pots, canvas, or other receptacle or covering
in any establishment where inspection under the provisions of
this chapter is maintained shall be deemed to be complete until
such meat or food products have been sealed or enclosed in
said can, tin, pot, canvas, or other receptacle or covering
under the supervision of an inspector."

Section 8. Section 509 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 509. Labeling of packaged products - Specific
requirements authorized. All carcasses, parts of carcasses,
meat, and food products inspected at any establishment
under the authority of this chapter and found to be unadulter-
ated shall, at the time they leave the establishment, bear, in
distinctly legible form, directly thereon or on their containers,
as the chief of agriculture may require, the information required
under subsection (11), section 502."

Section 9. Section 510 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 510. Labeling of packaged products - Typed styles
and sizes. The chief of agriculture, whenever he determines such action is necessary, may prescribe the styles and sizes of type to be used with respect to material required to be incor-
porated in labeling to avoid false or misleading labeling of any articles or animals subject to this chapter."

Section 10. Section 511 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 511. Labeling of packaged products - Approved forms. No article subject to this chapter shall be sold or offered for sale by any person, firm, or corporation, in export commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the chief of agriculture are permitted."

Section 11. Section 512 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 512. Labeling of packaged products - Enforcement. (1) If the chief of agriculture has reason to believe that any marking or labeling, or the size or form of any container in use or proposed for use with respect to any article subject to this chapter, is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading.
(2) If the person, firm, or corporation using or proposing to use the marking, labeling, or container does not accept the determination of the chief of agriculture, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the chief of agriculture so directs, be withheld pending hearing and final determination by the chief of agriculture.

(3) Any such determination by the chief of agriculture shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appears before the Trial Division of the High Court Supreme Court of the Federated States of Micronesia."

Section 12. Section 513 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 513. Sanitation inspections - Authorized; Action on discovery of insanitary conditions.

(1) The chief of agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all plant product processing establishments, slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat or other food products thereof are prepared solely for export commerce, as may be necessary to inform himself concerning the sanitary conditions of the same,
and to prescribe the rules and regulations of sanitation under which such establishment shall be maintained.

(2) Where the sanitary conditions of any such establishments are such that the meat or food products there are rendered adulterated, he shall refuse to allow said meat or food products to be labeled, marked, stamped, or tagged as 'Territory Federated States of Micronesia - Inspected and Passed.'

Section 13. Section 514 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 514. Sanitation inspections - When made. The chief of agriculture shall cause an examination and inspection of all plants, cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments described in the preceding sections of this chapter for the purposes of export commerce, to be made during the nighttime, as well as during the daytime, when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products, is conducted during those hours."

Section 14. Section 515 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 515. Compliance with provisions of chapter required. No person, firm, or corporation shall, with respect to any plant product, cattle, sheep, swine, or goats or any carcasses, parts of carcasses, meat, or meat food products of any such animals:"
(1) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for export commerce, except in compliance with the requirements of this chapter;

(2) sell, transport, offer for sale or transportation, or receive for transportation, in export commerce:

(a) any such articles which:

(i) are capable of use as human food; and

(ii) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

(b) any articles required to be inspected under this chapter unless they have been so inspected and passed;

(3) do, with respect to any such articles which are capable of use as human food, any act while they are being transported in export commerce or held for sale after such transportation which is intended to cause or has the effect of causing such articles to be adulterated or misbranded."

Section 15. Section 518 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 518. Appointment of inspectors. The chief of agriculture shall appoint from time to time inspectors to make examination and inspection of all plant products, cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and
food products thereof, and of the sanitary conditions of all
establishments in which such meat and food products destined
for export are prepared."

Section 16. Section 519 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 519. Inspection required before marking. The inspec-
tors so appointed shall refuse to stamp, mark, tag, or label
any plant product, carcass or any part thereof, or any food
product therefrom, prepared in any such establishment, until the
same shall have been inspected and found to be unadulterated, and
shall perform such other duties as are provided by this chapter
and by the rules and regulations to be prescribed by the chief of
agriculture from time to time as are necessary for the efficient
execution of the provisions of this chapter."

Section 17. Section 521 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 521. Bribery - Bribery of officials. Any person, firm,
or corporation, or any agent or employee of any person, firm,
or corporation, who shall give, pay, or offer, directly or
indirectly, to any inspector, deputy inspector, chief inspector,
or any other officer or employee of the Trust Territory Federated
States of Micronesia authorized to perform any of the duties
prescribed by this chapter or by the rules and regulations of the
chief of agriculture, any money or other thing of value, with
intent to influence said inspector, deputy inspector, chief
inspector, or other officer or employee of the Federated States of Micronesia in the discharge of any duty specified in this chapter, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than $1,000 nor more than $5,000, and by imprisonment for not less than one year nor more than three years."

Section 18. Section 522 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 522. Bribery - Accepting bribe. Any inspector, deputy inspector, chief inspector, or other officer or employee of the Federated States of Micronesia authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in export commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine of not less than $1,000 nor more than $5,000 and by imprisonment of not less than one year nor more than three years."

Section 19. Section 523 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:
"Section 523. Control of handling and storage.

(1) The chief of agriculture may, by regulations, prescribe
conditions under which plant products, carcasses, parts of
carcasses, meat, and meat food products of cattle, sheep,
swine, or goats, capable of use as human food,
shall be stored or otherwise handled by any person, firm, or
corporation engaged in the business of buying, selling, freezing,
storing, or transporting, in or for export commerce, such
articles, whenever the chief of agriculture deems such action
necessary to assure that such articles will not be adulterated
or misbranded when delivered to the consumer.

(2) The violation of any such regulations promulgated by
the chief of agriculture under the authority of this section
is prohibited."

Section 20. Section 525 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 525. Maintenance and inspection of records; Inspe-
tion of facilities and inventory.

(1) The following classes of persons, firms, and corpora-
tions shall keep such records as will fully and correctly dis-
close all transactions involved in their businesses that
directly relate to the activities sought to be regulated by
this chapter, and all such persons, firms, and corporations
subject to such requirements shall, at all reasonable times,
upon notice from the chief of agriculture, afford access to their
places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value thereof:

(a) any persons, firms, or corporations that engage for export commerce, in the business of slaughtering any plant product, cattle, sheep, swine, or goats, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, or any such animals, for use as human food or animal food;

(b) any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers, or otherwise), or transporting in export commerce, or storing in or for such commerce, any carcasses or parts or products of carcasses, of any such animals;

(c) any persons, firms, or corporations that engage in business, in or for export commerce, as renderers, or engage in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, or goats, or parts of the carcasses of any such animals that die otherwise than by slaughter or diseased plant products.

(2) Any records required to be maintained under this section shall be maintained for such period of time as the chief of agriculture may, by regulations, prescribe."

Section 21. Section 526 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 526. Registration of business. No person, firm, or corporation shall engage in business, in or for export commerce, as a plant product or meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any plant products, carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, or goats, whether intended for human food or other purposes, or engage in businesses as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, or diseased plant product, unless, when required by regulations of the chief of agriculture, he has registered with the chief of agriculture his name, and the address of each place of business at which, and all trade names under which, he conducts such business."

Section 22. Section 528 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 528. Withdrawal of inspection services.

(1) The chief of agriculture may, indefinitely, or for such period as he deems necessary to effectuate the purposes of this chapter, refuse to provide, or withdraw, inspection services with respect to any establishment if he determines,
after opportunity for a hearing is accorded to the applicant for,

or recipient of, such service, that such applicant or recipient

is unfit to engage in any business requiring inspection under

this chapter because the applicant or recipient, or anyone

responsibly connected therewith, has been convicted in any court

of the Trust Territory Federated States of Micronesia or any

United States Federal or State court of a violation of

any law based upon the acquiring, handling, or distributing of

unwholesome, mislabeled, or deceptively packaged plant or meat

products or upon fraud in connection with transactions in food.

(2) This section shall not affect in any way any other

provisions of this chapter for the withdrawal of inspection

services under this chapter from establishments failing to

maintain sanitary conditions or to destroy condemned carcasses,

parts, meat, or meat food products.

(3) For the purposes of this section, a person

shall be deemed to be responsibly connected with

the business if he was a partner, officer, director,

holder, or owner of ten percent or more of its

voting stock, or an employee thereof in a managerial or

executive capacity. The determination and order of the chief of

agriculture with respect thereto under this section shall be

final and conclusive unless the affected applicant for, or

recipient of, inspection service files application for judicial

review within thirty days after the effective date of
such order in the appropriate court as provided in section 531
of this chapter. Judicial review of any such order shall be
upon the record upon which the determination and order were
based."

Section 23. Section 529 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 529. Detention of adulterated products; Removal of
official markings.

(1) Whenever any carcass, part of a plant product,
carcass, meat, or meat food product of cattle, sheep, swine, or
goats, or any product exempted from the definition of a meat
food product, or any dead, dying, disabled cattle,
sheep, swine, or goat, or diseased plant product is found by
any authorized representative of the chief of agriculture upon
any premises where it is held for purposes of or during or after
distribution in export commerce, and there is reason to believe
that any such article is adulterated or misbranded and is capable
of use as human food, or that it has not been inspected, in vio-
lation of the provisions of this chapter, or that such article
or animal has been or is intended to be distributed in violation
of any such provisions, it may be detained by such represen-
tative for a period not to exceed twenty days, pending action
under section 530 of this chapter, and shall not be moved by any
person, firm, or corporation from the place at which it is
located when so detained, until released by such representative.
(2) All official marks may be required by such repre-
sentative to be removed from such article or animal before it is
released unless it appears to the satisfaction of the chief of
agriculture that the article or animal is eligible to retain
such marks."

Section 24. Section 530 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 530. Seizure and condemnation.

(1) Any carcass, part of a plant product, carcass, meat,
or meat food product of cattle, sheep, swine, or goats or any
dead, dying, disabled, or diseased cattle, sheep, swine, or goat,
that is being transported in export commerce, and that:

(a) is being or has been prepared, sold, transported,
or otherwise distributed or offered or received for distribution
in violation of this chapter; or

(b) is capable of use as human food and is adulter-
ated or misbranded; or

(c) in any other way is in violation of this chapter,
shall be liable to be proceeded against and seized and condemned,
at any time, on a libel of information in any proper court as
provided in section 531 of this chapter within the jurisdiction
of which the article or animal is found.

(2) If the article or animal is condemned, it shall, after
entry of the decree, be disposed of by destruction or sale as the
court may direct and the proceeds, if sold, less the court costs
and fees, and storage and other proper expenses, shall be paid
into the Treasury of the **Tūlū Tētēlēhēr Tulated States of
Micronesia**.

(3) Such articles or animals shall not be sold contrary
to the provisions of this chapter.

(4) Upon the execution and delivery of a good and suffi-
cient bond, conditioned that the article or animal shall not be
sold or otherwise disposed of contrary to the provisions of
this chapter, or the laws of the **Tūlū Tētēlēhēr Tulated
States of Micronesia**, the court may direct that such article
or animal be delivered to the owner thereof subject to such
supervision by authorized representatives of the chief of
agriculture as is necessary to insure compliance with the
applicable laws.

(5) When a decree of condemnation is entered against the
article or animal and it is released under bond, or destroyed,
court costs, fees, storage, and other proper expenses shall
be awarded against the person, if any, intervening as claimant
of the article or animal.

(6) The proceedings in such libel cases shall conform, as
nearly as may be, to the proceedings in admiralty, and all such
proceedings shall be at the suit of and in the name of the
**Tūlū Tētēlēhēr Tulated States of Micronesia**.

(7) The provisions of this section shall in no way dero-
gate from authority for condemnation or seizure conferred by
other provisions of this chapter, or other laws of the
Territory Federated States of Micronesia."

Section 25. Section 531 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 531. Judicial enforcement. The Trial Division of
the High Court Supreme Court of the Federated States of Micron-
esia is vested with jurisdiction specifically to enforce,
and to prevent and restrain violations of this chapter, and
shall have jurisdiction in all other kinds of cases arising
under this chapter."

Section 26. Section 532 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 532. Obstructing enforcement of chapter.

(1) Any person who forcibly assaults, resists, opposes,
impedes, intimidates, or interferes with any person while en-
gaged in or on account of the performance of his official
duties under this chapter shall be fined not more than $5,000,
or imprisoned for not more than three years, or both.

(2) Any person who, in the commission of any acts pro-
hibited by subsection (1) of this section, uses a deadly or
dangerous weapon, shall be fined not more than $10,000, or
imprisoned not more than ten years, or both.

(3) Any person who kills any person while engaged in
or on account of the performance of his official duties under
this chapter shall be punished as provided in

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Section 27. Section 537 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 537. Investigative powers of Attorney General - Judicial sanctions.

(1) Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In case of disobedience to a subpoena the Attorney General may invoke the aid of any court designated in section 531 of this chapter requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) Any of the courts designated in section 531 of this chapter within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation to appear before the Attorney General, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) Upon the application of the Attorney General of the Federated States of Micronesia, the Trial Division of the High Court Supreme Court of the Federated
States of Micronesia shall have jurisdiction to issue writs of
of mandamus commanding any person, firm, or corporation to
comply with the provisions of this chapter or any order of the
Attorney General made in pursuance thereof."

Section 28. Section 539 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 539. Investigation by Attorney General - Witness
fees. Witnesses summoned before the Attorney General shall
be paid the same fees and mileage that are paid witnesses in
the courts of the Trust Territory Federated States of Micron-
nesia, and witnesses whose depositions are taken and the
persons taking the same shall severally be entitled to the
same fees as are paid for like services in such courts."

Section 29. Section 542 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 542. Penalty for willful falsification of records
and refusal to permit examination of documents. Any person,
firm, or corporation that shall willfully make, or cause to
be made, any false entry or statement of fact in any report
required to be made under this chapter, or that shall will-
fully make, or cause to be made, any false entry in any
account, record, or memorandum kept by a person, firm, or
corporation subject to this chapter, or that shall willfully
neglect or fail to make or cause to be made, full, true, and
correct entries in such accounts, records, or memoranda, of
all facts and transactions appertaining to the business of such
person, firm, or corporation, or that shall willfully remove
out of the jurisdiction of the Trust Territory Federated States
of Micronesia, or willfully mutilate, alter, or by any other
means falsify, any documentary evidence of any such person,
firm, or corporation, or that shall willfully refuse to submit
to the Attorney General or to any of his authorized agents, for
the purpose of inspection and taking copies, any documentary
evidence of any such person, firm, or corporation in his
possession or within his control, shall be deemed guilty of an
offense and shall be subject, upon conviction in any court of
competent jurisdiction, to a fine of not less than $1,000, nor
more than $5,000, or to imprisonment for a term of not more
than three years, or to both such fine and imprisonment."

Section 30. Section 543 of title 22 of the Code of the Federated
States of Micronesia is hereby amended to read as follows:

"Section 543. Penalty for failure to file reports. If any
person, firm, or corporation required by this chapter to file
any annual or special report shall fail to do so within the
time fixed by the Registrar of Corporations for filing the
same, and such failure shall continue for thirty days after
notice of such default, such person, firm, or corporation
shall forfeit to the Trust Territory Federated States of
Micronesia, the sum of $100 for each and every day of the
continuance of such failure, which forfeiture shall be payable
into the treasury of the Trust Territory Federated States of Micronesia and shall be recoverable in a civil suit in the name of the Trust Territory Federated States of Micronesia brought in the Trial Division of the High Court of the Federated States of Micronesia. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the Trust Territory Federated States of Micronesia, to prosecute for the recovery of such forfeitures."

Section 31. Section 544 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 544. Penalty for unauthorized disclosure of information. Any officer or employee of the Trust Territory Federated States of Micronesia who shall make public any information obtained by the Registrar of Corporations without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court."

Section 32. Section 546 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 546. Ratification of rules and regulations. The rules and regulations authorized by this chapter to be promulgated by the chief of agriculture shall be temporary until their ratification by the Congress of the Federated States of Micronesia."
Micronesia; provided, that should the Congress of the Federated States of Micronesia fail to reject or ratify such rules and regulations within eighteen months after they are published, they shall have the effect of law as if they had been formally ratified."

Section 33. 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: 3/26/86

Introduced by: Elias H. Thomas

[Signature]

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