A BILL FOR AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-21, 6-9 and 6-38, by adding new sections 802, 803 and 804 of chapter 8, for the purpose of prohibiting the advertisement and sale to minors of tobacco products, intoxicating beverages and narcotic drugs, and for other purposes.

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

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

"Section 802. Advertising of harmful products.

(1) No manufacturer, retailer, distributor of tobacco products or other person shall advertise or promote by billboard, radio, television, public broadcast, handout, device or otherwise for commercial purposes:

(a) cigarettes, cigar, pipe tobacco, chewing tobacco, snuff or other tobacco products;

(b) beer, wine, liquor or other intoxicating beverages except sakau (Piper methysticum); or

(c) narcotic drugs as defined in title 11 of this code.

(2) Notwithstanding the prohibitions of subsection (1) of this section, nothing herein shall prohibit a commercial vendor from advertising prices of legal products by hand-drafted signs; PROVIDED, however, that such signs are inside of the vendor's premises and not visible to the public from outside of the vendor's premises.

(3) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $5,000 per offense, or imprisoned not more than 30 days per offense, or both."
Section 2. Title 41 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 803 of chapter 8 to read as follows:

"Section 803. Providing harmful products to minors.

(1) No manufacturer, retailer, distributor of tobacco products or other person shall sell, give or otherwise provide or distribute cigarettes, cigars, pipe tobacco, chewing tobacco, snuff or other tobacco products, intoxicating beverages except sakau (Piper methysticum), or narcotic drugs without a doctor’s prescription to a person 17 years of age or younger.

(2) To ensure compliance with section 802 and section 803 subsection (1), random, unannounced inspections will be conducted periodically by an appropriate law enforcement agency of retail or other establishments where tobacco products, intoxicating beverages and narcotic drugs are manufactured, sold or distributed.

(3) Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $5,000 per offense, or imprisoned not more than 30 days per offense, or both."

Section 3. Title 41 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 804 of chapter 8 to read as follows:

"Section 804. Posting signs.

(1) Signs shall be prominently posted in all retail or
other establishments where tobacco products, intoxicating
beverages or narcotic drugs are sold or distributed, on
which are printed the text of section 803, subsections (1)
and (3) of this title. The signs shall be printed in the
language predominantly spoken in the area where the
establishment is located and in English, in letters designed
to be easily read, at least one-half inch high.

(2) Any person who violates the provisions of this
section shall be guilty of a misdemeanor, and upon conviction
thereof shall be fined not more than $500 per offense, and
be required to comply with the requirements of this section
immediately."

Section 4. 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: Oct 15, 1993

Introduced by: Nishima Yleizah