

A BILL FOR AN ACT

To prohibit the importation of e-Cigarettes into the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Purpose.

2 The purpose of this bill is to ban the importation of e-
3 Cigarettes into the Federated State of Micronesia. The health of
4 our citizens is the FSM national government’s utmost priority.
5 Our youth are at a unique risk to the serious harmful health
6 effects of e-Cigarette smoking, also known as vaping, which can
7 impact brain development, and behavior and impulse control.
8 Vaping can lead to nicotine addiction, and the use of other
9 drugs and tobacco products. Our citizens with underlying health
10 conditions are also at a particular risk due to e-Cigarette’s
11 impact on the respiratory system.

12 Section 2. Short title.

13 This Act may be referred to as the “e-Cigarette Import
14 Control Act.”

15 Section 3. Definitions.

16 (1) “Customs Administration” means the Customs and
17 Tax Administration under the FSM Department of Finance
18 and Administration.

19 (2) “Division of Immigration” means the Division of

1 Immigration and Passport Services under the FSM
2 Department of Justice;

3 (3) "e-Cigarette" or "electronic cigarette" means an
4 electronic device that simulates tobacco smoking
5 through the use of a battery containing a
6 solution of nicotine, additives, compounds and/or
7 chemicals, which produces a vapor, aerosol or
8 mist for the user to inhale.

9 (4) "FSM" means the Federated States of Micronesia;

10 (5) "Importer" means any person, company, or entity
11 by or for whom any goods are imported, and
12 includes the consignee and any other person who
13 is beneficially interested in the goods;

14 (6) "Inspect" or "Inspection" means an official
15 examination, conducted on-site by the Customs
16 Administration and/or Division of Immigration
17 authority to determine compliance with laws,
18 regulations, and standards at any FSM port of
19 entry; and

20 (7) "Secretary of Justice" means the Secretary of the
21 Department of Justice.

22 Section 4. Prohibition on the Import of e-Cigarettes.

23 It shall be unlawful for any importer to bring and/or import e-
24 Cigarettes into the Federated States of Micronesia.

25 Section 5. Enforcement Authority.

1 (1) Seizure and Destruction.

2 The Department of Justice shall have the authority to seize
3 and destroy e-Cigarette(s) upon inspection based on reasonable
4 suspicion at any port of entry. Within 14 days of the Department
5 of Justice seizure of e-Cigarette(s) at the port of entry, the
6 Department of Justice shall destroy any e-Cigarette(s) seized,
7 including the destruction, proper disposal and/or recycling of
8 e-Cigarette batteries.

9 (2) Administrative Penalty.

10 The Department of Justice shall have the authority to
11 establish administrative penalties by regulation for violation
12 of the prohibition on the import of e-Cigarettes in accordance
13 with the rulemaking requirements under Title 17 of the Code of
14 the Federated States of Micronesia. Any administrative penalties
15 imposed pursuant to this section are subject to administrative
16 review under title 17 of the Code of the Federated States of
17 Micronesia.

18 Section 6. Records Management Requirements.

19 The Department of Justice shall maintain electronic records
20 of all e-Cigarettes seized and destroyed for a minimum of 10
21 years, including a record on the destruction, disposal and
22 recycle of e-Cigarette batteries."

23 Section 7. Regulation Requirements.

24 The Secretary of Justice shall promulgate regulations to
25 implement and enforce this Act within 30 calendar days of this

1 Act becoming law.

2 Section 8. This act shall become law upon approval by the
3 President of the Federated States of Micronesia or upon it
4 becoming law without such approval.

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6 Date: 4/6/23

Introduced by: /s/ Ferny S. Perman
Ferny S. Perman

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