

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

31ST CONSTITUTIONAL REGULAR SESSION, 2010

BILL NO: 39ND1

P.L. 2010-39

AN
ACT

1 to prohibit importation, distribution and selling of betelnut; to prohibit the use of betelnut by
2 minors, and for matters related thereto.

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4 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS:**

5 Section 1. **Short title.**

6 This Act may be cited as the Betelnut Prohibition Act, 2010.

7 Section 2. **Interpretation.**

8 In this Act, unless the context otherwise requires:

9 (a) **“betelnut”** means and refers to the fruit or nut of any variety of the palm *“Areca catechu”*;

10 (b) **“distribution”** means to supply, give or deliver to another person;

11 (c) **“import”** means to bring into the Republic from a foreign source;

12 (d) **“litter”** means the unauthorized throwing or spitting or placing or dumping or discharging of
13 betelnut spittle or substances or refuse in places accessible to the public;

14 (e) **“minor”** means person under the age of 18 years;

15 (f) **“person”** includes any individual, corporation, firm, association or partnership;

16 (g) **“personal consumption”** means importation of betelnut for personal use or chewing;

17 (h) **“places accessible to the public”** means a public road or public building or public vehicle or
18 public place includes any place to which the public is admitted or is allowed. any private land
19 near or adjacent to any public road or public place, a beach, the foreshore or the lagoon;

20 (i) **“Republic”** means the Republic of the Marshall Islands;

21 (j) **“selling”** means to exchange betelnut for cash or other items;

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2 Section 3. **Importation, distribution or selling of betelnut prohibited.**

3 (1) No person shall import, distribute or sell betelnut in the Republic.

4 (2) Nothing in this Section may prohibit the importation of betelnut purposely for personal
5 consumption.

6 Section 4. **Use and possession of betelnut by minors prohibited.**

7 No minor shall publicly in possession of, and use of betelnut in any form. Any betelnut found in
8 the possession of a minor shall be presumed to be the property of that person and shall be
9 confiscated.

10 Section 5. **Offense and Penalties.**

11 (1) Any person who violates Section 3 of this Act shall be guilty of an offense and upon
12 conviction:

13 (a) for a first offender, liable to thirty (30) days imprisonment or one hundred dollars
14 (\$100) fine or both.

15 (b) for a repeated offender, liable to 3 months imprisonment or three hundred dollars
16 (\$300) fine or both.

17 (2) Any person who violates Section 4 shall be guilty of an offense and upon conviction:

18 (a) for first offender, liable to 5 days community service or fine one hundred dollars
19 (\$100);

20 (b) for repeated offender, liable to 10 days community service or fine two hundred dollars
21 (\$200).

1 Section 6. **Seizure, Forfeiture and Destruction**

2 (1) Any quantity of betelnut imported, distributed for the purposes of sale in violation of
3 Section 3, other than for personal consumption, shall be subject to seizure and destruction by an
4 immigration officer, custom officer, ports officer or any police officer.

5 (2) Any proceeds realized by any of the officers mentioned in Subsection (1), or proceeds
6 forfeiture thereof shall be deposited into the Ministry of Justice Special Revenue Fund, and to be
7 utilized for the purposes of that Fund.

8 Section 7. **Prohibition of littering**

9 (1) It shall be unlawful under this Act and the provisions of the Littering Act, 1982, for a
10 person to discharge betelnut spittle, substances or refuse in places accessible to the public.

11 (2) Any person who violates Subsection (1) is guilty of an offence shall upon conviction
12 liable to a fine not less than fifty dollars (\$50) and or subject to a community service for one
13 week.

14 Section 8. **Issuance of citation notice**

15 (1) A police officer, or a peace officer appointed under Section 151(1) of the Local
16 Government Act 1980 may issue a citation to a person that has or is committing an
17 offence under this Act.

18 (2) The officer must inform the person to whom the notice has been issued that he or she
19 may elect to pay the fine or go to court in the usual manner.

1 (3) The Court shall ensure that all fines imposed and collected under this Act shall be
2 deposited into the Ministry of Justice Special Revenue Fund, and to be utilized for the purposes
3 of that Fund.

4 Section 9. **Effective Date**

5 This Act shall take effect on the date of certification in accordance with the Constitution
6 of the Republic of the Marshall Islands and Rules of Procedures of the Nitijela.

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9 **CERTIFICATE**

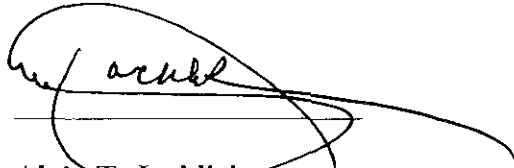
10 **I hereby certify:**

11 1. That Nitijela Bill No: 39ND1 was passed by the Nitijela of the Republic of the Marshall
12 Islands on the 23rd day of February, 2010; and

13 2. That I am satisfied that Nitijela Bill No: 39ND1 was passed in accordance with the
14 relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of
15 Procedures of the Nitijela.

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17 I hereby place my signature before the Clerk this 19th day of March, 2010

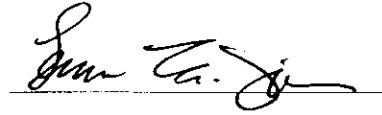
Attest:



Alvin T. Jackliek

Speaker

Nitijela of the Marshall Islands



Lena E. Tiobech

Acting Clerk

Nitijela of the Marshall Islands

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