
A BILL FOR AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, by amending Chapter 10 to further promote, preserve and protect the public's health, safety and welfare by regulating the marketing of certain foods, feeding bottles, teats and pacifiers to ensure safe and adequate nutrition for infants and young children, and for other purposes.

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

1 Section 1. Title 41 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 1001
3 of chapter 10 to read as follows:

4 "Section 1001. Short Title and Effective Date.

5 (1) This act shall be known and cited as the
6 "Federated States of Micronesia [~~Infant Formula and~~
7 ~~Food~~] Marketing of Foods and Related Products for Infant
8 and Young Children Act.'

9 (2) This act shall come into effect 90 days after
10 enactment."

11 Section 2. Title 41 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 1002
13 of chapter 10 to read as follows:

14 "Section 1002. Policy Declaration. It is the intent of
15 this chapter to promote, preserve and protect the
16 public's health, safety and welfare by regulating the
17 marketing of certain foods, feeding bottles, teats and
18 pacifiers to ensure safe and adequate nutrition for

1 infants and young children.”

2 Section 3. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 1003
4 of chapter 10 to read as follows:

5 “Section 1003. Definitions. In this chapter, unless
6 the context otherwise requires, the following words and
7 phrases shall have the following meanings:

8 (1) ‘To advertise’ means to make any representation by
9 any means whatsoever for the purpose of promoting the
10 sale or disposal of a designated product including but
11 not limited to:

12 (a) written publication, television, radio, film
13 electronic transmission, internet, video or telephone;

14 (b) display of signs, billboards, notices; or

15 (c) exhibition of pictures or models.

16 (2) ‘Advisory Board’ means a Board established
17 pursuant to section 1016 of this chapter.

18 (3) ‘Complementary food’ means any food suitable or
19 represented as suitable as an addition to breast milk,
20 infant formula or follow-up formula.

21 (4) ‘Container’ means any form of packaging of a
22 designated product for sale as a retail unit, including
23 wrappers.

24 (5) ‘Designated product’ means:

25 (a) infant formula;

1 (b) any other product marketed or otherwise
2 represented as suitable for [~~feeding infants~~] feeding
3 infants and young children up to the age of two years;

4 (c) follow-up formula (follow-up milk/formula)
5 an infant formula that is most often recommended by the
6 manufacturer for babies older than six months;

7 (d) feeding bottles, teats, training cups
8 (sipper cups);

9 (e) any food product marketed or otherwise
10 represented as advisable for pregnant and breastfeeding
11 women;

12 (f) pacifiers; and

13 (g) such other products as the Secretary of
14 Health may, by regulation, declare to be a 'designated
15 product' for purposes of this chapter.

16 (6) 'Distributor' means a person, corporation or other
17 entity in the business, whether wholesale or retail, of
18 marketing any designated product.

19 (7) 'Follow-up formula' means [~~an animal or vegetable~~
20 ~~based milk product formulated industrially and marketed~~
21 ~~or otherwise represented as suitable for feeding infants~~
22 ~~and young children older than six months of age.] a milk
23 or milk-like product of animal or vegetable origin
24 formulated industrially in accordance with Codex
25 Alimentarius Standard for infant formula and intended to~~

1 satisfy the nutritional requirements of infants and
2 young children older than six months of age, including
3 follow-up formula for special medical and/or nutritional
4 requirement.

5 (8) 'Health care facility' means a public or private
6 institution or organization or private practitioner
7 engaged directly or indirectly in the provision of
8 health care centers, nurseries or other infant-care
9 facilities.

10 (9) 'Health professional' means a medical
11 practitioner, nurse, midwife, nutritionist, hospital
12 administrator or such other person as may be specified
13 by the Secretary.

14 (10) 'Health worker' means a person providing or in
15 training to provide health care services in a health
16 care facility, whether professional or non-professional
17 including voluntary unpaid workers.

18 (11) 'Infant' means a child from birth up to the age of
19 6 months.

20 (12) 'Infant formula' means [~~product of an animal or~~
21 ~~vegetable-based milk formulated industrially in~~
22 ~~accordance with the Codex Alimentarius Standard for~~
23 ~~infant formula and intended to: satisfy the nutritional~~
24 ~~requirements of infants from birth and/or during the~~
25 ~~first six months; or be used as the sole source of~~

1 ~~nourishment for infants up to the age of 6 months.] a~~
2 milk or milk-like product of animal or vegetable origin
3 formulated industrially in accordance with Codex
4 Alimentarius Standards for infant formula and intended
5 to satisfy the nutritional requirements of infants from
6 birth and/or during the first six months, including
7 formula for special medical and/or nutritional
8 requirements.

9 (13) 'Inspector' means an inspector appointed under
10 Section 1020 of this chapter.

11 (14) 'Label' means a tag, mark, pictorial or other
12 descriptive matter, written, printed, stenciled, marked,
13 embossed, attached or otherwise appearing on a container
14 of a designated product.

15 (15) 'Manufacturer' means a person, corporation or
16 other entity engaged in the business of manufacturing a
17 designated product whether directly, through an agent,
18 or through a person controlled by or under an agreement
19 with it.

20 (16) 'To market' means to promote, distribute, sell, or
21 advertise a designated product and includes product
22 public relations and information services.

23 (17) 'Medical Officer' means a person who has graduated
24 from the Pacific Basin Medical Officers Training Program
25 as a certified Medical Officer, or a graduate of any

1 other medical training institution as the Secretary may
2 declare by regulation.

3 (18) 'Pacifier' means an artificial teat for babies to
4 suck.

5 (19) 'To promote' means to employ any method of
6 directly or indirectly encouraging a person to purchase
7 or use a designated product.

8 (20) 'Sample' means a single or small quantity of a
9 designated product provided without cost.

10 (21) 'Secretary' means the Secretary of the Department
11 of Health, Education and Social Affairs.

12 (22) 'Young Child' means a child from the age of 12
13 months up to the age of three years (36 months)."

14 (23) "Gift" means anything in the form of (food or food
15 products, money, material, supplies, equipments,
16 services, toys, etc.) that are given to voluntarily for
17 free or without compensation;

18 (24) "Sale" means any exchange of goods or services for
19 an amount of money or its equivalent.

20 Section 4. Title 41 of the Code of the Federated States of
21 Micronesia is hereby further amended by adding a new section 1004
22 of chapter 10 to read as follows:

23 "Section 1004. Sale of a designated product.

24 (1) No designated product shall be offered for sale or
25 sold other than through a licensed pharmacy. [~~o~~]

1 ~~hospital, by prescription from a licensed doctor or~~
2 ~~medical officer.]~~

3 (2) A person shall not distribute for sale, sell,
4 stock or exhibit for a sale any designated product that:

5 (a) is not registered or is not in accordance
6 with the conditions of its registration;

7 (b) has reached its expiration date; or

8 (c) is not in its original container.”

9 Section 5. Title 41 of the Code of the Federated States of
10 Micronesia is hereby further amended by adding a new section 1005
11 of chapter 10 to read as follows:

12 “Section 1005. Promotion.

13 (1) A manufacturer or distributor shall not himself,
14 or by any other person on his behalf, promote any
15 designated product at the point-of-sale, in a health
16 care facility or elsewhere. Prohibited promotional
17 practices include but are not limited to:

18 (a) advertising;

19 (b) sales devices such as special displays,
20 discount coupons, premiums, rebates, special sales,
21 loss-leaders, tie-in sales, prizes or gifts, provided
22 that this section shall not restrict the establishment
23 of pricing policies and practices intended to provide
24 designated products at lower prices on a long-term
25 basis;

1 (c) giving of one or more samples of a
2 designated product to any person;

3 (d) donation or distribution of information or
4 educational material regarding infant or young child
5 feeding or performance of educational functions related
6 to infant or young child feeding, provided that
7 manufacturers and distributors may provide information
8 about designated products to health professionals only
9 if such information is restricted to scientific and
10 factual matters regarding the technical aspects and
11 methods of use of designated products, and is otherwise
12 in accordance with this chapter.

13 (2) A manufacturer or distributor shall not himself,
14 or by any other person on his behalf:

15 (a) donate or provide at lower than the published
16 wholesale price where one exists, and in its absence,
17 lower than 80 percent of the retail price any quantity
18 of a designated product to a health care facility;

19 (b) donate to distribute within a health care
20 facility equipment or services, or materials including
21 but not limited to pens, calendars, posters, note pads,
22 growth charts and toys, which may promote the use of a
23 designated product;

24 (c) offer or give any gift, contribution or
25 benefit to a health worker or associations of health

1 workers engaged in maternal and child health, including
2 but not limited to fellowship, research grants or
3 funding for attendance of meetings, seminars, continuing
4 education courses or conferences;

5 (d) sponsor events, contests, telephone
6 counseling lines or campaigns aimed at pregnant or
7 lactating women, parents of infants or young children,
8 or members of their families, nor sponsor events,
9 contests, telephone counseling lines or campaigns
10 related to but not limited to fertility, pregnancy,
11 childbirth, infant or young child feeding or related
12 topics; or

13 (e) include the volume of sales of designated
14 products when calculating employee remuneration or
15 bonuses, or incentives for distributors, retailers or
16 any other person on their behalf, nor set quotas for
17 sales of designated products.

18 (3) A health worker engaged in maternal and child
19 health shall not:

20 (a) accept any gift large or small, contribution
21 or benefit, financial or otherwise, of whatever value
22 from a manufacturer or distributor or any person on his
23 behalf;

24 (b) accept or give samples of designated
25 products to any persons; or

1 (c) demonstrate the use of infant formula except
2 to individual mothers or members of their families in
3 very special cases of need, and in such cases, shall
4 give a clear explanation of the hazards of the use of
5 infant formula as well as the other information required
6 by this chapter."

7 (d) there should be no donation or low-price
8 sale of supplies of designated products to any part of
9 the health care system as per WHA Resolution 47.5
10 (1994).

11 Section 6. Title 41 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 1006
13 of chapter 10 to read as follows:

14 "Section 1006. Prohibitions related to labels of
15 designated products. A manufacturer or distributor
16 shall not offer for sale or sell a designated product,
17 other than a feeding bottle, teat or pacifier unless the
18 container or label affixed thereto does not have
19 pictures or graphics of infants, women or other graphics
20 that may idealize the use of the product and indicates
21 in a clear, conspicuous and easily readable manner that
22 following particulars:

23 (1) Instructions for appropriate preparation and use
24 in words and in easily understood graphics;

25 (2) The age for which the product is recommended in

1 easily understood symbols according to rules as may be
2 prescribed by the Secretary;

3 (3) A warning about the health hazards of improper
4 preparation and of introducing the product prior to the
5 recommended age;

6 (4) The ingredients used, specifying the origin of any
7 milk product;

8 (5) The composition and analysis;

9 (6) The required storage conditions both before and
10 after opening;

11 (7) The batch number, date of manufacture and date
12 before which the product is to be consumed, taking into
13 account climatic and storage conditions;

14 (8) The name and address of the manufacturer and the
15 distributor; and

16 (9) Such other particulars as may be prescribed by the
17 Secretary."

18 Section 7. Title 41 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section
20 1007 of chapter 10 to read as follows:

21 "Section 1007. Prohibitions related to labels of infant
22 formula and follow-up formula.

23 (1) A manufacturer or distributor shall not offer for
24 sale or sell infant formula or follow-up formula for
25 infants [~~up to 1 year of age~~] unless the container for

1 label affixed thereto, in addition to the requirements
2 of section 1006 of this chapter:

3 (a) contains the words 'important notice' in
4 capital letters and indicated there under, is the
5 statement 'This milk is for babies deprived of their
6 mothers' milk'. It protects against diarrhea and other
7 illnesses, in characters no less than one-third the size
8 of the characters in the product name, and in no case
9 less than 3 mm in height;

10 (b) [~~This product should only be used upon the~~
11 ~~advice of health professional. It is important for your~~
12 ~~baby's health that you follow all preparation~~
13 ~~instructions carefully. If you use a feed bottle, your~~
14 ~~baby may refuse to feed from the breast. It is safer to~~
15 ~~feed from a cup in characters no less than one third the~~
16 ~~size of the letters of the product name, and in no case~~
17 ~~less than 1.5 mm in height; and] "contains the 'warning'
18 and indicated there under, the statement, 'Before
19 deciding to supplement or replace breastfeeding with
20 this product, seek the advice of a health professional
21 because, in addition to other reasons, powdered infant
22 formula may be contaminated by harmful bacteria.
23 Powdered infant formula is not a sterile product", and;~~

24 (c) includes a feeding chart in the preparation
25 instructions and states that leftover formula should be

1 discarded.

2 (d) "for follow-up formula, the statement that
3 the product shall not be used for infants less than six
4 months of age."

5 (2) A manufacturer or distributor shall not offer for
6 sale or sell infant formula or follow-up formula in the
7 container or label affixed thereto:

8 (a) includes the terms 'materialized,'
9 'humanized' or their equivalent or any comparison with
10 breast-milk;

11 (b) uses text that may tend to discourage
12 breastfeeding; or

13 (c) includes a photograph, drawing or other
14 graphic representation other than for illustrating
15 methods of preparation."

16 Section 8. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 1008
18 of chapter 20 to read as follows:

19 "Section 1008. Prohibitions related to labels of
20 skimmed or condensed milk. A manufacturer or
21 distributor shall not offer for sale or sell skimmed or
22 condensed milk in powder or liquid form, unless the
23 container or label affixed thereto contains the words
24 'This product should not be used to feed infants' in
25 characters no less than 2 mm in height."

1 Section 9. Title 41 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 1009
3 of chapter 10 to read as follows:

4 Section 1009. Prohibitions related to labels to low-fat
5 and standard milk. A manufacturer or distributor shall
6 not offer for sale low-fat or standard milk in powder or
7 liquid form, unless the container or label affixed
8 thereto contains the words 'This product should not be
9 used as an infant's sole source of nourishment' in
10 characters no less than 2 mm in height."

11 Section 10. Title 41 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 1010
13 of chapter 10 to read as follows:

14 "Section 1010. Prohibitions related to labels of
15 bottles and teats. A manufacturer or distributor shall
16 not offer for sale or sell a feeding bottle or teat
17 unless it has a label that:

18 (1) Does not contain pictures or other graphics of
19 infants, women or any other graphic that may idealize
20 the use of the product; and

21 (2) Indicates in a clear, conspicuous and easily
22 readable manner, the following particulars:

23 (a) instructions for cleaning and sterilization
24 in words and graphics;

25 (b) the words 'important notice' in capital

1 letters and indicated there under, the statement
2 "~~[Breast milk is the best food for infants.]~~ "This
3 milk is for babies deprived of their mothers' milk." in
4 characters no less than one-third the size of the
5 letters of the product name and in no case less than 3
6 mm in height;

7 (c) the statement 'It is important for your
8 baby's health that you follow the cleaning and
9 sterilization instructions very carefully. If you use a
10 feeding bottle, your baby may no longer want to feed
11 from the breast' in characters no less than 1.5 mm in
12 height;

13 (d) a statement explaining that feeding with a
14 cup is safer than bottle feeding;

15 (e) a warning that use with sweetened liquids,
16 including infant formula, may cause tooth decay and

17 (f) the name and address of the manufacturer and
18 the distributor."

19 Section 11. Title 41 of the Code of the Federated States of
20 Micronesia is hereby further amended by adding a new section 1011
21 of chapter 11 to read as follows:

22 "Section 1011. Prohibitions related to labels of
23 pacifiers. A manufacturer or distributor shall not
24 offer for sale or sell a pacifier unless it is labeled
25 with the words 'Warning: use of pacifier can interfere

1 with breastfeeding' in characters no less than 1.5 mm in
2 height."

3 Section 12. Title 41 of the Code of the Federated States of
4 Micronesia is hereby further amended by adding a new section 1012
5 of chapter 10 to read as follows:

6 "Section 1012. Health Workers Responsibilities.

7 (1) Heads of health care facilities and national and
8 local health authorities shall take the appropriate and
9 necessary measures to encourage and protect
10 breastfeeding and to promote this chapter, and shall
11 give information and advice to health workers regarding
12 their responsibilities and particularly ensure that
13 health workers are familiar with all of the information
14 specified in this chapter.

15 (2) Health workers shall encourage, support and
16 protect breastfeeding. They are expected to know the
17 provisions of this chapter.

18 (3) Health workers shall work to eliminate practices
19 that directly or indirectly retard the initiation and
20 continuation of breastfeeding, such as prelacteal feeds.

21 (4) Each health worker shall make a written report to
22 the head of his or her work place, who shall in turn
23 report to the Advisory Board, of any offer he or she
24 receives for a sample or gift or other benefit by a
25 manufacturer or distributor or any other contravention

1 of the provisions of this chapter.”

2 Section 13. Title 14 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 1013
4 of chapter 10 to read as follows:

5 “Section 1013. Informational and Educational Materials
6 about Infant Feeding. Informational or educational
7 materials for distribution by public health or
8 educational agencies, intended to be comprehensive on
9 the subject of breastfeeding, whether written, audio or
10 visual, shall:

11 (1) Contain only correct and current information and
12 shall not use any pictures or text that encourages
13 bottle feeding or discourages breastfeeding;

14 (2) Not give an impression or create a belief that a
15 designated product is equivalent to, comparable with or
16 superior to breast milk or to breastfeeding;

17 (3) Not contain the name or logo of any designated
18 product nor of any manufacturer or distributor of a
19 designated product, provided that this provision shall
20 not be applicable to information about designated
21 products provided to health officials as authorized by
22 section 1005(1)(d) of this chapter; and

23 (4) Clearly and conspicuously explain each of the
24 following points:

25 (a) the benefits and superiority of

1 breastfeeding;

2 (b) the recommended duration of breastfeeding;

3 (c) how to initiate and maintain breastfeeding;

4 (d) how and why any introduction of bottle-
5 feeding or early introduction of complementary foods
6 negatively affects breastfeeding;

7 (e) why it is difficult to reverse a decision
8 not to breastfeed;

9 (f) the importance of timely introduction of
10 complementary foods;

11 (g) that complementary foods can easily be
12 prepared at home using local ingredients; and

13 (h) the value of sustaining breastfeeding for
14 two years or beyond.”

15 Section 14. Title 41 of the Code of the Federated States of
16 Micronesia is hereby further amended by adding a new section 1014
17 of chapter 10 to read as follows:

18 “Section 1014. Informational and educational materials
19 about infant formula, follow-up formula or feeding
20 bottles. If the materials referred to in section 1013
21 includes the topic of feeding infants with infant
22 formula, follow-up formula or any other food or drink by
23 feeding bottle, it must also include the following
24 points:

25 (1) Instructions for the proper preparation and use

1 of the product including cleaning and sterilization of
2 feeding utensils;

3 (2) How to feed infants with a cup;

4 (3) The health hazards of bottle-feeding and improper
5 preparation of the product; and

6 (4) The approximate financial cost of feeding an
7 infant with such a product in the recommended
8 quantities."

9 Section 15. Title 41 of the Code of the Federated States of
10 Micronesia is hereby further amended by adding a new section 1015
11 of chapter 10 to read as follows:

12 "Section 1015. Submission of materials to Advisory
13 Board. Any person who produces or distributes any
14 materials referred to in this chapter shall submit
15 copies to the Advisory Board according to procedures as
16 shall be prescribed."

17 Section 16. Title 41 of the Code of the Federated States of
18 Micronesia is hereby further amended by adding a new section 1016
19 of chapter 10 to read as follows:

20 "Section 1016. Implementation.

21 (1) The Secretary is principally responsible for the
22 implementation of this Act.

23 (2) For the purpose of implementing this Act, the
24 Secretary has the following powers and functions:

25 (a) to promulgate such rules as are necessary or

1 proper for the implementation of this Act and the
2 accomplishment of its purposes and objectives;

3 (b) to call for consultations with government
4 agencies and other interested parties to ensure the
5 implementation of and strict compliance with the
6 provisions of this chapter and the rules promulgated
7 hereunder;

8 (c) to cause the enforcement of this Act; and

9 (d) to exercise such other powers and functions
10 that may be necessary for or incidental to the
11 attainment of the purposes and objectives of this Act.”

12 Section 17. Title 41 of the Code of the Federated States of
13 Micronesia is hereby further amended by adding a new section 1017
14 of chapter 10 to read as follows:

15 “Section 1017. National Advisory Board for the
16 Promotion and Protection of Breastfeeding.

17 (1) There shall be a National Advisory Board for the
18 Promotion and Protection of Breastfeeding to be composed
19 of representatives from: the Department of Health,
20 Education and Social Affairs, MCH/Family Planning, Food
21 and Nutrition, National Food Inspection; the Department
22 of Finance and Administration, Revenue and Customs; and
23 Department of Justice, Immigration and Labor; and such
24 other persons as the Secretary may appoint as members of
25 the Advisory Board; provided that no person shall be

1 appointed who has any direct or indirect financial
2 interest in any designated product.

3 (2) The Secretary shall appoint the members of the
4 Advisory Board within 90 days of the date of enactment
5 of this Act.

6 (3) Any member of the Advisory Board may, at any time,
7 resign his or her office by writing to the Secretary or
8 shall vacate his or her office if the Secretary so
9 directs. A vacancy shall be filled in the same manner
10 as the original appointment for the balance of the
11 unexpired term.

12 (4) The Advisory Board may invite national or foreign
13 experts to take part in the meetings as observers and
14 may constitute committees or appoint experts for the
15 purpose of detailed study of any matter set before it."

16 Section 18. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section
18 1018 of chapter 10 to read as follows:

19 "Section 1018. Administration of the Board.

20 (1) The Secretary shall appoint officers of the Board
21 as he deems necessary to carry out the purposes of this
22 Act.

23 (2) The Advisory Board shall hire permanent staff
24 necessary to carry out its functions, subject to the
25 budgetary approval of Congress.

1 (3) The Advisory Board shall meet as often as it deems
2 necessary, but not less than once every other month at
3 such time and place as the Secretary shall indicate.”

4 Section 19. Title 41 of the Code of the Federated States of
5 Micronesia is hereby further amended by adding a new section 1019
6 of chapter 10 to read as follows:

7 “Section 1019. Powers and functions of the Advisory
8 Board.

9 (1) The Advisory Board has the following powers and
10 functions:

11 (a) to advise the President and the Secretary on
12 national policy for the promotion and protection of
13 breastfeeding;

14 (b) to create state committees to carry out the
15 functions of the Advisory Board at the state level, as
16 may be prescribed;

17 (c) to advise the Secretary on designing a
18 National strategy for development communication and
19 public education programs for the promotion of
20 breastfeeding; informational and educational materials
21 on the topic of infant feedings; continuing education
22 for health workers on lactation management and the
23 requirements of this chapter; curricula for students in
24 the health professions that include lactation management
25 and to ensure widespread distribution of an publicity

1 concerning this chapter, in a method as may be
2 prescribed;

3 (d) to review reports of violations or other
4 matters concerning this chapter;

5 (e) to issue instructions to inspectors as to
6 actions to be taken, or take such other actions as the
7 case may be, against any person found to be violating
8 the provisions of this act or the rules promulgated
9 pursuant thereto;

10 (f) to scrutinize materials submitted in
11 accordance with section 1015 and recommend appropriate
12 actions to be taken in the case of a violation of this
13 chapter; and

14 (g) such other powers and functions, including
15 the powers of an Inspector, as are conferred on it by
16 the provisions of this act and as may be prescribed.”

17 Section 20. Title 41 of the Code of the Federated States of
18 Micronesia is hereby further amended by adding a new section 1020
19 of chapter 10 to read as follows:

20 “Section 1020. Registration of designated products.

21 (1) The Secretary shall cause all designated products
22 to be registered in accordance with such conditions and
23 procedures as may be prescribed.

24 (2) The Secretary shall, in accordance with Title 17
25 of this Code, fix the date after which no designated

1 product that is not registered may be imported,
2 manufactured or sold.

3 (3) A person applying for registration of a designated
4 product shall furnish such information and samples as
5 may be prescribed.

6 (4) Once the registration of a designated product has
7 been approved, a Certificate of Registration shall be
8 issued.

9 (5) No certificate of Registration will be granted
10 unless the designated product is in accordance with the
11 requirements contained in this Act.”

12 Section 21. Title 41 of the Code of the Federated States of
13 Micronesia is hereby further amended by adding a new section 1021
14 of chapter 10 to read as follows:

15 “Section 1021. Inspectors. The Secretary shall appoint
16 such persons as he sees fit having the prescribed
17 qualifications to, be Inspectors for purposes of this
18 Act within such local limits as it may assign to them
19 respectively provided that no person who has any direct
20 or indirect financial interest in any designated product
21 shall be so appointed.”

22 Section 22. Title 41 of the Code of the Federated States of
23 Micronesia is hereby further amended by adding a new section 1022
24 of chapter 10 to read as follows:

25 “Section 1022. Power of inspectors.

1 (1) An inspector may, within the local limits for
2 which he or she is appointed:

3 (a) inspect any premises and all relevant
4 records where any designated product is imported,
5 manufactured, sold, stocked, exhibited for sale,
6 advertised or otherwise promoted;

7 (b) make referrals to the Department of Justice
8 for prosecution with respect to violations of this
9 chapter and the rules made pursuant thereto, and

10 (c) exercise such other powers as may be
11 prescribed."

12 Section 23. Title 41 of the Code of the Federated States of
13 Micronesia is hereby further amended by adding a new section 1023
14 of chapter 10 to read as follows:

15 "Section 1023. Procedure for inspectors.

16 (1) Inspectors shall inspect, not less than the
17 number of times as may be prescribed, the premises as
18 may be prescribed.

19 (2) After such inspection, the inspector shall submit
20 a report including any finding of a violation of this
21 chapter and the rules made pursuant thereto, to the
22 Advisory Board and seek instructions as to the action to
23 be taken in respect of such violation."

24 Section 24. Title 41 of the Code of the Federated States of
25 Micronesia is hereby further amended by adding a new section 1024

1 of chapter 10 to read as follows:

2 "Section 1024. Penalties.

3 (1) Any person who individually or on behalf of
4 any other person violates any provision of this chapter
5 shall be punishable with imprisonment for a term which
6 shall not be more than six months or a fine which shall
7 not be more than \$1,000, or both.

8 (2) Any person having been convicted of an
9 offense under subsection (1) and who is again convicted
10 of an offense under that subsection, shall be
11 punishable with imprisonment for a term of not more
12 than one year or a fine which shall not be more than
13 \$3,000, or both."

14 Section 25. Title 41 of the Code of the Federated States of
15 Micronesia is hereby further amended by adding a new section 1025
16 of chapter 10 to read as follows:

17 "Section 1025. Cease and desist order. The Secretary
18 shall have the power to make cease and desist orders
19 upon receiving a report from an inspector or the
20 Advisory Board of a violation of the provisions of this
21 chapter or the rules promulgated pursuant thereto."

22 Section 26. Title 41 of the Code of the Federated States of
23 Micronesia is hereby further amended by adding a new section 1026
24 of chapter 10 to read as follows:

25 "Section 1026. Certification of registration may be

1 suspended or revoked. Where any person has been found
2 to have rules any of the provisions of this chapter, or
3 the rules promulgated pursuant thereto, the Secretary,
4 upon written recommendation of the Advisory Board, and
5 after notice and an opportunity to be heard has been
6 given, may suspend or revoke any Certificate of
7 Registration that has been issued to that person
8 pursuant to this chapter.”

9 Section 27. Title 41 of the Code of the Federated States of
10 Micronesia is hereby further amended by adding a new section 1027
11 of chapter 10 to read as follows:

12 “Section 1027. Professional or business license may be
13 suspended or revoked. Where any health professional has
14 been found to have violated any provision of this
15 chapter, or the rules pursuant thereto, the Secretary
16 may recommend to the relevant authority the suspension
17 or revocation of any license for the practice of the
18 person’s profession or business.”

19 Section 28. Title 41 of the Code of the Federated States of
20 Micronesia is hereby further amended by adding a new section 1028
21 of chapter 10 to read as follows:

22 “Section 1028. Appeal. In accordance with
23 Title 17 of the Code, an aggrieved party may
24 appeal an administrative decision rendered by
25 the Secretary.”

1 Section 29. Title 41 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 1029
3 of chapter 10 to read as follows:

4 "Section 1029. Public enforcement.

5 (1) Any person has the right to lodge of formal
6 complaint to the Advisory Board which may recommend that
7 proceedings be instituted against any person relating to
8 a violation of any provision that constitutes an offense
9 under this chapter or rules made pursuant thereto."

10 Section 30. This act shall become law approval by the
11 President of the Federated States of Micronesia or upon its
12 becoming law without such approval.

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14 Date: 9/3/07

Introduced by: /s/ Resio S. Moses (for)

Joe N. Suka
(by request)

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