
A BILL FOR AN ACT

To further amend Title 41 of the Code of the Federated States of Micronesia, by amending Chapter 11 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 1101
3 of chapter 11 to read as follows:

4 "Section 1101. 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 1102
13 of chapter 11 to read as follows:

14 "Section 1102. 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 1103
4 of chapter 11 to read as follows:

5 “Section 1103. 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
9 by 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 breastmilk,
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
5 milk/formula) an infant formula that is most often
6 recommended by the manufacturer for babies older than
7 six months;

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

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

13 (f) pacifiers; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (17) 'Medical Officer' means a person who has
25 graduated from the Pacific Basin Medical Officers

1 Training Program as a certified Medical Officer, or a
2 graduate of any other medical training institution as
3 the Secretary may declare by regulation.

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

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

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

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

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

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

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

21 Section 4. Title 41 of the Code of the Federated States of
22 Micronesia is hereby further amended by adding a new section 1104
23 of chapter 11 to read as follows:

24 "Section 1104. Sale of a designated product.

25 (1) No designated product shall be offered for sale

1 or sold other than through a licensed pharmacy. [~~or~~
2 ~~hospital, by prescription from a licensed doctor or~~
3 ~~medical officer.~~]

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

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

8 (b) has reached its expiration date; or

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

10 Section 5. Title 41 of the Code of the Federated States of
11 Micronesia is hereby further amended by adding a new section 1105
12 of chapter 11 to read as follows:

13 “Section 1105. Promotion.

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

19 (a) advertising;

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

1 basis;

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

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

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

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

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

1 (c) offer or give any gift, contribution or
2 benefit to a health worker or associations of health
3 workers engaged in maternal and child health, including
4 but not limited to fellowship, research grants or
5 funding for attendance of meetings, seminars, continuing
6 education courses or conferences;

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

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

20 (3) A health worker engaged in maternal and child
21 health shall not:

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

1 (b) accept or give samples of designated
2 products to any persons; or

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

9 (d) there should be no donation or low-price
10 sale of supplies of designated products to any part of
11 the health care system as per WHA Resolution 47.5
12 (1994).

13 Section 6. Title 41 of the Code of the Federated States of
14 Micronesia is hereby further amended by adding a new section 1106
15 of chapter 11 to read as follows:

16 "Section 1106. Prohibitions related to labels of
17 designated products. A manufacturer or distributor
18 shall not offer for sale or sell a designated product,
19 other than a feeding bottle, teat or pacifier unless the
20 container or label affixed thereto does not have
21 pictures or graphics of infants, women or other graphics
22 that may idealize the use of the product and indicates
23 in a clear, conspicuous and easily readable manner that
24 following particulars:

25 (1) Instructions for appropriate preparation and use

1 in words and in easily understood graphics;

2 (2) The age for which the product is recommended in
3 easily understood symbols according to rules as may be
4 prescribed by the Secretary;

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

8 (4) The ingredients used, specifying the origin of
9 any milk product;

10 (5) The composition and analysis;

11 (6) The required storage conditions both before and
12 after opening;

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

16 (8) The name and address of the manufacturer and the
17 distributor; and

18 (9) Such other particulars as may be prescribed by
19 the Secretary."

20 Section 7. Title 41 of the Code of the Federated States of
21 Micronesia is hereby further amended by adding a new section 1107
22 of chapter 11 to read as follows:

23 "Section 1107. Prohibitions related to labels of infant
24 formula and follow-up formula.

25 (1) A manufacturer or distributor shall not offer for

1 sale or sell infant formula or follow-up formula for
2 infants [~~up to 1 year of age~~] unless the container for
3 label affixed thereto, in addition to the requirements
4 of section 1106 of this chapter:

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

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

1 (c) includes a feeding chart in the preparation
2 instructions and states that leftover formula should be
3 discarded.

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

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

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

13 (b) uses text that may tend to discourage
14 breastfeeding; or

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

18 Section 8. Title 41 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section 1108
20 of chapter 11 to read as follows:

21 "Section 1108. Prohibitions related to labels of
22 skimmed or condensed milk. A manufacturer or
23 distributor shall not offer for sale or sell skimmed or
24 condensed milk in powder or liquid form, unless the
25 container or label affixed thereto contains the words

1 `This product should not be used to feed infants' in
2 characters no less than 2 mm in height."

3 Section 9. Title 41 of the Code of the Federated States of
4 Micronesia is hereby further amended by adding a new section 1109
5 of chapter 11 to read as follows:

6 Section 1109. Prohibitions related to labels to low-fat
7 and standard milk. A manufacturer or distributor shall
8 not offer for sale low-fat or standard milk in powder or
9 liquid form, unless the container or label affixed
10 thereto contains the words `This product should not be
11 used as an infant's sole source of nourishment' in
12 characters no less than 2 mm in height."

13 Section 10. Title 41 of the Code of the Federated States of
14 Micronesia is hereby further amended by adding a new section 1110
15 of chapter 11 to read as follows:

16 "Section 1110. Prohibitions related to labels of
17 bottles and teats. A manufacturer or distributor shall
18 not offer for sale or sell a feeding bottle or teat
19 unless it has a label that:

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

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

25 (a) instructions for cleaning and sterilization

1 in words and graphics;

2 (b) the words 'important notice' in capital
3 letters and indicated thereunder, the statement
4 "~~Breastmilk is the best food for infants.~~" "This milk
5 is for babies deprived of their mothers' milk." in
6 characters no less than one-third the size of the
7 letters of the product name and in no case less than 3
8 mm in height;

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

15 (d) a statement explaining that feeding with a
16 cup is safer than bottle feeding;

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

19 (f) the name and address of the manufacturer and
20 the distributor."

21 Section 11. Title 41 of the Code of the Federated States of
22 Micronesia is hereby further amended by adding a new section 1111
23 of chapter 11 to read as follows:

24 "Section 1111. Prohibitions related to labels of
25 pacifiers. A manufacturer or distributor shall not

1 offer for sale or sell a pacifier unless it is labeled
2 with the words 'Warning: use of pacifier can interfere
3 with breastfeeding' in characters no less than 1.5 mm in
4 height."

5 Section 12. Title 41 of the Code of the Federated States of
6 Micronesia is hereby further amended by adding a new section 1112
7 of chapter 11 to read as follows:

8 "Section 1112. Health Workers Responsibilities.

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

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

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

23 (4) Each health worker shall make a written report to
24 the head of his or her work place, who shall in turn
25 report to the Advisory Board, of any offer he or she

1 receives for a sample or gift or other benefit by a
2 manufacturer or distributor or any other contravention
3 of the provisions of this chapter.”

4 Section 13. Title 14 of the Code of the Federated States of
5 Micronesia is hereby further amended by adding a new section 1113
6 of chapter 11 to read as follows:

7 “Section 1113. Informational and Educational Materials
8 about Infant Feeding. Informational or educational
9 materials for distribution by public health or
10 educational agencies, intended to be comprehensive on
11 the subject of breastfeeding, whether written, audio or
12 visual, shall:

13 (1) Contain only correct and current information and
14 shall not use any pictures or text that encourages
15 bottlefeeding or discourages breastfeeding;

16 (2) Not give an impression or create a belief that a
17 designated product is equivalent to, comparable with or
18 superior to breastmilk or to breastfeeding;

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

25 (4) Clearly and conspicuously explain each of the

1 following points:

2 (a) the benefits and superiority of
3 breastfeeding;

4 (b) the recommended duration of breastfeeding;

5 (c) how to initiate and maintain breastfeeding;

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

9 (e) why it is difficult to reverse a decision
10 not to breastfeed;

11 (f) the importance of timely introduction of
12 complementary foods;

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

15 (h) the value of sustaining breastfeeding for
16 two years or beyond."

17 Section 14. Title 41 of the Code of the Federated States of
18 Micronesia is hereby further amended by adding a new section 1114
19 of chapter 11 to read as follows:

20 "Section 1114. Informational and educational materials
21 about infant formula, follow-up formula or feeding
22 bottles. If the materials referred to in section 1013
23 includes the topic of feeding infants with infant
24 formula, follow-up formula or any other food or drink by
25 feeding bottle, it must also include the following

1 points:

2 (1) Instructions for the proper preparation and use
3 of the product including cleaning and sterilization of
4 feeding utensils;

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

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

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

11 Section 15. Title 41 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 1115
13 of chapter 11 to read as follows:

14 "Section 1115. Submission of materials to Advisory
15 Board. Any person who produces or distributes any
16 materials referred to in this chapter shall submit
17 copies to the Advisory Board according to procedures as
18 shall be prescribed."

19 Section 16. Title 41 of the Code of the Federated States of
20 Micronesia is hereby further amended by adding a new section 1116
21 of chapter 11 to read as follows:

22 "Section 1116. Implementation.

23 (1) The Secretary is principally responsible for the
24 implementation of this Act.

25 (2) For the purpose of implementing this Act, the

1 Secretary has the following powers and functions:

2 (a) to promulgate such rules as are necessary or
3 proper for the implementation of this Act and the
4 accomplishment of its purposes and objectives;

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

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

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

14 Section 17. Title 41 of the Code of the Federated States of
15 Micronesia is hereby further amended by adding a new section 1117
16 of chapter 11 to read as follows:

17 “Section 1117. National Advisory Board for the
18 Promotion and Protection of Breastfeeding.

19 (1) There shall be a National Advisory Board for the
20 Promotion and Protection of Breastfeeding to be composed
21 of representatives from: the Department of Health,
22 Education and Social Affairs, MCH/Family Planning, Food
23 and Nutrition, National Food Inspection; the Department
24 of Finance and Administration, Revenue and Customs; and
25 Department of Justice, Immigration and Labor; and such

1 other persons as the Secretary may appoint as members of
2 the Advisory Board; provided that no person shall be
3 appointed who has any direct or indirect financial
4 interest in any designated product.

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

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

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

18 Section 18. Title 41 of the Code of the Federated States of
19 Micronesia is hereby further amended by adding a new section 1118
20 of chapter 11 to read as follows:

21 "Section 1118. Administration of the Board.

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

25 (2) The Advisory Board shall hire permanent staff

1 necessary to carry out its functions, subject to the
2 budgetary approval of Congress.

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

7 Section 19. Title 41 of the Code of the Federated States of
8 Micronesia is hereby further amended by adding a new section 1119
9 of chapter 11 to read as follows:

10 "Section 1119. Powers and functions of the Advisory
11 Board.

12 (1) The Advisory Board has the following powers and
13 functions:

14 (a) to advise the President and the Secretary on
15 national policy for the promotion and protection of
16 breastfeeding;

17 (b) to create state committees to carry out the
18 functions of the Advisory Board at the state level, as
19 may be prescribed;

20 (c) to advise the Secretary on designing a
21 National strategy for development communication and
22 public education programs for the promotion of
23 breastfeeding; informational and educational materials
24 on the topic of infant feedings; continuing education
25 for health workers on lactation management and the

1 requirements of this chapter; curricula for students in
2 the health professions that include lactation management
3 and to ensure widespread distribution of an publicity
4 concerning this chapter, in a method as may be
5 prescribed;

6 (d) to review reports of violations or other
7 matters concerning this chapter;

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

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

17 (g) such other powers and functions, including
18 the powers of an Inspector, as are conferred on it by
19 the provisions of this act and as may be prescribed."

20 Section 20. Title 41 of the Code of the Federated States of
21 Micronesia is hereby further amended by adding a new section 1120
22 of chapter 11 to read as follows:

23 "Section 1120. Registration of designated products.

24 (1) The Secretary shall cause all designated products
25 to be registered in accordance with such conditions and

1 procedures as may be prescribed.

2 (2) The Secretary shall, in accordance with Title 17
3 of this Code, fix the date after which no designated
4 product that is not registered may be imported,
5 manufactured or sold.

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

9 (4) Once the registration of a designated product has
10 been approved, a Certificate of Registration shall be
11 issued.

12 (5) No certificate of Registration will be granted
13 unless the designated product is in accordance with the
14 requirements contained in this Act."

15 Section 21. Title 41 of the Code of the Federated States of
16 Micronesia is hereby further amended by adding a new section 1121
17 of chapter 11 to read as follows:

18 "Section 1121. Inspectors. The Secretary shall appoint
19 such persons as he sees fit having the prescribed
20 qualifications to, be Inspectors for purposes of this
21 Act within such local limits as it may assign to them
22 respectively provided that no person who has any direct
23 or indirect financial interest in any designated product
24 shall be so appointed."

25 Section 22. Title 41 of the Code of the Federated States of

1 Micronesia is hereby further amended by adding a new section 1122
2 of chapter 11 to read as follows:

3 "Section 1122. Power of inspectors.

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

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

10 (b) make referrals to the Department of Justice
11 for prosecution with respect to violations of this
12 chapter and the rules made pursuant thereto, and

13 (c) exercise such other powers as may be
14 prescribed."

15 Section 23. Title 41 of the Code of the Federated States of
16 Micronesia is hereby further amended by adding a new section 1123
17 of chapter 11 to read as follows:

18 "Section 1123. Procedure for inspectors.

19 (1) Inspectors shall inspect, not less than the
20 number of times as may be prescribed, the premises as
21 may be prescribed.

22 (2) After such inspection, the inspector shall submit
23 a report including any finding of a violation of this
24 chapter and the rules made pursuant thereto, to the
25 Advisory Board and seek instructions as to the action to

1 be taken in respect of such violation.”

2 Section 24. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 1124
4 of chapter 11 to read as follows:

5 “Section 1124. Penalties.

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

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

16 Section 25. Title 41 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 1125
18 of chapter 11 to read as follows:

19 “Section 1125. Cease and desist order. The Secretary
20 shall have the power to make cease and desist orders
21 upon receiving a report from an inspector or the
22 Advisory Board of a violation of the provisions of this
23 chapter or the rules promulgated pursuant thereto.”

24 Section 26. Title 41 of the Code of the Federated States of
25 Micronesia is hereby further amended by adding a new section 1126

1 of chapter 11 to read as follows:

2 "Section 1126. Certification of registration may be
3 suspended or revoked. Where any person has been found
4 to have rules any of the provisions of this chapter, or
5 the rules promulgated pursuant thereto, the Secretary,
6 upon written recommendation of the Advisory Board, and
7 after notice and an opportunity to be heard has been
8 given, may suspend or revoke any Certificate of
9 Registration that has been issued to that person
10 pursuant to this chapter."

11 Section 27. Title 41 of the Code of the Federated States of
12 Micronesia is hereby further amended by adding a new section 1127
13 of chapter 11 to read as follows:

14 "Section 1127. Professional or business license may be
15 suspended or revoked. Where any health professional has
16 been found to have violated any provision of this
17 chapter, or the rules pursuant thereto, the Secretary
18 may recommend to the relevant authority the suspension
19 or revocation of any license for the practice of the
20 person's profession or business."

21 Section 28. Title 41 of the Code of the Federated States of
22 Micronesia is hereby further amended by adding a new section 1128
23 of chapter 11 to read as follows:

24 "Section 1128. Appeal. In accordance with Title 17 of
25 the Code, an aggrieved party may appeal an

1 administrative decision rendered by the Secretary.”

2 Section 29. Title 41 of the Code of the Federated States of
3 Micronesia is hereby further amended by adding a new section 1129
4 of chapter 11 to read as follows:

5 “Section 1129. Public enforcement.

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

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

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15 Date: 2/6/08

Introduced by: /s/ Joe N. Suka

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Joe N. Suka
(by request)

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