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NITIJELA OF THE MARSHALL ISLANDS

28TH CONSTITUTIONAL REGULAR SESSION, 2007

BILL NO:159

P.L. 2007-95

AN ACT

1 to amend the Import Duties Act, 1989 (48 MIRC Chapter 2) by inserting additional provisions
2 to require all importers / consignees in the Republic, to ensure that all food items imported
3 for re-sale in the Republic, are labeled in a language that is popularly spoken and understood
4 by a majority of the consumers in the Republic.
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7 **BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:**

8 Section 1. **Short Title.**

9 This Act may be cited as the Import Duties (English Language Labels Amendment) Act,
10 2007.

11 Section 2. **Amendment.**

12 1. A new section 214(A) is hereby inserted to read as follows:

13 **§214 (A) Labeling of Food Items and Prohibition**

14 (1) All food items imported for re-sale in the Republic shall be labeled in a language that is
15 popularly spoken, read and understood by the majority of consumers in the Republic. Accordingly,
16 no person shall import for re-sale in the Republic, food items that are not labeled in accordance with
17 the provisions of this section.

18 (2) The Minister may, pursuant to Section 224 below, promulgate the necessary Regulations
19 to allow for the efficient administration of the requirements of this Section.
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1 **2. Section 222 (1) is hereby amended to read as follows:**

2 **§222. Offenses**

3 (1) Any person who:

4 (a) turns over any goods imported into the Republic to a consignee in
5 violation of the provisions of section 221 above; or

6 (b) hinders or obstructs a Customs Officer or other person in the exercise of his
7 powers or the performance of his duties under this Chapter or the regulations made
8 thereunder, or

9 (c) makes in any document produced to a Customs Officer pursuant to the
10 provisions of this Act, any statement which is false or misleading in any particular, or;

11 (d) smuggles or attempts to smuggle any goods into the Republic, or;

12 (e) moves, alters or interferes with goods subject to Customs control; or

13 (f) enters any Customs baggage processing area during the performance of such
14 baggage processing, without the approval of the Chief;

15 (g) violates the prohibition contained in section 203A of this Act;

16 shall be guilty of an offense under this Act, and upon conviction, shall be liable to the penalties
17 set out under section 223 of this Act.

18 (h) imports for re-sale, goods that are not labeled in accordance with Section
19 214(A) above;

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1 **3. Section 223 (2) is hereby amended to read as follows:**

2 **§223. Penalties.**

3 (2) Any person who commits an offense under section 222 subsection (1) paragraphs
4 (c), (d), (e) and (h) ,or violates the prohibition contained in Section 203(A) above shall be
5 punishable as follows;

6 (a) for a first offense, the offender shall be liable to a fine in an amount equal to
7 double the value of the goods involved or two thousand five-hundred dollars (\$2,500),
8 which ever is the greater amount, or imprisonment for a term not exceeding 3 months, or
9 both.

10 (b) for a second offense, the offender shall be liable to a fine in an amount equal
11 to double the value of the goods involved or five thousand dollars (\$5000), which ever is
12 the greater amount, and to a term of imprisonment not exceeding six (6) months, or both.
13 If the offender in this case is a corporation or other legal entity, doing business in the
14 Republic, the Secretary of Finance shall recommend to the appropriate Local
15 Government, for the suspension of such entity's business license for a period of three
16 months.

17 (c) for a third offense, the penalty shall be a fine in an amount equal to double
18 the value of the goods involved or ten thousand dollars (\$10,000), which ever is the
19 greater amount, or to a term of imprisonment not exceeding twelve (12) months, or both.
20 If the offender is a corporation or other legal entity doing business in the Republic, the
21 Secretary of Finance shall recommend to the appropriate Local Government, for the

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1 permanent revocation of any such entity's business license.

2 **Section 3. Effective Date.**

3 This Act shall take effect on the date of certification in accordance with the Constitution
4 and the Rules of Procedures of the Nitijela.

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7 **CERTIFICATE**

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9 **I hereby certify:**

10 (1) That Nitijela Bill No: 159 was passed by the Nitijela of the Marshall
11 Islands on the 27th day of September, 2007; and

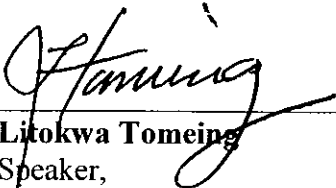
12 (2) That I am satisfied that Nitijela Bill No: 159 was passed in accordance with the
13 relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of
14 Procedures of the Nitijela.

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16 I hereby place my signature before the Clerk this 29th day of October, 2007.

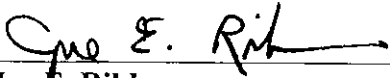
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Attest:



Litokwa Tomeing
Speaker,
Nitijela of the Marshall Islands



Joe E. Riklon
Clerk,
Nitijela of the Marshall Islands