

CHAPTER 20

BETELNUT PROHIBITION

ARRANGEMENT OF SECTIONS

Section

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— An Act to prohibit importation of betelnut for sell, distribution or use by minor, and for matters related thereto.

Commencement: March 19, 2010
Source: P.L. 2010 - 39
P.L. 2013-16

§2001. Short title.
This Chapter may be cited as the Betelnut Prohibition Act, 2010.

§2002. Interpretation.
In this Chapter , unless the context otherwise requires:
(a) “betelnut” means and refers to the fruit or nut of any variety of the palm “Areca catechu”;
(b) “distribution” means to supply, give or deliver to another person;
(c) “import” means to bring into the Republic from a foreign source;
(d) “litter” means the unauthorized throwing or spitting or placing or dumping or discharging of betelnut spittle or substances or refuse in places accessible to the public;
(e) “minor” means person under the age of 18 years;
(f) “officer” includes an immigration officer, custom officer, quarantine officer, port officer, police officer, both local and national or any other officer authorized by any written law;
(g) “person” includes any individual, corporation, firm, association or partnership;
(h) “personal consumption” means importation of betelnut for personal use or chewing;
(i) “places accessible to the public” means a public road or public building or public vehicle or public place includes any place to which the public is admitted or is allowed, any private land near or adjacent to any public road or public place, a beach, the foreshore or the lagoon;
(j) “Republic” means the Republic of the Marshall Islands;
(k) “selling” means to exchange betelnut for cash or other items;

§2003. Importation, distribution or selling of betelnut prohibited.
(1) No person shall import betelnut for sell or distribution in the Republic.

(2) Nothing in this section may prohibit the importation of betelnut purposely for personal consumption unless a local government has elected by ordinance to ban the importation, sale, distribution and consumption of betelnut on that particular atoll pursuant to Section 2003A. [Amended by P.L.2013-16]

§2003A. Local jurisdiction to enforce.

Each municipality or local government in the Republic, whether chartered or not, may enact by ordinance or in any other authorized manner, rules and regulations to ban the importation, sale, distribution and consumption of betelnut in accordance with the circumstances of that particular atoll. Such ordinance, rule or regulation shall be effective only within the jurisdiction of such local municipality or local government atoll. [Inserted by P.L.2013-16].

§2004. Use and possession of betelnut by minors prohibited.

No minor shall possess and or use betelnut in any form in the public. Any betelnut found in the possession of a minor shall be presumed to be the property of that minor and shall be confiscated by an officer.[Amended by P.L.2013-16].

§2005. Offense and Penalties.

(1) Any person who violates Section 2003 of this Chapter shall be guilty of an offense and upon conviction:

(a) for a first offender, liable to thirty (30) days imprisonment or two hundred dollars (\$200) fine or both.

(b) for a repeated offender, liable to 3 months imprisonment or five hundred dollars (\$500) fine or both.

(2) Any person who violates Section 2004 shall be guilty of an offense and upon conviction:

(a) for first offender, liable to 5 days community service or fine two hundred dollars (\$200);

(b) for repeated offender, liable to 10 days community service or fine five hundred dollars(\$500).[Amended by P.L.2013-16].

§2006. Seizure, Forfeiture and Destruction.

(1) Any amount of betelnut imported, or distributed in violation of Section 2003, shall be seized and destroyed by an officer.

(2) Any proceeds realized from the unlawful sale of betelnut shall be deposited into the Ministry of Justice Special Revenue Fund, and shall be used for the purposes of that Fund.

§2007. Littering Prohibited.

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

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

§2008. Issuance of citation notice.

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

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

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

§2009 Incentive fee for reporting

(1) Any person who reports any violation of the provisions of this Act or has reported officer who fails to enforce the provision of this Act, if such matter results in the successful conviction of the offender, he or she shall be entitled to an incentive fee in an amount equal to fifty percent (50%) of the fines payable under Section 2005 of this Act. Such incentive fee shall be payable from the proceeds realized from under provisions of Section 2005.

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