

CHAPTER 20

BETELNUT PROHIBITION

ARRANGEMENT OF SECTIONS

Section

- §2001. Short title.
§2002. Interpretation.
§2003. Importation for sale and distribution prohibited.
§2004. Use and possession by minor prohibited.
§2005. Offences and penalties.
§2006. Seizure, forfeiture and destruction.
§2007. Littering prohibited.
§2008. Issuance of citation notice.

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

§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) “person” includes any individual, corporation, firm, association or partnership;
(g) “personal consumption” means importation of betelnut for personal use or chewing;
(h) “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;
(i) “Republic” means the Republic of the Marshall Islands;
(j) “selling” means to exchange betelnut for cash or other items;

§2003. Importation, distribution or selling of betelnut prohibited.

- (1) No person shall import for sell or distribute betelnut in the Republic.
(2) Nothing in this section may prohibit the importation of betelnut purposely for personal consumption.

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

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

§2005. Offense and Penalties.

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

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

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

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

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

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

§2006. Seizure, Forfeiture and Destruction.

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

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

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