

A BILL FOR AN ACT

To amend sections 501 through 505, 507 through 515, 518, 519, 521 through 523, 525, 526, 528 through 532, 537, 539, 542 through 544, and 546 of title 22 of the Code of the Federated States of Micronesia to apply the Export Inspection Act to plant products, and for other purposes.

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

1 Section 1. Section 501 of title 22 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 501. Short title. This chapter shall be designated
4 as the '~~Trust Territory~~ Federated States of Micronesia Export
5 Meat and Plant Product Inspection Act.'"

6 Section 2. Section 502 of title 22 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 502. Definitions. As used in this chapter, except as
9 otherwise specified, the following terms shall have the meanings
10 stated below:

11 (1) 'Adulterated' shall apply to any carcass, part thereof,
12 meat, or ~~meat~~ food product under one or more of the following
13 circumstances:

14 (a) if it bears or contains any poisonous or deleter-
15 ious substance which may render it injurious to health; but, in
16 case the substance is not an added substance, such article shall
17 not be considered adulterated under this clause if the quantity of
18 such substance in or on such article does not ordinarily render
19 it injurious to health;

20 (b) (i) if it bears or contains (by reason of
21 administration of any substance to the plant product or live
22 animal or otherwise) any added poisonous or added deleterious
23 substance (other than one which is a pesticide chemical in or on
24 a raw agricultural commodity, a food additive, a color additive,
25 or antibiotic or other medication) which may, in the judgment of

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1 the chief of agriculture make such article unfit for human food;

2 (ii) if it is, in whole or in part, a raw
3 agricultural commodity, and such commodity bears or contains a
4 pesticide chemical which is unsafe as defined by the chief of
5 agriculture;

6 (iii) if it bears or contains any food additive
7 which is unsafe as defined by the chief of agriculture;

8 (iv) if it bears or contains any color additive
9 which is unsafe as defined by the chief of agriculture; provided,
10 that an article which is not adulterated under clauses (ii),
11 (iii) or this clause shall nevertheless be deemed adulterated
12 if use of the pesticide chemical, food additive, color additive,
13 or antibiotic in or on such article is prohibited by regulations
14 of the chief of agriculture in establishments at which
15 inspection is maintained under this chapter;

16 (c) if it consists in whole or in part of any filthy,
17 putrid, or decomposed substance or is for any other reason
18 unsound, unhealthful, unwholesome, or otherwise unfit for human
19 food;

20 (d) if it has been prepared, packed, or held
21 under unsanitary conditions whereby it may have become
22 contaminated with filth, or whereby it may have been rendered
23 injurious to health;

24 (e) if it is, in whole or in part, the product of an
25 animal which has died otherwise than by slaughter;

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1 (f) if its container is composed, in whole or in
2 part, of any poisonous or deleterious substance which may render the
3 contents injurious to health;

4 (g) if it has been intentionally subjected to radiation,
5 unless the use of the radiation was in conformity with a regulation or
6 exemption in effect pursuant to regulations issued by the chief of agriculture;

7 (h) if any valuable constituent has been in whole or in part
8 omitted or abstracted therefrom; or if any substance has been
9 substituted, wholly or in part therefor; or if damage
10 or inferiority has been concealed in any manner; or if any
11 substance has been added thereto or mixed or packed therewith so
12 as to increase its bulk or weight, or reduce its quality or
13 strength, or make it appear better or of greater value than it is; or

14 (i) if it is margarine containing animal fat and any of the
15 raw material used therein consisting in whole or in part of any filthy,
16 putrid, or decomposed substance.

17 (2) 'Animal-food manufacturer' means any person, firm, or corpo-
18 ration engaged in the business of manufacturing or processing animal
19 food derived wholly or in part from carcasses, or parts or products of
20 the carcasses, of cattle, sheep, swine, or goats.

21 (3) 'Capable of use as human food' shall apply to any plant product,
22 carcass, or part or product of a carcass, of any animal unless it is
23 denatured or otherwise identified as required by regulations
24 prescribed by the chief of agriculture to deter its
25 use as human food, or it is naturally inedible by

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- 1 humans.
- 2 (4) 'Chief of agriculture' means the chief of agriculture
3 or his designated representative.
- 4 (5) 'Export' means commerce from the ~~Trust Territory~~
5 Federated States of Micronesia to any foreign country or the
6 United States, its territories, and possessions.
- 7 (6) 'Firm' means any partnership, association, or other
8 unincorporated business organization.
- 9 (7) 'Label' means a display of written, printed, or graphic
10 matter upon the immediate container (not including package
11 liners) of any article.
- 12 (8) 'Labeling' means all labels and other written, printed,
13 or graphic matter:
14 (a) upon any article or any of its containers or
15 wrappers; or
16 (b) accompanying such article.
- 17 (9) 'Meat broker' means any person, firm, or corporation
18 engaged in the business of buying or selling carcasses, parts of
19 carcasses, meat, or meat food products of cattle, sheep, swine,
20 or goats, on commission, or otherwise negotiating purchases or
21 sales of such articles other than for his own account or as an
22 employee of another person, firm, or corporation.
- 23 (10) '~~Meat~~ Food product' means any product capable of use as
24 human food which is made wholly or in part from any plant
25 product, meat or other portion of the carcass of any cattle,

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1 sheep, swine, or goats, excepting products which contain meat or
2 other portions of such carcasses only in a relatively small
3 proportion or historically have not been considered by consumers
4 as products of the meat food industry, and which are
5 exempted from definition as a ~~meat~~ food product by the chief of
6 agriculture under such conditions as he may prescribe to assure
7 that the meat or other portions of such carcasses contained in
8 such product are not adulterated and that such products are not
9 represented as ~~meat~~ food products.

10 (11) 'Misbranded' shall apply to any plant product or
11 carcass, part thereof, meat, or ~~meat~~ food product under one or
12 more of the following circumstances:

13 (a) if its labeling is false or misleading in any
14 particular;

15 (b) if it is offered for sale under the name of
16 another food;

17 (c) if it is an imitation of another food,
18 unless its label bears, in type of uniform size
19 and prominence, the word 'imitation' and
20 immediately thereafter, the name of the
21 food imitated;

22 (d) if its container is so made, formed, or
23 filled as to be misleading;

24 (e) if in a package or other container unless
25 it bears a label showing:

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1 (i) the name and place of business of the manufacturer,
2 packer, or distributor; and

3 (ii) an accurate statement of the quantity of the
4 contents in terms of weight, measure, or numerical count;
5 provided, that under clause (ii) of this paragraph, reasonable
6 variations may be permitted, and exemptions as to small packages
7 may be established by regulations prescribed by the chief of
8 agriculture.

9 (f) if any word, statement, or other information
10 required by or under authority of this chapter to appear on the
11 label or other labeling is not prominently placed thereon with
12 such conspicuousness (as compared with other words, statements,
13 designs, or devices, in the labeling) and in such terms as to
14 render it likely to be used and understood by the ordinary
15 individual under customary conditions of purchase and use;

16 (g) if it purports to be or is represented as a food
17 for which a definition and standard of identity or composition
18 has been prescribed by regulations of the chief of agriculture
19 under sections 508 through 512 of this chapter unless:

20 (i) it conforms to such definition and
21 standard; and

22 (ii) its label bears the name of
23 the food specified in the definition and standard
24 and, insofar as may be required by such regulations,
25 the common names of optional ingredients (other than spices,

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1 flavoring, and coloring) present in such food;

2 (h) if it purports to be or is represented as a food
3 for which a standard or standards of fill of container have been
4 prescribed by regulations of the chief of agriculture under
5 paragraph (g) of this subsection, and it falls below the
6 standard of fill of container applicable thereto, unless its
7 label bears, in such manner and form as such regulations
8 specify, a statement that it falls below such standard;

9 (i) if it is not subject to the provisions of para-
10 graph (g) of this subsection, unless its label bears:

11 (i) the common or usual name of the food, if any
12 there be; and

13 (ii) in case it is fabricated from two or more
14 ingredients, the common or usual name of each such ingredient;
15 except that spices, flavorings, and colorings may, when
16 authorized by the chief of agriculture, be designated as spices,
17 flavorings, and colorings without naming each; provided, that, to
18 the extent that compliance with the requirements of clause (ii)
19 of this subsection is impracticable, or results in deception or
20 unfair competition, exemptions shall be established by regula-
21 tions promulgated by the chief of agriculture;

22 (j) if it purports to be or is
23 represented for special dietary uses, unless its
24 label bears such information concerning its
25 vitamin, mineral, and other dietary properties as the chief

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1 of agriculture, after consultation with the director for Health
2 Services, determines to be, and by regulations prescribes as
3 necessary in order fully to inform purchasers as to its value
4 for such uses;

5 (k) if it bears or contains any artificial flavoring,
6 artificial coloring, or chemical preservative, unless it bears
7 labeling stating that fact; provided, that, to the extent that
8 compliance with the requirements of this paragraph is
9 impracticable, exemptions shall be established by regulations
10 promulgated by the chief of agriculture; or

11 (l) if it fails to bear the inspection legend directly
12 thereon or on its container as the chief of agriculture may by
13 regulations prescribe, and, unrestricted by any of the
14 foregoing, such information as the chief of agriculture may
15 require in such regulations to assure that it will not have
16 false or misleading labeling and that the public will be
17 informed of the manner of handling required to maintain the
18 article in a wholesome condition.

19 (12) 'Official certificate' means any certificate pre-
20 scribed by regulations of the chief of agriculture for issuance
21 by an inspector or other person performing official functions
22 under this chapter.

23 (13) 'Official device' means any device prescribed or
24 authorized by the chief of agriculture for use in applying any
25 official mark.

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1 (14) 'Official inspection legend' means any symbol
2 prescribed by regulations of the chief of agriculture showing
3 that an article was inspected and passed in accordance with this
4 chapter.

5 (15) 'Official mark' means the official inspection legend
6 or any other symbol prescribed by regulations of the chief of
7 agriculture to identify the status of any article or animal
8 under this chapter.

9 (16) 'Pesticide chemical,' 'food additive,' 'color
10 additive,' 'antibiotic' or other medication, and 'raw
11 agricultural commodity' shall be defined by the chief of
12 agriculture.

13 (17) 'Prepared' means slaughtered, canned, salted,
14 rendered, boned, cut up or otherwise manufactured or processed.

15 (18) 'Renderer' means any person, firm, or corporation
16 engaged in the business of rendering plant products, carcasses,
17 or parts or products of carcasses, of cattle, sheep, swine, or
18 goats, except rendering conducted under inspection under this
19 chapter."

20 Section 3. Section 503 of title 22 of the Code of the Federated
21 States of Micronesia is hereby amended to read as follows:

22 "Section 503. Examination and inspection of animals prior to
23 slaughtering.

24 (1) For the purpose of preventing the use in export com-
25 merce, as hereinafter provided, of meat and meat food products

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1 which are adulterated, the chief of agriculture shall cause to be
2 made, by inspectors appointed for that purpose, an examination
3 and inspection of all cattle, sheep, swine, and goats before
4 they shall be allowed to enter into any slaughtering, packing,
5 meat canning, rendering, or similar establishment in the ~~Trust~~
6 ~~Territory~~ Federated States of Micronesia in which slaughtering
7 and preparation of meat and meat food products of such animals
8 are conducted solely for export commerce.

9 (2) All cattle, sheep, swine, and goats found on such
10 inspection to show symptoms of disease shall be set apart and
11 slaughtered separately from all other cattle, sheep, swine, or
12 goats, and when so slaughtered, the carcasses of said cattle,
13 sheep, swine, or goats shall be subject to a careful examination
14 and inspection, all as provided by the rules and regulations to
15 be prescribed by the chief of agriculture.

16 (3) The chief of agriculture may, with the approval of the
17 ~~High Commissioner~~ President of the Federated States of Micro-
18 nesia, promulgate and issue rules and regulations covering the
19 disposition of condemned carcasses and materials classified as
20 inedible. Such rules and regulations shall have the force and
21 effect of law."

22 Section 4. Section 504 of title 22 of the Code of the Federated
23 States of Micronesia is hereby amended to read as follows:

24 "Section 504. Methods of slaughtering allowed. No method
25 of slaughtering or handling in connection with slaughtering shall

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1 be deemed to comply with the public policy of the ~~Trust Territory~~
2 Federated States of Micronesia unless it is humane. The fol-
3 lowing methods of slaughtering and handling are hereby found to
4 be humane in the case of cattle, calves, sheep, swine, goats, and
5 other livestock: where all animals are rendered insensible to
6 pain by a single blow or gunshot or an electric, chemical, or
7 other means that is rapid and effective before being shackled,
8 hoisted, thrown, cast, or cut."

9 Section 5. Section 505 of title 22 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 505. Post-mortem examination. For the purposes set
12 forth in sections 502 through 504 of this chapter:

13 (1) The chief of agriculture shall appoint inspectors and
14 cause the same to make post-mortem examination and inspection of
15 the carcasses and parts thereof of all cattle, sheep, swine, and
16 goats capable of use as human food, to be prepared at any
17 slaughtering, meat canning, salting, packing, rendering, or
18 similar establishment in the ~~Trust Territory~~ Federated States
19 of Micronesia in which such articles are prepared solely for
20 export commerce.

21 (2) The carcasses and parts of all such animals found to
22 be unadulterated shall be marked, stamped, tagged, or labeled as
23 'Inspected and Passed.' The carcasses and parts of all such
24 animals found to be adulterated shall be marked, stamped, tagged,
25 or labeled as 'Inspected and Condemned.' The carcasses and parts

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1 of all such inspected and condemned animals shall be destroyed
2 for food purposes by said establishment in the presence of an
3 inspector, and the chief of agriculture may remove inspectors
4 from any such establishment which fails to so destroy any such
5 condemned carcass or part thereof.

6 (3) After the first inspection authorized under subsection
7 (1) of this section, the inspectors shall, when they deem it
8 necessary, reinspect said animal carcasses or parts thereof to
9 determine whether the same have become adulterated, and, if any
10 carcass or any parts thereof shall be found to have become
11 adulterated, the same shall be destroyed for food purposes by
12 the establishment in the presence of an inspector.

13 (4) The chief of agriculture may remove inspectors from
14 any establishment which fails to so destroy any such condemned
15 carcass or part thereof."

16 Section 6. Section 507 of title 22 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 507. Examination and inspection of ~~meat~~ products
19 prepared for export.

20 (1) For the purposes of this chapter, the chief of
21 agriculture shall appoint inspectors and cause the same to make
22 an examination and inspection of all ~~meat~~ food products prepared
23 in any slaughtering, meat canning, salting, packing, rendering,
24 or similar establishment, where such articles are prepared solely
25 for export commerce.

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1 (2) For the purposes of any examination and inspection,
2 said inspectors shall have access at all times, by day or by
3 night, whether the establishment be then in operation or not,
4 to every part of the establishment.

5 (3) The inspectors shall mark, stamp, tag, or label as
6 '~~Tylos~~ ~~Territory~~ Federated States of Micronesia - Inspected and
7 Passed' all such products found to be unadulterated.

8 (4) The inspectors shall label, mark, stamp, or tag as
9 '~~Tylos~~ ~~Territory~~ Federated States of Micronesia - Inspected and
10 Condemned' all such products found adulterated, and all such
11 condemned ~~meat~~ food products shall be destroyed for food purposes
12 as provided in subsection (2) of section 505 of this chapter.

13 (5) The chief of agriculture may remove inspectors from
14 any establishment which fails to so destroy such condemned ~~meat~~
15 food products."

16 Section 7. Section 508 of title 22 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 508. Labeling of packaged ~~meat~~ products - General
19 requirements. When any meat or ~~meat~~ food product prepared
20 for export commerce which has been inspected as provided in
21 section 507 of this chapter and marked '~~Tylos~~ ~~Territory~~ Federated
22 States of Micronesia - Inspected and Passed' shall be placed
23 or packed in any can, pot, tin, canvas, or other receptacle or
24 covering in any establishment where inspection under the
25 provisions of this chapter is maintained, the person, firm, or

1 corporation preparing said product shall cause a label to be
2 attached to said can, pot, tin, canvas, or other receptacle or
3 covering, under supervision of an inspector, which label shall
4 state that the contents thereof have been inspected and passed
5 under the provisions of this chapter, and no inspection and
6 examination of meat or ~~meat~~ food products deposited or enclosed
7 in cans, tins, pots, canvas, or other receptacle or covering
8 in any establishment where inspection under the provisions of
9 this chapter is maintained shall be deemed to be complete until
10 such meat or ~~meat~~ food products have been sealed or enclosed in
11 said can, tin, pot, canvas, or other receptacle or covering
12 under the supervision of an inspector."

13 Section 8. Section 509 of title 22 of the Code of the Federated
14 States of Micronesia is hereby amended to read as follows:

15 "Section 509. Labeling of packaged ~~meat~~ products - Specific
16 requirements authorized. All carcasses, parts of carcasses,
17 meat, and ~~meat~~ food products inspected at any establishment
18 under the authority of this chapter and found to be unadulter-
19 ated shall, at the time they leave the establishment, bear, in
20 distinctly legible form, directly thereon or on their containers,
21 as the chief of agriculture may require, the information required
22 under subsection (11), section 502."

23 Section 9. Section 510 of title 22 of the Code of the Federated
24 States of Micronesia is hereby amended to read as follows:

25 "Section 510. Labeling of packaged ~~meat~~ products - Typed styles

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1 and sizes. The chief of agriculture, whenever he determines
2 such action is necessary, may prescribe the styles and sizes of
3 type to be used with respect to material required to be incor-
4 porated in labeling to avoid false or misleading labeling of
5 any articles or animals subject to this chapter."

6 Section 10. Section 511 of title 22 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 511. Labeling of packaged ~~meat~~ products - Approved
9 forms. No article subject to this chapter shall be sold or
10 offered for sale by any person, firm, or corporation, in export
11 commerce, under any name or other marking or labeling which is
12 false or misleading, or in any container of a misleading form or
13 size, but established trade names and other marking and labeling
14 and containers which are not false or misleading and which are
15 approved by the chief of agriculture are permitted."

16 Section 11. Section 512 of title 22 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 512. Labeling of packaged ~~meat~~ products - Enforcement.

19 (1) If the chief of agriculture has reason to believe that
20 any marking or labeling, or the size or form of any container
21 in use or proposed for use with respect to any article subject
22 to this chapter, is false or misleading in any particular, he may
23 direct that such use be withheld unless the marking, labeling,
24 or container is modified in such manner as he may prescribe so
25 that it will not be false or misleading.

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1 (2) If the person, firm, or corporation using or proposing
2 to use the marking, labeling, or container does not accept the
3 determination of the chief of agriculture, such person, firm, or
4 corporation may request a hearing, but the use of the marking,
5 labeling, or container shall, if the chief of agriculture so
6 directs, be withheld pending hearing and final determination by
7 the chief of agriculture.

8 (3) Any such determination by the chief of agriculture
9 shall be conclusive unless, within thirty days after receipt of
10 notice of such final determination, the person, firm, or corpora-
11 tion adversely affected thereby appears before the ~~Trial Division~~
12 ~~of the High Court~~ Supreme Court of the Federated States of Micro-
13 nesia."

14 Section 12. Section 513 of title 22 of the Code of the Federated
15 States of Micronesia is hereby amended to read as follows:

16 "Section 513. Sanitation inspections - Authorized; Action on
17 discovery of insanitary conditions.

18 (1) The chief of agriculture shall cause to be made, by
19 experts in sanitation or by other competent inspectors, such
20 inspection of all plant product processing establishments,
21 slaughtering, meat canning, salting, packing, rendering, or
22 similar establishments in which cattle, sheep, swine, and goats
23 are slaughtered and the meat or ~~meat~~ food products thereof are
24 prepared solely for export commerce, as may be necessary to
25 inform himself concerning the sanitary conditions of the same,

and to prescribe the rules and regulations of sanitation under which such establishment shall be maintained.

(2) Where the sanitary conditions of any such establishments are such that the meat or ~~meat~~ food products there are rendered adulterated, he shall refuse to allow said meat or ~~meat~~ food products to be labeled, marked, stamped, or tagged as '~~Trust~~ ~~Territory~~ Federated States of Micronesia - Inspected and Passed.'

Section 13. Section 514 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 514. Sanitation inspections - When made. The chief of agriculture shall cause an examination and inspection of all plants, cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments described in the preceding sections of this chapter for the purposes of export commerce, to be made during the nighttime, as well as during the daytime, when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products, is conducted during those hours."

Section 14. Section 515 of title 22 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 515. Compliance with provisions of chapter required.

No person, firm, or corporation shall, with respect to any plant product, cattle, sheep, swine, or goats or any carcasses, parts of carcasses, meat, or meat food products of any such animals:

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1 (1) slaughter any such animals or prepare any such articles
2 which are capable of use as human food, at any establishment pre-
3 paring such articles solely for export commerce, except in
4 compliance with the requirements of this chapter;

5 (2) sell, transport, offer for sale or transportation, or
6 receive for transportation, in export commerce:

7 (a) any such articles which:

8 (i) are capable of use as human food; and

9 (ii) are adulterated or misbranded at the time
10 of such sale, transportation, offer for sale or transportation,
11 or receipt for transportation; or

12 (b) any articles required to be inspected under this
13 chapter unless they have been so inspected and passed;

14 (3) do, with respect to any such articles which are
15 capable of use as human food, any act while they are being
16 transported in export commerce or held for sale after such
17 transportation which is intended to cause or has the effect
18 of causing such articles to be adulterated or misbranded."

19 Section 15. Section 518 of title 22 of the Code of the Federated
20 States of Micronesia is hereby amended to read as follows:

21 "Section 518. Appointment of inspectors. The chief of
22 agriculture shall appoint from time to time inspectors to make
23 examination and inspection of all plant products, cattle, sheep,
24 swine, and goats, the inspection of which is hereby provided for,
25 and of all carcasses and parts thereof, and of all meats and ~~meat~~

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1 food products thereof, and of the sanitary conditions of all
2 establishments in which such meat and ~~meat~~ food products destined
3 for export are prepared."

4 Section 16. Section 519 of title 22 of the Code of the Federated
5 States of Micronesia is hereby amended to read as follows:

6 "Section 519. Inspection required before marking. The inspec-
7 tors so appointed shall refuse to stamp, mark, tag, or label
8 any plant product, carcass or any part thereof, or any ~~meat~~ food
9 product therefrom, prepared in any such establishment, until the
10 same shall have been inspected and found to be unadulterated, and
11 shall perform such other duties as are provided by this chapter
12 and by the rules and regulations to be prescribed by the chief of
13 agriculture from time to time as are necessary for the efficient
14 execution of the provisions of this chapter."

15 Section 17. Section 521 of title 22 of the Code of the Federated
16 States of Micronesia is hereby amended to read as follows:

17 "Section 521. Bribery - Bribery of officials. Any person, firm,
18 or corporation, or any agent or employee of any person, firm,
19 or corporation, who shall give, pay, or offer, directly or
20 indirectly, to any inspector, deputy inspector, chief inspector,
21 or any other officer or employee of the ~~Trust Territory~~ Federated
22 States of Micronesia authorized to perform any of the duties
23 prescribed by this chapter or by the rules and regulations of the
24 chief of agriculture, any money or other thing of value, with
25 intent to influence said inspector, deputy inspector, chief

1 inspector, or other officer or employee of the ~~Trust Territory~~
 2 Federated States of Micronesia in the discharge of any duty
 3 specified in this chapter, shall be deemed guilty of a felony,
 4 and, upon conviction thereof, shall be punished by a fine of
 5 not less than \$1,000 nor more than \$5,000, and by imprisonment
 6 for not less than one year nor more than three years."

7 Section 18. Section 522 of title 22 of the Code of the Federated
 8 States of Micronesia is hereby amended to read as follows:

9 "Section 522. Bribery - Accepting bribe. Any inspector, deputy
 10 inspector, chief inspector, or other officer or employee of the
 11 ~~Trust Territory~~ Federated States of Micronesia authorized to
 12 perform any of the duties prescribed by this chapter who shall
 13 accept any money, gift, or other thing of value from any person,
 14 firm, or corporation, or officers, agents, or employees thereof,
 15 given with intent to influence his official action, or who shall
 16 receive or accept from any person, firm, or corporation engaged
 17 in export commerce any gift, money, or other thing of value
 18 given with any purpose or intent whatsoever, shall be deemed
 19 guilty of a felony and shall, upon conviction thereof, be
 20 summarily discharged from office and shall be punished by a
 21 fine of not less than \$1,000 nor more than \$5,000 and by
 22 imprisonment of not less than one year nor more than three
 23 years."

24 Section 19. Section 523 of title 22 of the Code of the Federated
 25 States of Micronesia is hereby amended to read as follows:

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1 "Section 523. Control of handling and storage.

2 (1) The chief of agriculture may, by regulations, prescribe
3 conditions under which plant products, carcasses, parts of
4 carcasses, meat, and meat food products of cattle, sheep,
5 swine, or goats, capable of use as human food,
6 shall be stored or otherwise handled by any person, firm, or
7 corporation engaged in the business of buying, selling, freezing,
8 storing, or transporting, in or for export commerce, such
9 articles, whenever the chief of agriculture deems such action
10 necessary to assure that such articles will not be adulterated
11 or misbranded when delivered to the consumer.

12 (2) The violation of any such regulations promulgated by
13 the chief of agriculture under the authority of this section
14 is prohibited."

15 Section 20. Section 525 of title 22 of the Code of the Federated
16 States of Micronesia is hereby amended to read as follows:

17 "Section 525. Maintenance and inspection of records; Inspec-
18 tion of facilities and inventory.

19 (1) The following classes of persons, firms, and corpora-
20 tions shall keep such records as will fully and correctly dis-
21 close all transactions involved in their businesses that
22 directly relate to the activities sought to be regulated by
23 this chapter, and all such persons, firms, and corporations
24 subject to such requirements shall, at all reasonable times,
25 upon notice from the chief of agriculture, afford access to their

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1 places of business and opportunity to examine the facilities,
2 inventory, and records thereof, to copy all such records, and to
3 take reasonable samples of their inventory upon payment of the
4 fair market value thereof:

5 (a) any persons, firms, or corporations that engage
6 for export commerce, in the business of slaughtering any plant
7 product, cattle, sheep, swine, or goats, or preparing, freezing,
8 packaging, or labeling any carcasses, or parts or products of
9 carcasses, or any such animals, for use as human food or animal
10 food;

11 (b) any persons, firms, or corporations that engage
12 in the business of buying or selling (as meat brokers,
13 wholesalers, or otherwise), or transporting in export commerce,
14 or storing in or for such commerce, any carcasses or parts or
15 products of carcasses, of any such animals;

16 (c) any persons, firms, or corporations that engage
17 in business, in or for export commerce, as renderers, or engage
18 in the business of buying, selling, or transporting, in such
19 commerce, any dead, dying, disabled, or diseased cattle, sheep,
20 swine, or goats, or parts of the carcasses of any such animals
21 that die otherwise than by slaughter or diseased plant products.

22 (2) Any records required to be maintained under this
23 section shall be maintained for such period of time as the
24 chief of agriculture may, by regulations, prescribe."

25 Section 21. Section 526 of title 22 of the Code of the Federated

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1 States of Micronesia is hereby amended to read as follows:

2 "Section 526. Registration of business. No person, firm, or
3 corporation shall engage in business, in or for export commerce,
4 as a plant product or meat broker, renderer, or animal food
5 manufacturer, or engage in business in such commerce as a whole-
6 saler of any plant products, carcasses, or parts or products of
7 the carcasses, of any cattle, sheep, swine, or goats, whether
8 intended for human food or other purposes, or engage in businesses
9 as a public warehouseman storing any such articles in or for
10 such commerce, or engage in the business of buying, selling, or
11 transporting in such commerce, any dead, dying, disabled, or
12 diseased animals of the specified kinds, or parts of the car-
13 casses of any such animals that died otherwise than by
14 slaughter, or diseased plant product, unless, when required by
15 regulations of the chief of agriculture, he has registered
16 with the chief of agriculture his name, and the address of
17 each place of business at which, and all trade names under
18 which, he conducts such business."

19 Section 22. Section 528 of title 22 of the Code of the Federated
20 States of Micronesia is hereby amended to read as follows:

21 "Section 528. Withdrawal of inspection services.

22 (1) The chief of agriculture may, indefinitely, or for
23 such period as he deems necessary to effectuate the purposes
24 of this chapter, refuse to provide, or withdraw, inspection
25 services with respect to any establishment if he determines,

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1 after opportunity for a hearing is accorded to the applicant for,
2 or recipient of, such service, that such applicant or recipient
3 is unfit to engage in any business requiring inspection under
4 this chapter because the applicant or recipient, or anyone
5 responsibly connected therewith, has been convicted in any court
6 of the ~~Trust Territory~~ Federated States of Micronesia or any
7 United States Federal or State court of a violation of
8 any law based upon the acquiring, handling, or distributing of
9 unwholesome, mislabeled, or deceptively packaged plant or meat
10 products or upon fraud in connection with transactions in food.

11 (2) This section shall not affect in any way any other
12 provisions of this chapter for the withdrawal of inspection
13 services under this chapter from establishments failing to
14 maintain sanitary conditions or to destroy condemned carcasses,
15 parts, meat, or ~~meat~~ food products.

16 (3) For the purposes of this section, a person
17 shall be deemed to be responsibly connected with
18 the business if he was a partner, officer, director,
19 holder, or owner of ten percent or more of its
20 voting stock, or an employee thereof in a managerial or
21 executive capacity. The determination and order of the chief of
22 agriculture with respect thereto under this section shall be
23 final and conclusive unless the affected applicant for, or
24 recipient of, inspection service files application for judicial
25 review within thirty days after the effective date of

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1 such order in the appropriate court as provided in section 531
2 of this chapter. Judicial review of any such order shall be
3 upon the record upon which the determination and order were
4 based."

5 Section 23. Section 529 of title 22 of the Code of the Federated
6 States of Micronesia is hereby amended to read as follows:

7 "Section 529. Detention of adulterated products; Removal of
8 official markings.

9 (1) Whenever any carcass, part of a plant product,
10 carcass, meat, or meat food product of cattle, sheep, swine, or
11 goats, or any product exempted from the definition of a meat
12 food product, or any dead, dying, disabled cattle,
13 sheep, swine, or goat, or diseased plant product is found by
14 any authorized representative of the chief of agriculture upon
15 any premises where it is held for purposes of or during or after
16 distribution in export commerce, and there is reason to believe
17 that any such article is adulterated or misbranded and is capable
18 of use as human food, or that it has not been inspected, in vio-
19 lation of the provisions of this chapter, or that such article
20 or animal has been or is intended to be distributed in violation
21 of any such provisions, it may be detained by such represen-
22 tative for a period not to exceed twenty days, pending action
23 under section 530 of this chapter, and shall not be moved by any
24 person, firm, or corporation from the place at which it is
25 located when so detained, until released by such representative.

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1 (2) All official marks may be required by such represen-
2 tative to be removed from such article or animal before it is
3 released unless it appears to the satisfaction of the chief of
4 agriculture that the article or animal is eligible to retain
5 such marks."

6 Section 24. Section 530 of title 22 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 530. Seizure and condemnation.

9 (1) Any carcass, part of a plant product, carcass, meat,
10 or meat food product of cattle, sheep, swine, or goats or any
11 dead, dying, disabled, or diseased cattle, sheep, swine, or goat,
12 that is being transported in export commerce, and that:

13 (a) is being or has been prepared, sold, transported,
14 or otherwise distributed or offered or received for distribution
15 in violation of this chapter; or

16 (b) is capable of use as human food and is adulter-
17 ated or misbranded; or

18 (c) in any other way is in violation of this chapter,
19 shall be liable to be proceeded against and seized and condemned,
20 at any time, on a libel of information in any proper court as
21 provided in section 531 of this chapter within the jurisdiction
22 of which the article or animal is found.

23 (2) If the article or animal is condemned, it shall, after
24 entry of the decree, be disposed of by destruction or sale as the
25 court may direct and the proceeds, if sold, less the court costs

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and fees, and storage and other proper expenses, shall be paid into the Treasury of the ~~Trust Territory~~ Federated States of Micronesia.

(3) Such articles or animals shall not be sold contrary to the provisions of this chapter.

(4) Upon the execution and delivery of a good and sufficient bond, conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this chapter, or the laws of the ~~Trust Territory~~ Federated States of Micronesia, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the chief of agriculture as is necessary to insure compliance with the applicable laws.

(5) When a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs, fees, storage, and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal.

(6) The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, and all such proceedings shall be at the suit of and in the name of the ~~Trust Territory~~ Federated States of Micronesia.

(7) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by

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1 other provisions of this chapter, or other laws of the ~~Trust~~
2 ~~Territory~~ Federated States of Micronesia."

3 Section 25. Section 531 of title 22 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 531. Judicial enforcement. The Trial Division of
6 the ~~High Court~~ Supreme Court of the Federated States of Micro-
7 nesia is vested with jurisdiction specifically to enforce,
8 and to prevent and restrain violations of this chapter, and
9 shall have jurisdiction in all other kinds of cases arising
10 under this chapter."

11 Section 26. Section 532 of title 22 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 532. Obstructing enforcement of chapter.

14 (1) Any person who forcibly assaults, resists, opposes,
15 impedes, intimidates, or interferes with any person while en-
16 gaged in or on account of the performance of his official
17 duties under this chapter shall be fined not more than \$5,000,
18 or imprisoned for not more than three years, or both.

19 (2) Any person who, in the commission of any acts pro-
20 hibited by subsection (1) of this section, uses a deadly or
21 dangerous weapon, shall be fined not more than \$10,000, or
22 imprisoned not more than ten years, or both.

23 (3) Any person who kills any person while engaged in
24 or on account of the performance of his official duties under
25 this chapter shall be punished as provided in ~~former section 757~~

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1 ~~of title 11 of the Trust Territory Code~~ section 911 of title 11
2 of the Code of the Federated States of Micronesia."

3 Section 27. Section 537 of title 22 of the Code of the Federated
4 States of Micronesia is hereby amended to read as follows:

5 "Section 537. Investigative powers of Attorney General -
6 Judicial sanctions.

7 (1) Such attendance of witnesses, and the production of
8 such documentary evidence, may be required at any designated
9 place of hearing. In case of disobedience to a subpoena the
10 Attorney General may invoke the aid of any court designated
11 in section 531 of this chapter requiring the attendance and
12 testimony of witnesses and the production of documentary
13 evidence.

14 (2) Any of the courts designated in section 531 of this
15 chapter within the jurisdiction of which such inquiry is
16 carried on may, in case of contumacy or refusal to obey a
17 subpoena issued to any person, firm, or corporation, issue an
18 order requiring such person, firm, or corporation to appear
19 before the Attorney General, or to produce documentary evidence
20 if so ordered, or to give evidence touching the matter in
21 question; and any failure to obey such order of the court may
22 be punished by such court as a contempt thereof.

23 (3) Upon the application of the Attorney General of the
24 ~~Trust Territory~~ Federated States of Micronesia, the Trial
25 Division of the ~~High Court~~ Supreme Court of the Federated

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1 States of Micronesia shall have jurisdiction to issue writs of
2 of mandamus commanding any person, firm, or corporation to
3 comply with the provisions of this chapter or any order of the
4 Attorney General made in pursuance thereof."

5 Section 28. Section 539 of title 22 of the Code of the Federated
6 States of Micronesia is hereby amended to read as follows:

7 "Section 539. Investigation by Attorney General - Witness
8 fees. Witnesses summoned before the Attorney General shall
9 be paid the same fees and mileage that are paid witnesses in
10 the courts of the ~~Trust Territory~~ Federated States of Micro-
11 nesia, and witnesses whose depositions are taken and the
12 persons taking the same shall severally be entitled to the
13 same fees as are paid for like services in such courts."

14 Section 29. Section 542 of title 22 of the Code of the Federated
15 States of Micronesia is hereby amended to read as follows:

16 "Section 542. Penalty for willful falsification of records
17 and refusal to permit examination of documents. Any person,
18 firm, or corporation that shall willfully make, or cause to
19 be made, any false entry or statement of fact in any report
20 required to be made under this chapter, or that shall will-
21 fully make, or cause to be made, any false entry in any
22 account, record, or memorandum kept by a person, firm, or
23 corporation subject to this chapter, or that shall willfully
24 neglect or fail to make or cause to be made, full, true, and
25 correct entries in such accounts, records, or memoranda, of

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1 all facts and transactions appertaining to the business of such
2 person, firm, or corporation, or that shall willfully remove
3 out of the jurisdiction of the ~~Trust Territory~~ Federated States
4 of Micronesia, or willfully mutilate, alter, or by any other
5 means falsify, any documentary evidence of any such person,
6 firm, or corporation, or that shall willfully refuse to submit
7 to the Attorney General or to any of his authorized agents, for
8 the purpose of inspection and taking copies, any documentary
9 evidence of any such person, firm, or corporation in his
10 possession or within his control, shall be deemed guilty of an
11 offense and shall be subject, upon conviction in any court of
12 competent jurisdiction, to a fine of not less than \$1,000, nor
13 more than \$5,000, or to imprisonment for a term of not more
14 than three years, or to both such fine and imprisonment."

15 Section 30. Section 543 of title 22 of the Code of the Federated
16 States of Micronesia is hereby amended to read as follows:

17 "Section 543. Penalty for failure to file reports. If any
18 person, firm, or corporation required by this chapter to file
19 any annual or special report shall fail to do so within the
20 time fixed by the Registrar of Corporations for filing the
21 same, and such failure shall continue for thirty days after
22 notice of such default, such person, firm, or corporation
23 shall forfeit to the ~~Trust Territory~~ Federated States of
24 Micronesia, the sum of \$100 for each and every day of the
25 continuance of such failure, which forfeiture shall be payable

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1 into the treasury of the ~~Trust Territory~~ Federated States of
2 Micronesia and shall be recoverable in a civil suit in the name
3 of the ~~Trust Territory~~ Federated States of Micronesia brought
4 in the Trial Division of the ~~High Court~~ Supreme Court of the
5 Federated States of Micronesia. It shall be the duty of the
6 various district attorneys, under the direction of the Attorney
7 General of the ~~Trust Territory~~ Federated States of Micronesia,
8 to prosecute for the recovery of such forfeitures."

9 Section 31. Section 544 of title 22 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 544. Penalty for unauthorized disclosure of informa-
12 tion. Any officer or employee of the ~~Trust Territory~~ Federated
13 States of Micronesia who shall make public any information
14 obtained by the Registrar of Corporations without his authority,
15 unless directed by a court, shall be deemed guilty of a mis-
16 demeanor, and, upon conviction thereof, shall be punished by
17 a fine not exceeding \$5,000, or by imprisonment not exceeding
18 one year, or by both such fine and imprisonment, in the dis-
19 cretion of the court."

20 Section 32. Section 546 of title 22 of the Code of the Federated
21 States of Micronesia is hereby amended to read as follows:

22 "Section 546. Ratification of rules and regulations. The
23 rules and regulations authorized by this chapter to be promul-
24 gated by the chief of agriculture shall be temporary until their
25 ratification by the Congress of the Federated States of

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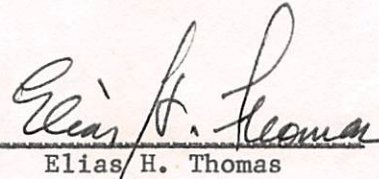
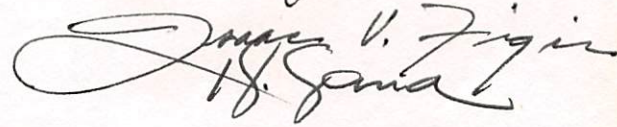
1 Micronesia; provided, that should the Congress of the Federated
2 States of Micronesia fail to reject or ratify such rules and
3 regulations within eighteen months after they are published,
4 they shall have the effect of law as if they had been formally
5 ratified."

6 Section 33. This act shall become law upon approval by the President
7 of the Federated States of Micronesia or upon its becoming law without
8 such approval.

Date:

3/26/86

Introduced by:


Elias H. Thomas
James V. Figin