

A BILL FOR AN ACT

To prohibit the sale of imported food, beverages, and pharmaceuticals intended for human or animal consumption after its expiration date, and for other purposes.

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

1 Section 1. When used in this act, unless the subject matter, context,  
2 or sense otherwise requires:

3 (1) "Business" shall have the meaning given in subsection (1)  
4 of section 112 of title 54 of the Code of the Federated States of Micro-  
5 nesia.

6 (2) "Chief" means the Chief of the Division of Health Services  
7 of the Federated States of Micronesia Department of Social Services.

8 (3) "Container" means any container containing imported food,  
9 beverages, or pharmaceuticals. In the event that an expiration date is  
10 written, stamped, or otherwise affixed to the peel, skin, or outer surface  
11 of a food or pharmaceutical item itself, the peel, skin, or outer surface shall  
12 be considered a "container."

13 (4) "Expiration date" means any date placed upon any container  
14 containing imported food, beverages, or pharmaceuticals, whether in words  
15 and figures which may be understood by the typical consumer where the  
16 product is sold or in a foreign language or in code, pursuant to the laws of  
17 the nation the container was imported from, beyond which the container and  
18 its contents could not be sold in the nation it was imported from.

19 Section 2. No business shall sell imported food, beverages, or  
20 pharmaceuticals for human or animal consumption within the Federated States of  
21 Micronesia after the expiration date of such food, beverages, or pharmaceuticals.

22 Section 3. If a business sells imported food in containers on which  
23 an expiration date is written in a code not generally understood by the  
24 typical consumer or a language other than English or the indigenous language  
25 or languages of the island the container is sold on, the business shall, if

1 possible, write or stamp or otherwise affix the expiration date on the  
2 container in a form comprehensible to the typical consumer. If the  
3 container is constructed in such a manner that this additional information  
4 may not be written, stamped, or otherwise affixed to it, the business  
5 shall make this information available to the consumer either by posted  
6 notice or orally upon request.

7 Section 4. If violations of sections 2 or 3 of this act are brought  
8 to the attention of the Chief of the Division of Health Services of the  
9 Federated States of Micronesia Department of Social Services, the Chief may  
10 issue orders ordering any business violating section 2 or 3 of this act to  
11 cease such violations.

12 Section 5. If a business willfully violates, or refuses or fails to  
13 comply with, any order issued pursuant to section 4 of this act, the Chief  
14 may bring suit on behalf of the Federated States of Micronesia in the Trial  
15 Division of the Federated States of Micronesia Supreme Court in the State  
16 where the violation occurred to restrain further violations. In addition, any  
17 person who willfully violates or refuses to comply with an order issued  
18 pursuant to section 4 of this act may, in the action to restrain further  
19 violations, be fined not more than \$50 for each day in which such violation  
20 occurs or such refusal to comply continues.

21 Section 6. The Chief may, by agreement, delegate any powers he or she  
22 is given in this act to State governments so that a State may assume re-  
23 sponsibility for enforcement of this act within its own territory.

24 Section 7. This act shall not be construed as preempting or prohibiting  
25 any cause of action any party harmed by materials sold in violation of this



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1 act may have against the business which sold the materials.

2 Section 8. The Chief, with the approval of the President of the  
3 Federated States of Micronesia and in accordance with title 17 of the Code  
4 of the Federated States of Micronesia, is hereby authorized to issue and  
5 promulgate rules and regulations implementing the provisions of this act,  
6 which rules and regulations shall have the force and effect of law.

7 Section 9. This act shall become law upon approval by the President  
8 of the Federated States of Micronesia or upon its becoming law without such  
9 approval.

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Date: 6/3/86

Introduced by: ✓  
Elias H. Thomas