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A BILL FOR AN ACT

To amend chapter 8 of title 41 of the Code of the Federated States of Micronesia, by enacting new sections 802 and 803 to establish the standard of proper packaging and labeling of tobacco products, and for other purposes.

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

1           Section 1. Chapter 8 of title 41 of the Code of the  
2 Federated States of Micronesia, is hereby amended by adding a  
3 new section 802 to read as follows:

4           "Section 802. Prohibition on tobacco packaging and  
5           labeling. No person shall distribute, import,  
6           purchase for commercial purposes, or display  
7           tobacco:

8           (1) which contains on each unit packet and  
9           package of tobacco products, and any outside  
10           packaging and labeling any false, misleading,  
11           deceptive or likely to create an erroneous  
12           impression about the product's characteristics,  
13           health effects, and hazards or emissions, including  
14           any term, descriptor, trademark, figurative, or any  
15           other sign that directly or indirectly creates the  
16           false impression that a particular tobacco product  
17           is less harmful than other tobacco products. These  
18           may include, but are not limited to words or  
19           descriptors such as "light", "mild", "ultra-light",

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1 "less tar", "slim", or similar descriptors, or  
2 graphics associated with such descriptors;

3 (2) unless the outside packaging and labeling  
4 of each unit packet and package of tobacco  
5 products, or wrapper in the case of cigars,  
6 contains permanently affixed health warnings  
7 describing the harmful effects of tobacco use, and  
8 may include other appropriate messages as described  
9 in relevant regulations. These warnings and  
10 messages:

11 (a) shall be approved by the Secretary of  
12 the FSM Department of Health and Social Affairs or  
13 his/her designee;

14 (b) shall be rotating;

15 (c) shall be in English and/or the  
16 respective state's local vernacular;

17 (d) shall be large, clear, visible and  
18 legible;

19 (e) should be up 50 percent or more of the  
20 principle display area; and

21 (f) may be in the form of or include  
22 pictures or pictograms.

23 (3) unless the outside packaging and labeling of  
24 each unit packet and package of tobacco products  
25 contains, in addition to warnings, information on

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1 the relevant constituents and emissions of the  
2 tobacco product, in English and/or the respective  
3 state's local vernacular, and as defined by  
4 regulation;

5 (4) unless the package contains a package  
6 insert, written in English and/or the respective  
7 state's local vernacular, and complies with all  
8 applicable regulations;

9 (5) which does not contain the name and license  
10 number of the manufacturer, and as applicable,  
11 wholesaler, importer, and exporter, permanently  
12 affixed on its package, and on any larger package,  
13 box, or container holding a number of tobacco  
14 product packages;

15 (6) which does not contain the manufacture  
16 serial number, lot number or batch number and the  
17 name of the country in which it was manufactured;

18 (7) unless the unit packets and packages of  
19 tobacco products for retail and wholesale use that  
20 are sold in Federated States of Micronesia's  
21 domestic market carry the statement: "Sales only  
22 allowed in the FSM" or carry any other effective  
23 marking indicating the final destination or which  
24 would assist authorities in determining whether the  
25 product is legally for sale in the domestic

1           market.”

2           Section 2. Chapter 8 of title 41 of the Code of the  
3 Federated States of Micronesia, as amended, is hereby further  
4 amended by adding a new section 803 to read as follows:

5           “Section 803. Regulations. The Secretary of the  
6           Department of Health and Social Affairs may, from  
7           time to time, promulgate such regulations as are  
8           reasonably necessary to implement the provisions of  
9           this chapter.”

10          Section 3. This act shall become law upon approval by  
11 the President of the Federated States of Micronesia or upon  
12 its becoming law without such approval.

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14 Date: 5/25/10

Introduced by: /s/ Joe N. Suka

Joe N. Suka  
(by request)

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