

**TITLE 34
PUBLIC HEALTH, SAFETY AND WELFARE**

**DIVISION 1
HEALTH**

**Chapter 1
Bureau of Public Health**

- § 101. Director of Bureau; duties in general.
- § 102. Promulgation of health regulations.
- § 103. Certificates, permits and licenses.
- § 104. Penalty for violation of regulations.

§ 101. Director of Bureau; duties in general.

The Director of the Bureau of Public Health shall, either personally or by his duly authorized representatives, maintain and improve health and sanitary conditions, minimize and control communicable disease, establish standards of medical and dental care and practice, encourage scientific investigation in the field of health, supervise and administer all sanitariums, clinics, dispensaries and such other medical and dental facilities as are or may be established throughout the Republic.

Source

(Code 1966, § 611.) 63 TTC § 2, modified, as amended by RPPL 3-78 § 1(2).

Notes

See 2 PNCA § 102 for all references to Ministry names in this Title.

All references in Title 34 of the Palau National Code to the Bureau of Health Services are hereby amended to reference the Bureau of Public Health by RPPL 8-13 § 3.

§ 102. Promulgation of health regulations.

The Director shall, subject to the approval of the President, have powers to make such regulations as he deems necessary for the public health and safety respecting:

- (a) nuisances, foul and noxious odors, gases or vapors, water in which mosquitoes breed or may breed, sources of filth, and causes of sickness or disease, within the Republic and on board any vessel;

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- (b) adulteration and misbranding of food, drugs, or milk;
- (c) location, air space, ventilation, sanitation, drainage, sewage disposal and other health conditions of buildings, construction projects, excavations, pools, water courses, areas and alleys;
- (d) privy vaults, cesspools and other means of human excreta disposal;
- (e) fish and fishing;
- (f) interments and dead bodies;
- (g) disinterments of dead human bodies, including the exposing, disturbing or removing of such bodies from their place of burial, or the opening, removing or disturbing after due interment of any receptacle, coffin, or container holding human remains or a dead human body or a part thereof, and the issuance and terms of permits for the aforesaid disinterments of dead human bodies;
- (h) cemeteries and burying grounds;
- (i) laundries, and the laundering and sterilization of all articles of linen and uniforms used by or in the following businesses and professions:
 - (1) barber shops, manicure shops and beauty parlors;
 - (2) restaurants and soda fountains;
 - (3) hotels and rooming and boarding houses;
 - (4) bakeries;
 - (5) butcher shops;
 - (6) public bathhouses, midwives, masseurs and others in similar calling;
 - (7) public or private hospitals;
 - (8) canneries and bottling works where food or beverages are canned or bottled for public consumption or sale; provided that nothing contained in this subsection

shall be construed as authorizing the prohibiting of such laundering and sterilization by those conducting any of such businesses or professions where such laundering or sterilization is done in an efficient and sanitary manner;

- (j) [Repealed];
- (k) hotels, rooming houses, lodging-houses, apartment houses and tenements;
- (l) laboratories;
- (m) quarantine of communicable disease and inspection;
- (n) poisons, fumigation and air-conditioning and ventilating;
- (o) places of business, industry, employment and commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation or entertainment;
- (p) any restaurant, theater, market, stand, shop, store, factory, buildings, wagon, vehicle, or place where any food, drug, or cosmetic is manufactured, compounded, processed, extracted, prepared, stored, distributed, sold, offered for sale or offered for human consumption or use;
- (q) foods, drugs and cosmetics, and the manufacture, compounding, processing, extracting, preparing, storing, selling and offering for sale or for consumption or use of any food, drug or cosmetic;
- (r) devices, including their components, parts and accessories, intended:
 - (1) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans, or
 - (2) to affect the structure or any function of the human body;
- (s) sources of ionizing radiation, and radiation protection;
- (t) medical examination, vaccination, revaccination, and immunization of school children;

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(u) disinsectization of aircraft entering or within the Republic as may be necessary to prevent the introduction, transportation or spread of disease or the introduction or spread of any insect or other vector of significance to health.

Source

(Code 1966, § 612; P.L. No. 5-2, § 2.) 63 TTC § 3, last paragraph of original section moved to § 103, and section modified. Subsection (j) is repealed by RPPL 3-78 § 1(3).

§ 103. Certificates, permits and licenses.

The Director may require such certificates, permits or licenses as he may deem necessary to adequately regulate the conditions or businesses referred to in section 102.

Source

(Code 1966, § 612; P.L. No. 5-2, § 2.) 63 TTC § 3, last paragraph, modified.

§ 104. Penalty for violation of regulations.

A person who violates any of the regulations issued pursuant to this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500), or imprisoned for not more than one (1) year, or both.

Source

(Code 1966, § 625.) 63 TTC § 103, modified.

§ 105. Health and social impact.

(a) The Environmental Quality Protection Board shall inform the Ministry of Health and Human Services of any project that submits an Environmental Assessment or Environmental Impact Statement, and provide a copy of the Environmental Assessment or Environmental Impact Statement to the Ministry of Health and Human Services.

(b) The Ministry of Health and Human Services shall be responsible for reviewing the sections of the Environmental Assessment or Environmental Impact Statement relating to the health and social impacts of the proposed development project.

(1) The Ministry of Health and Human Services may partner with other government entities, non-governmental or non-profit organizations, or private sector organizations that have the requisite expertise to review Environmental

Assessments and Environmental Impact Statements for health and social impact issues.

(2) The Ministry of Health and Human Services may verify the information submitted and the credentials of the individual submitting the Environmental Assessment or Environmental Impact Statement and may request additional information in order to make an informed determination regarding potential health and social effects of project development.

(c) If the Ministry of Health and Human Services finds, based on its review of an Environmental Assessment or Environmental Impact Statement, that a project would adversely affect the health or society of the Republic, it shall report in writing the adverse findings to the Environmental Quality Protection Board.

Source

RPPL 10-52 § 3, modified.

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**Chapter 2
Palau Health Professionals Licensing Act**

- § 201. Definitions.
- § 202. Establishment of Board of Health professions; regulations.
- § 203. Functions and duties.
- § 204. Composition of Board.
- § 205. Terms of office; qualifications.
- § 206. Appointment, vacancies, removal, suspension.
- § 207. By laws.
- § 208. Compensation of members.
- § 209. Immunity.
- § 210. Administrative support.
- § 211. Advisory committees.
- § 212. Mode of licensing.
- § 213. License required; qualifications of applicants; additional qualifications for non-citizen physician applicants.
- § 214. Qualifications of health professionals.
- § 215. Renewal of license.
- § 216. Inactive status.
- § 217. Reinstatement of lapsed licenses.
- § 218. Duties of licensees.
- § 219. Titles and abbreviations.
- § 220. Health professional education programs.
- § 221. Violations.
- § 222. Exceptions.
- § 223. Penalties.
- § 224. Authority.
- § 225. Establish fees.
- § 226. Transition.
- § 227. Good samaritans; emergency medical care rendered at scene of emergency.

§ 201. Definitions.

As used in this chapter:

- (a) “Health profession” means any profession practiced by a health professional.

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- (b) “Health professional” means any professional listed in section 219.
- (c) “Approved school” means a school approved by the Board of Health Professions or other board as meeting the minimum requirements established by the Board for the preparation of health professionals.
- (d) “Board” means the Board of Health Professions of the Ministry of Health and Human Services.
- (e) “Chairperson” means the Chairperson of the Board of Health Professions.
- (f) “Minister” means the Minister of Health and Human Services of the Republic of Palau.
- (g) “License” means a current document permitting the practice of a health profession as specified under this chapter.
- (h) “Other board” means a health professional regulatory agency comparable to the Board and approved by the Board in any United States-associated Pacific Basin island nation, state, territory, or commonwealth, or a foreign country.
- (i) “President” means the President of the Republic of Palau.

Source

RPPL 5-42 § 2, modified.

Notes

Former Chapter 2 titled “Palau Health Planning Council” was repealed by RPPL 3-72 § 12 and RPPL 4-14 § 1(4).

§ 202. Establishment of Board of Health professions; regulations.

There is hereby established a Palau Board of Health Professions within the Ministry of Health and Human Services for the purpose of regulating the practice of health professionals. The Board shall promulgate regulations consistent with this chapter and 6 PNC Chapter 1 and shall do so within ninety (90) days after the effective date of this chapter. Regulations promulgated pursuant to the Palau Nursing Practice Act (34 PNC chapter 3, subchapter IV) shall remain in effect until the Board promulgates regulations pursuant to this chapter.

Source

RPPL 5-42 § 3, modified.

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§ 203. Functions and duties.

The Board shall meet at least twice yearly and shall elect a chairperson and other officers pursuant to its bylaws. The Board may hold other meetings during the year as may be necessary to conduct its business. The Board shall advise the Minister on any of the matters encompassed under this chapter and on any other matter that may be referred to the Board by the Minister. Subject to Title 6 of the PNC, the Board is authorized to:

- (a) Enforce qualifications for licensing;
- (b) Develop and enforce reasonable standards for health professional practice qualified education;
- (c) Examine, license, and renew the licenses of duly qualified individuals;
- (d) Develop standards for continued competency of licensees;
- (e) Collect data regarding health professions;
- (f) Implement a disciplinary process;
- (g) Regulate the manner in which health professionals announce their practice to the public;
- (h) Issue limited, temporary, or provisional licenses to practice a health profession temporarily subject to restricted terms and conditions as the Board may impose;
- (i) Annually notify all licensees and certificate holders about changes in laws and regulations regarding health professions practice;
- (j) Submit an annual report to the Minister;
- (k) Maintain records of its proceedings;
- (l) Provide consultation and conduct conferences, forums, studies and research on health professions practice and education;
- (m) Join organizations that develop or regulate licensing and certification examinations and promote the improvement of the legal standards of the practice of the various health

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professions for the protection of the public health, safety, and welfare;

(n) Require that certain health professionals obtain malpractice insurance prior to obtaining a license; and

(o) Any other duties and functions which are consistent with the provisions of this chapter.

This chapter shall not be construed to require the Board to report violations of the provisions of this chapter to the Minister when, in the Board's opinion, the public interest will be served adequately by suitable written notice of warning to the individual violator.

Source

RPPL 5-42 § 4, modified.

§ 204. Composition of Board.

The Board shall consist of nine members, appointed by the President with the advice and consent of the Senate, as follows:

(a) One physician licensed to practice in the Republic of Palau from a list of at least three nominees submitted by the Minister.

(b) One dentist licensed to practice in the Republic of Palau from a list of at least three nominees submitted by the Minister.

(c) One nurse licensed to practice in the Republic of Palau from a list of at least three nominees submitted by the Minister.

(d) Three health professionals licensed to practice in the Republic of Palau from a list of at least five nominees submitted by the Minister.

(e) Three residents of the Republic.

(f) Ex officio members may be appointed by the Minister. These members act in an advisory capacity only and may not vote on any matter.

Source

RPPL 5-42 § 5.

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§ 205. Terms of office; qualifications.

- (a) Appointments shall be for terms of four years; provided that the initial appointment of the health professionals in section 204(d) shall be for a term of three years, and the initial appointment of the residents in section 204(e) shall be for a term of two years.
- (b) Each member of the Board shall be a citizen or resident of the Republic.
- (c) A Board member chosen from the general public may not be a member of any health profession or a student in a health educational program, may not have a direct or indirect financial interest in health care services, and may not be a member or employee of any board in control of any public or private health care organization.

Source

RPPL 5-42 § 6, modified.

§ 206. Appointment; vacancies; removal; suspension.

Appointment of Board members shall be made as follows:

- (a) Professional associations and the Board itself may solicit nominations and submit to the Minister a list of names to serve as members of the Board. Each candidate shall signify consent to serve as a member of the Board by placing his or her signature opposite his or her name on the list.
- (b) Any vacancy in the membership of the Board shall be filled for the unexpired term in the same manner as provided for other Board members.
 - (1) If a successor has not been appointed when the term of a member expires, the term of the member shall be extended until a successor is appointed; provided that under no circumstances may an extension last longer than 60 days.
 - (2) The powers of the Board shall not be affected by reason of a vacancy or vacancies in the membership of the Board, except when there are insufficient Board members to constitute a quorum.
 - (3) If a Board member changes his or her area of professional practice so that the Board's composition no longer complies with the provisions of this chapter, that Board member shall be deemed to have resigned from the Board as of the date of

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his or her change of practice.

(4) The President, on his own motion or on a recommendation of the Board supported by documentary evidence to the President's satisfaction, may remove any member of the Board from office on the grounds of neglect of duty, incompetence, unprofessional or disreputable conduct, or conviction of a felony or misdemeanor.

(5) Where any criminal or disciplinary investigation or proceeding is commenced against a Board member, the President may suspend the member from the Board until the conclusion of the investigation or proceeding.

Source

RPPL 5-42 § 7, modified.

§ 207. Bylaws.

The members of the Board shall establish Bylaws, by which the Board shall conduct its business.

Source

RPPL 5-42 § 8.

§ 208. Compensation of members.

The members of the Board shall not be entitled to receive any salary, remuneration, or other compensation for their services except that they may be reimbursed for necessary expenses incurred in the performance of official duties. At the discretion of the Minister, travel and per diem may be authorized for those members who reside outside Palau.

Source

RPPL 5-42 § 9.

§ 209. Immunity.

(a) All members of the Board shall have immunity from individual civil liability for acts or omissions committed while acting within the course and scope of their duties as Board members.

(b) If the Board, an individual member, any advisory or professional review committee

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authorized by the Board or any member thereof, or staff is sued for any act or omission committed in the course and scope of the duties of the Board, the Office of the Attorney General shall represent the involved party at no cost to that person.

(c) Any professional review committee authorized by the Board or any witness appearing before the Board shall be immune from suit in any civil action taken by a licensee who is the subject of a professional review proceeding.

(d) The testimony of any witness appearing before the Board shall be privileged from discovery and may not be used in any subsequent civil or criminal proceeding. At the discretion of the Board, the identity and testimony of any witness shall remain the confidential information of the Board.

Source
RPPL 5-42 § 10.

§ 210. Administrative support.

The Minister shall provide such administrative support to the Board as may be necessary for the due and efficient conduct of its affairs.

Source
RPPL 5-42 § 11.

§ 211. Advisory committees.

The Board may appoint advisory committees to assist the Board in the implementation of this chapter. Members of advisory committees shall not be entitled to receive any salary, remuneration, or other compensation for their services except that they may be reimbursed for necessary expenses incurred in the performance of official duties. At the discretion of the Minister, travel and per diem may be authorized for those members who reside outside Palau.

Source
RPPL 5-42 § 12, modified.

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§ 212. Mode of licensing.

There shall be two modes of licensing as follows:

(a) Licensing by registration shall consist of two phases. Under the first phase, the applicant shall meet the requirements for licensing as specified in this chapter. Clinical competency shall be evaluated under the second phase and shall consist of a 6-month probationary period. The probationary period may include direct supervision by a health professional of the same category, an oral or written test, and/or on-site evaluation of performance by the Board or a designee. If, at the end of the 6-month probationary period, the Board deems that the applicant has demonstrated a sufficient skill level, the Board shall issue a license. If the Board deems that the applicant has demonstrated a skill level qualifying the applicant for a license different from that being applied for, the Board may issue a license for the skill level so demonstrated rather than the license for which the applicant applied.

(b) As specified in the Board's regulations, the Board may issue a license by endorsement to an applicant who has been licensed as a health professional by other boards as determined by the Board.

Source

RPPL 5-42 § 13, modified.

§ 213. License required; qualifications of applicants; additional qualifications for non-citizen physician applicants.

(a) No person may practice a health profession in Palau unless that person holds a valid license issued by the Board; provided, that any person who holds a license to practice a health profession in Palau that is valid on the effective date of this chapter shall be deemed to be licensed under the provisions of this chapter and shall be eligible for renewal of such license under the conditions and standards prescribed in this chapter.

(b) For licensing by registration, an applicant shall:

(1) Be a graduate of a health professions program or the equivalent as approved by the Board;

(2) Be a graduate of an educational program which prepares students for the level of licensing being sought and which is approved by the Board;

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- (3) Be proficient in the Palauan language, or the English language if a graduate of a foreign health professional education program; and
- (4) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, unless the Board has found after investigation that sufficient restitution has been made.

(c) For licensing either by registration or endorsement, a non-citizen physician applicant must be, at a minimum, board eligible or board certified in the Jurisdiction where their residency was completed, or the equivalent as approved by the Board, in the field of medicine in which the applicant seeks to practice, and any other criteria and standards as determined by the Board.

Source

RPPL 5-42 § 14, modified. Amended by RPPL 10-44 § 2.

Notes

RPPL 10-44 § 3 reads: Section 3. Grandfather clause.

Section 2 of this Act shall apply prospectively and physicians licensed to practice medicine in the Republic of Palau as of the effective date of this Act may be permitted to continue practicing medicine for the term of such license, with no renewal thereof except in accordance with the provisions of Chapter 2 of Title 34 of the Palau National Code.

§ 214. Qualifications of health professionals.

The Board shall establish criteria and standards for licensing of health professionals and shall publish those standards in its regulations.

Source

RPPL 5-42 § 15, modified.

§ 215. Renewal of license.

- (a) Any license, except a temporary license, issued under this chapter shall be valid for two years. The Board shall by regulation establish a schedule for renewal of licenses.
- (b) A renewal license shall be issued to a health professional who pays the required fee and who demonstrates satisfactory completion of the requirements established by the Board to ensure continued competence.

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(c) To assure quality patient care, the Board shall establish continuing education requirements for health professionals to renew licenses.

(d) Failure to renew a license shall result in forfeiture of the right to practice that health profession in Palau.

Source

RPPL 5-42 § 16, modified.

§ 216. Inactive status.

Upon written request to the Board, a health professional in good standing may cause his or her license to be placed on an inactive list, and such licensee may not practice during the time the license is inactive. No renewal fee shall be required during the period of inactivity. If an inactive licensee desires to resume practice, the licensee must meet the criteria for competency as established in the Board's regulations.

Source

RPPL 5-42 § 17.

§ 217. Reinstatement of lapsed licenses.

A licensee whose license lapses may apply for reinstatement according to the Board's regulations.

Source

RPPL 5-42 § 18.

§ 218. Duties of licensees.

Each licensee shall:

(a) Provide information requested by the Board to perform its duties in regulating and controlling regulated health professions. Failure to provide the requested information may result in non-renewal, suspension, or revocation of the license to practice.

(b) Submit to a physical or mental examination by a designated physician when directed in writing by the Minister; provided that the Minister may only direct a mental or physical examination after the Minister receives a written recommendation from the Board based

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on a 2/3 vote of the Board. If requested by the licensee, the licensee may also designate a physician for an independent medical examination. This request shall not constitute an admission of any allegation relating to such cause. All objections by the licensee shall be waived as to admissibility of the examining physician's testimony or examination reports at any Board proceeding on the grounds that they constitute a privileged communication. The medical testimony or examination reports may not be used against a health professional in any non-Board proceeding and shall be confidential. At reasonable intervals, the health professional shall be afforded an opportunity to demonstrate that he or she can resume the competent practice of his or her profession with reasonable skill and safety to patients. The Board's regulations shall contain criteria by which the Board shall determine when it should recommend to the Minister that a licensee be required to submit to a mental or physical examination.

(c) Report to the Board any acts or omissions committed by the health professional which are grounds for disciplinary action as set forth in this chapter.

(d) Report to the Board every adverse judgment in a professional or occupational malpractice action to which the licensee is party, and every settlement of a claim against the licensee alleging malpractice.

Source
RPPL 5-42 § 19, modified.

§ 219. Titles and abbreviations.

(a) Only those persons who hold a license to practice a health profession in Palau shall have the right to use the following titles or abbreviations as part of their provision of services.

(1) Physicians

- (A) M.D. (Doctor of Medicine)
- (B) M.O. (Medical Officer)
- (C) D.O. (Doctor of Osteopathy)
- (D) M.B.B.S. (Bachelor of Medicine and Bachelor of Surgery)
- (E) D.C.H.M.S. (Diploma of Community Health, Medicine, and Surgery)

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(2) Dentistry

- (A) D.M.D. (Doctor of Medicine in Dentistry)
- (B) D.D.S. (Doctor of Dental Surgery)
- (C) L.D.A. (Licensed Dental Assistant)
- (D) D.N. (Dental Nurse)
- (E) L.D.T. (Licensed Dental Therapist)

(3) Nurses

- (A) R.N. (Registered Nurse)
- (B) L.P.N. (Licensed Practical Nurse)
- (C) L.H.N. (Licensed Health Assistant)
- (D) A.N.P. (Advanced Nurse Practitioner)
- (E) C.N.A. (Certified Nurse Anaesthetist)
- (F) C.N.M. (Certified Nurse Midwife)

(4) Behavioral Health Professionals

- (A) Ph.D. (Clinical Psychologist)
- (B) M.A., M.S. (Counselor)
- (C) B.S.W., B.S., B.A., M.S.W., M.S., Ph.D., L.C.S.W. (Social Worker)
- (D) Certified Addictions Counselor
- (E) Psychiatric Technician

(5) Physician Assistants

- (A) P.A. (Physician Assistant)
- (B) Medex (Medex)
- (C) A.M.O. (Assistant Medical Officer)

(6) Pharmacy Professionals

- (A) R.P. (Pharmacist)
- (B) Pharmacy Technologist
- (C) Pharmacy Technician

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(7) Laboratory Professionals

- (A) Laboratory Technologist
- (B) Laboratory Technician

(8) X-Ray and Dental Professionals

- (A) X-Ray Technologist
- (B) X-Ray Technician
- (C) Dental Technologist
- (D) Dental Technician

- (E) Dental Hygienist

(9) Sanitarian

(10) Therapists

- (A) P.T. (Physiotherapist)
- (B) O.T. (Occupational Therapist)
- (C) M.T. (Music Therapist)

(11) Acupuncturists

- (A) C.A. (Certified Acupuncturist)
- (B) Lic. Ac. (Licensed Acupuncturist)

(12) R.D. (Registered Dietitian)

(13) Other medical professions as set forth in regulations.

(b) The various categories of specialists, their titles, and abbreviations shall be designated by the Board in its regulations.

Source
RPPL 5-42 § 20.

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§ 220. Health professional education programs.

- (a) The Board shall, by regulation, approve the establishment, conduct of, and standards for health professional education programs including all clinical facilities used for learning, and shall survey and approve programs that meet the requirements of this chapter and the Board's regulations.
- (b) An institution desiring to conduct a health professional education program in Palau shall apply to the Board and submit evidence that its program meets the standards established by the Board. If the Board finds that the program meets the established standards for this type of education program, it shall approve the program.
- (c) The Board shall periodically re-survey and re-evaluate approved health professional education programs and shall publish a list of approved programs.
- (d) The Board may deny or withdraw approval or take such action as deemed necessary when health professional education programs fail to meet the standards established by the Board.
- (e) The Board shall reinstate approval of a health professional education program upon submission of satisfactory evidence that the program meets the standards established by the Board.
- (f) Provisional approval of new programs may be granted pending the licensing results of the first graduating or participating class.
- (g) Conditional approval may be granted to a health professional program which is working towards meeting the conditions for full approval. The graduates of conditionally approved programs may be eligible for licensing.

Source
RPPL 5-42 § 21, modified.

§ 221. Violations.

No person may:

- (a) Engage in the practice of a health profession as defined in this chapter without a valid license, except as otherwise permitted under this chapter.

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- (b) Practice a health profession under cover of any diploma, license, or record illegally or fraudulently obtained, signed, or issued.
- (c) Use any words, abbreviations, figures, letters, title, sign, card, or device tending to imply that he or she is a licensed health practitioner unless the person is licensed to practice under this chapter.
- (d) Fraudulently obtain a license or furnish a license to another.
- (e) Knowingly employ unlicensed persons in the practice of a health profession.
- (f) Fail to report known violations of this chapter.
- (g) Conduct a health professional education program unless the program has been approved by the Board.
- (h) Otherwise violate or assist another person to violate any provision of this chapter.

Source
RPPL 5-42 § 22, modified.

§ 222. Exceptions.

No provision in this chapter shall be construed to prohibit:

- (a) Gratuitous care of the sick, injured, or infirm by friends or relatives.
- (b) Incidental care of the sick, injured, or infirm by persons acting as parents or by persons primarily employed as house-keepers.
- (c) Domestic administration of Palauan family or Palauan traditional remedies or the practice of Palauan traditional healing arts.
- (d) Necessary health care services performed in case of an emergency, epidemic, or public disaster.
- (e) The practice of a health profession which forms an integral part of a student's training program approved by the Board, or which forms an integral part of a program leading to qualification as a physician, dentist, surgeon or practitioner of any other health profession

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and not expressly provided in this chapter.

(f) The establishment of an independent practice by one or more health professionals for the purpose of rendering to patients health care services within the scope of their educational preparation and the scope of their license(s) to practice.

(g) The practice of any health professional on board a vessel or aircraft traveling to or from any part of Palau to any port outside Palau.

(h) Care of any employee, servant, or agent of a foreign government organization or any individual present in Palau in connection with any educational or assistance program approved by the government of Palau.

Source

RPPL 5-42 § 23, modified.

§ 223. Penalties.

(a) Criminal penalties. Any person who violates section 221(a),(b),(c),(d) or (e) shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to not more than six (6) months in prison, and fined not more than ten thousand dollars (\$10,000) per violation.

(b) Civil penalties. Violations of any provision of section 221 shall be punishable by civil penalties to be established by regulations promulgated by the Board. Civil monetary penalties may not exceed one thousand dollars (\$1,000) per initial violation or ten thousand dollars (\$10,000) for each subsequent violation.

Source

RPPL 5-42 § 24, modified.

§ 224. Authority.

The Board shall have the power to refuse to issue or renew a license; to suspend, revoke, restrict, or place any condition upon any license; to place on probation, or to reprimand a licensee for any of the reasons set forth below. Civil penalties of up to fifty percent (50%) of the costs of the proceedings resulting in the Board action may be imposed upon the licensee or applicant. The Board may take such disciplinary action pursuant to its regulations when it is proven that a licensee or applicant:

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- (a) Has procured or attempted to procure, by making or causing to be made, a false, fraudulent, or forged statement, a license to practice under this chapter;
- (b) Has procured or attempted to procure, by giving or offering a bribe to any member, officer, or employee of the Board, or by using undue influence, threat, or duress on such member, officer or employee, a license to practice under this chapter;
- (c) Has been convicted in any jurisdiction of a crime that relates adversely to the practice of his or her health profession or to the ability to practice that profession;
- (d) Has resorted to or attempted to resort to any deception at any examination conducted by the Board for the purpose of licensing or has violated any regulation relating to an examination;
- (e) Has been disciplined by a health professions board in another jurisdiction;
- (f) Has engaged in any act inconsistent with the standards of his or her health profession practice as defined by Board regulations;
- (g) Is unfit or incompetent by reason of ill health, mental illness, negligence, or substance abuse;
- (h) Is guilty of conduct likely to deceive, defraud, or harm the public or any member thereof;
- (i) Is habitually intoxicated or addicted to drugs;
- (j) Has been convicted of a felony;
- (k) Has engaged knowingly in any act which exceeds the scope of the individual's health professional license, certification or training;
- (l) Has failed to meet the duties of the licensee as provided in this chapter and Board regulations;
- (m) Has knowingly or repeatedly violated any of the provisions of this chapter or regulations made under this chapter, or any of the regulations of the Ministry of Health and Human Services as applied to his or her profession;

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- (n) Has misrepresented or permitted the misrepresentation of his or her professional qualifications, affiliations, or purposes, or those of the institutions, organizations, products or services with which he or she is associated;
- (o) Has functioned outside his or her particular field or fields of competence as established by his or her education, training, and experience; and
- (p) Has failed to comply with reporting requirements established by the Board.

Source
RPPL 5-42 § 25, modified.

§ 225. Establish fees.

The Board is authorized to establish appropriate fees for licensing by examination, reexamination, endorsement, or reciprocity and such other fees and fines as the Board determines necessary. The Board shall designate a fee schedule in its regulations. All fees and fines collected by the Board shall be deposited into the National Treasury.

Source
RPPL 5-42 § 26.

§ 226. Transition.

Sections 218, 219(a), 221, 223, and 224 of this chapter shall not be enforced until one hundred (100) days after May 31, 2000.

Source
RPPL 5-42 § 28, modified.

§ 227. Good samaritans; emergency medical care rendered at scene of emergency.

No licensee, employer of a licensee, or other person, who in good faith renders emergency care at the scene of an emergency, shall be liable for any civil damages as a result of any negligent or reckless acts or omissions by the licensee or other person in rendering the emergency care. For purposes of this section, “the scene of an emergency” means (a) any place other than within a hospital or medical clinic or (b) the emergency room or similar urgent care facility of any hospital or medical clinic when immediate emergency care is needed by three or more patients for each doctor that is present.

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Source
RPPL 5-42 § 29.

Chapter 3
Health Care Services

Subchapter I
Minimum Equipment and Staffing Standards for Ambulances

- § 301. Equipment required for ambulances.
- § 302. Staffing required for ambulances.
- § 303. Certification of emergency ambulance service personnel.
- § 304. Renewal of certification.
- § 305. Supervision.

§ 301. Equipment required for ambulances.

- (a) Effective one hundred and twenty (120) days following the effective date of this subchapter, every ambulance in the Republic must be equipped with emergency medical supplies and equipment as required by regulation to be promulgated by the Ministry of Health and Human Services as in subsection (c).
- (b) All ambulances and ambulance equipment and supplies must be maintained in good working order and be kept clean and disinfected.
- (c) Within ninety (90) days of the effective date of this section, the Ministry of Health and Human Services will promulgate regulations consistent with this subchapter that specify the types and quantities of emergency medical supplies and equipment that ambulances must maintain.

Source

RPPL 10-9 § 2, modified.

Notes

Former Subchapter I entitled "Training and Licensing" was repealed by RPPL 5-42 § 27.

§ 302. Staffing required for ambulances.

- (a) Effective July 1, 2018, an ambulance responding to a request for emergency medical services or transporting a patient from the scene of an emergency must be staffed in accordance with regulations promulgated by the Ministry of Health and Human Services in consultation with the Bureau of Public Safety within ninety (90) days of the effective

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date of this subchapter.

(b) Additional individuals satisfying the requirements of the regulations promulgated in accordance with this section must be dispatched in response to a call for assistance when necessary to provide adequate emergency medical services.

(c) At least one individual who is duly licensed as an Emergency Medical Technician or Paramedic and is trained to properly utilize all equipment and supplies in the ambulance must be present in the patient compartment of an ambulance whenever a patient is present in the patient compartment.

(d) The Bureau of Public Safety, in coordination with any other appropriate agencies or organizations, including Palau Community College, will make available Emergency Medical Technician training opportunities so as to ensure that any licensure requirement of this subchapter will be satisfied with respect to its ambulance staff.

Source

RPPL 10-9 § 3, modified.

§ 303. Certification of emergency ambulance service personnel.

(a) Certification under this section shall be a prerequisite to the practice of emergency medical services in the Republic of Palau. Without an appropriate certificate issued by the Board of Health Professionals, it is unlawful to work as an Emergency Medical Technician or Paramedic. The Board of Health Professionals shall certify individuals as qualified in emergency medical services upon application therefore, provided that the applicant for certification:

(1) holds a certificate from a recognized Emergency Medical Technician or Paramedic program, which is issued after satisfactorily passing a course of training in emergency medical services for emergency ambulance services personnel;

(2) agrees to meet and demonstrates compliance with continuing education requirements set by the Board of Health Professionals; and

(3) meets any other qualifications set by the Board of Health Professionals.

(b) The Board of Health Professionals shall provide for the periodic renewal of such

certification as well as the circumstances resulting in revocation, suspension, or limitation of certification in the event an individual once certified under this section fails to maintain or meet requirements for continued certification, or for good cause shown.

Source

RPPL 10-9 § 4, modified.

§ 304. Renewal of certification.

(a) A person holding a certificate under this subchapter shall renew the certificate every two years and comply with the continuing education requirements set forth in the Board's rules. However, in order to stagger the certification of our available emergency medical personnel during the initial implementation of this subchapter, the first four certificates issued shall be valid for a period of three years and the following four certificates issued shall be valid for a period of two and a half (2 ½) years.

(b) To determine compliance, the Board may conduct a random audit. Any persons selected for audit shall be notified in writing by the Board. Within ninety days of notification, the person shall provide to the Board documentation to verify compliance with the continuing education requirements.

(c) Failure to renew, or in the case of audited persons, provide documentation of compliance, shall constitute a forfeiture of the certificate, which may be restored only upon the submission of written application, and in the case of audited persons, documentation of compliance.

Source

RPPL 10-9 § 5, modified.

§ 305. Supervision.

Within the Bureau of Public Safety, there shall be an Emergency Medical Services Medical [sic] Supervisor, who shall supervise and monitor the Emergency Medical Technician and Paramedic employees' performance and program quality assurance. The Medical Supervisor will be an individual with at least Emergency Medical Technician basic training. The Supervisor shall coordinate with the Ministry of Health and Human Services and Palau Community College to facilitate the continuing professional development necessary to retain certification through the Board of Health Professionals.

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Source
RPPL 10-9 § 6, modified.

Subchapter II **Services Provided by National Government**

- § 331. Fees for services.
- § 332. Hospital Trust Fund.
- § 333. Medical Referrals Committee.

§ 331. Fees for services.

Effective ninety (90) days after the effective date of this section, the fees in the Ministry of Health and Human Services Medical and Other Related Fee Schedule 1995 shall be suspended and the Minister of Health and Human Services shall establish a new fee schedule for all non-Palauans and Palauans, pursuant to the Administrative Procedure Act, 6 PNC Chapter 1. However, Palauan citizens and their spouses shall be charged at a subsidized rate compared to non-Palauans. All funds received pursuant to these fee schedules shall be deposited into the Hospital Trust Fund established by RPPL No. 4-32, as amended by RPPL No. 7-7. The Minister of Health and Human Services shall report to the Committees on Ways, Means and Financial Matters of both Houses of the Olbiil Era Kelulau on a semi-annual basis, report should at minimum provide the balance sheet of the Hospital Trust Fund Account. However:

- (a) No person in need of medical care may be denied such care because of inability to pay all or any part of any fee established; however, this section shall not apply to nonresidents who travel to Palau for the express purpose of receiving medical treatment;
- (b) There shall be no distinction in treatment or care based upon nonpayment or the amount of payment.

Source
63 TTC § 155, modified. Amended by RPPL 5-7 § 57. Amended by RPPL 7-13 § 19.

Notes
Before its codification, RPPL 5-2 § 10 was repealed by RPPL 5-7 § 57.

Pierantozzi v. GMHP Assoc., 8 ROP Intrm. 288, 289, 292 (2001).

§ 332. Hospital Trust Fund.

(a) The Minister of Finance shall create within the National Treasury a special fund to be identified as “The Hospital Trust Fund” which shall be segregated from other funds of the national government and into which shall be deposited in separate accounts all revenues collected by the Hospital, Dental Clinic, and Public Health/Community Center, including pharmaceutical sales and collection of accounts receivable for same. All monies received pursuant to this section shall be used at the direction of the Minister of Health and Human Services exclusively for the following purposes:

- (1) purchase of medical and pharmaceutical supplies;
- (2) purchase of medical equipment and parts, services of specialty clinics, maintenance contracts, and other components of hospital operations at the discretion of the Minister of Health and Human Services; and
- (3) for unavoidable emergencies certified by the Minister of Health and Human Services. When the Minister of Health and Human Services certifies an unavoidable emergency, the use of funds shall be exempt from the requirements of 40 PNC Chapter 6.

The Minister shall maintain records of collections from medical referral patients and shall apply all such income to future medical referrals and shall also maintain records and report to the Olbiil Era Kelulau the use of the Trust fund on a quarterly basis.

(b) Any fiscal year-end revenue surplus or deficit of this fund shall cause a budget adjustment to the Hospital Trust Fund in the following fiscal year in the amount of the surplus or deficit. The Palau Board of Health shall submit annual expenditure reports for the Hospital Trust Fund to the Olbiil Era Kelulau within thirty (30) days of the end of each fiscal year.

Source

Subsection (a) added by RPPL 4-32 § 46, modified. Subsection (b) added by the last two sentences of RPPL 4-32 § 13, modified. Subsection (a) amended by RPPL 5-6 § 3(a). Subsection (a) amended by RPPL 7-7 § 10(b). Subsection (a) amended again by RPPL 7-45 § 1.

Notes

RPPL 9-7 § 12 reads: Authorization of the National Health Insurance to Finance Hospital Trust Fund Purchases. Notwithstanding 41 PNC § 939 the Olbiil Era Kelulau hereby authorizes three hundred thousand dollars (\$300,000) to be advanced from the Health Care Fund to the Hospital Trust Fund created by 34 PNC § 332 as a zero percent (0%) interest loan to be utilized by the Ministry of Health only for the purposes set forth in 34 PNC § 332. The

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entire amount advanced is to be paid back by crediting future billings from the Belau National Hospital to the Health Care Fund in monthly installments representing at least four percent of the total initial principal. The Minister of Finance, Minister of Health, and the Administrator of the Health Care Fund shall enter into a Memorandum of Understanding that shall govern the coordination of functions of each entity with regard to executing the loan contemplated by this Section. Such Memorandum of Understanding must be provided to the Olbiil Era Kelulau and approved with a Joint Resolution before the funds authorized in this Section may be advanced to the Hospital Trust Fund. The Minister of Health shall provide a quarterly report to the Olbiil Era Kelulau on the status of repaying the payment advance back to the Health Care Fund.

§ 333. Medical Referrals Committee.

(a) The Minister of Health and Human Services shall establish a Medical Referral Committee comprised of five (5) physicians who practice in Palau, the Minister of Health and Human Services, or his or her designee, the Minister of Finance, or his or her designee, and a representative from the Healthcare Financing Governing Committee. Committee members shall be appointed for a term of three (3) years and may only be removed by a unanimous vote of all other voting members. The treating physician for the patient under consideration for off-island care shall be consulted prior to a vote by the Medical Referral Committee. The Minister of Health and Human Services may appoint other individuals to the Committee, but they shall be non-voting members. A majority of voting members shall constitute a quorum to conduct business.

(1) The five (5) physicians on the Committee shall be the only voting members.

(2) The other members of the Committee shall be non-voting members.

(3) The Minister of Health and Human Services, or his or her designee, the Minister of Finance, or his or her designee, and a representative from the Healthcare Financing Governing Committee shall certify that funds are available for the referral.

(b) The approval or denial of all proposed medical referrals shall be decided by secret ballot of voting members of the Medical Referral Committee. Approval shall require an affirmative vote from seventy-five percent (75%) of the voting members of the Medical Referral Committee. No authorization for referral shall be valid without the certification of funds available for the referral from subsection (a)(3).

(c) The Medical Referral Committee shall have the sole discretion to authorize Referrals; decisions of the Medical Referral Committee shall be final.

(d) The Medical Referral Committee shall base referral decisions on an analysis of and subject to the following:

- (1) the patient's ability to pay for the costs of a medical referral;
- (2) the patient's life expectancy;
- (3) a patient with a condition that can be treated adequately in Palau may not be granted medical referral benefits;
- (4) the likelihood that the patient's condition will be substantially improved;
- (5) A patient with a condition that the Medical Referral Committee determines is terminal shall not be granted medical referral benefits; and
- (6) Other factors the Medical Referral Committee deems appropriate.

(e) If the Medical Referral Committee approves a Referral, it shall specify in writing:

- (1) what services the referral patient is authorized to receive;
- (2) which off-island provider will provide the services; and
- (3) the projected length of stay off island.

(f) For approved Medical Referral patients, the national government may pay only the cost of the patient's medical care.

(g) In the case of an indigent patient, meaning he or she is not enrolled in health insurance, prior to receiving any benefit under this section, each medical referral patient, or his or her family member or other representative shall sign an agreement to pay back not less than fifty percent (50%) of the total cost incurred by the national government for that patient. The patient shall agree to allow the national government to garnish his or her wages to reimburse the government for medical referral costs. In the case of a patient enrolled in Palau Health Insurance, he or she shall agree to pay the cost of medical referral as specified in 41 PNC § 955 and following, or any regulations promulgated under that section.

(h) There shall be no outside interference in Medical Referral Committee decision

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making. All information considered by Medical Referral Committee is confidential.

(1) No person who is not a member of the Medical Referral Committee, except the treating physician and his or her designee, may attempt to influence a member of the Committee in any way regarding the approval of any proposed medical referral patient.

(2) No person shall disclose any patient information, including but not limited to the patient's name or other identifying information, diagnosis and medical conditions, or financial information, as such patient information is confidential.

(3) Any person who violates this section shall be subject to a fine not to exceed five thousand dollars (\$5,000).

(i) The Medical Referral Committee shall provide an annual report to the President of the Republic of Palau, the presiding officers of the Olbiil Era Kelulau, and the Minister of Health and Human Services which contains the number of patients approved and disapproved by the Committee as well as the funds expended as a result of the decision to authorize off-island care.

(j) As often as deemed appropriate but no less than once every two years, the National Healthcare Financing Governing Committee and the Medical Referral Committee shall conduct a comprehensive medical audit of the medical referral system. The audit may be conducted internally by members of the two committees or externally by independent auditors commissioned by them. The audit shall be financed through the Medical Savings Fund's annual operational budget and shall be considered an administrative expense. The comprehensive medical audit shall analyze all operations and activities of the Medical Referral Program and the Medical Referral Committee to assess compliance with the provisions of 41 PNC chapter 9 and all corresponding rules and regulations. The audit shall also include an analysis of all relevant aspects of every authorized medical referral, including, but not limited to, the following factors:

(1) Whether the referral was justified according to the criteria listed in subsection (d);

(2) Whether the services received by the patient fell within the parameters of the pre-referral written determination prepared by the Medical Referral Committee pursuant to subsection (e);

(3) A qualitative assessment of the off-island medical care received by the

patient, including a detailed explanation of the positive or negative effects on the patient’s overall health and well-being; and

(4) A cost-benefit analysis scrutinizing any improvements to the patient’s overall health and well-being reasonably attributed to the medical care received off-island in relation to the money expended from the Medical Savings Fund to cover the off-island referral and the availability of substitute medical services on-island.

Source

RPPL 5-7 § 66. Subsection (f) amended by RPPL 5-8 § 6. Subsection (f) amended by RPPL 6-26 § 31(a). Amended in its entirety by RPPL 10-7 § 2, modified. Subsection (j) added by RPPL 11-20 § 3, modified.

Notes

RPPL 11-20 § 2 reads: Feasibility study for Palau Health Insurance coverage of hemodialysis and catastrophic coverage. The National Healthcare Financing Governing Committee shall undertake a comprehensive study analyzing the feasibility of expanding Palau Health Insurance to include coverage for hemodialysis and related treatments. As part of this study, the Committee shall estimate the additional costs that would be incurred by the Palau Health Insurance system through its coverage of hemodialysis and related treatments. The Committee shall also examine the possibility of introducing “catastrophic coverage” that allows participants to make additional contributions to the Medical Savings Fund in exchange for higher coverage amounts or access to treatments otherwise unavailable under Palau Health Insurance. The Committee shall complete this study within one hundred eighty (180) days of the effective date of this Act and shall submit a report detailing its findings and conclusions to the Social Security Administrator, Ministry of Health, Ministry of Finance, President of the Republic, and presiding officers of the Olbiil Era Kelulau.

Subchapter III

The Belau National Hospital Authority Act

§ 351. Short title.

§ 352. Creation of Belau National Hospital Authority.

§ 353. Board of directors.

§ 354. Hospital administrator.

§ 355. Powers and duties of the Belau National Hospital Authority.

§ 356. Transition Plan.

§ 351. Short title.

This subchapter shall be known and may be cited as “The Belau National Hospital Authority Act.”

Source

RPPL 11-16 § 2, modified.

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Notes

Former subchapter III entitled “Palau Board of Health Act” repealed by RPPL 5-7 § 34(9)

§ 352. Creation of Belau National Hospital Authority.

There is hereby created the Belau National Hospital Authority (“the Authority”) as an independent organization located within the Executive Branch, separate from the Ministry of Health and Human Services.

Source

RPPL 11-16 § 2, modified.

§ 353. Board of Directors.

(a) The powers of the Authority shall be vested in a Board of Directors, which shall consist of five (5) voting members appointed by the President with the advice and consent of the Senate. The initial appointments of these five (5) voting members shall be made as follows: two (2) voting members for a period of two (2) years and three (3) voting members for a period of four (4) years. All subsequent appointments shall be for a period of four (4) years. Any member of the Board may be removed by the President only for cause. In the event of any vacancy in the membership of the Board, such vacancy shall be filled in the same manner as the original appointment; provided, however, that an appointment to fill the vacancy on the Board shall be made for the unexpired term of the member who vacated the seat. The Board shall elect from among its members a chairman, a vice-chairman, and a secretary/treasurer. Of the five (5) voting members, at least three (3) shall be Palauan citizens.

(b) The five (5) voting members of the Board of Directors shall include representatives from Palau’s medical, legal, financial, and managerial communities, including those with demonstrated expertise in clinical practice or healthcare administration. Of the five (5) voting members, no more than two may be employees of the national government.

(c) In addition to the five (5) voting members, the Minister of Health and Human Services, or his designee, and the Hospital Administrator (appointed pursuant to section 354 of this subchapter), or his designee, shall be *ex officio* members of the Board.

(d) Compensation. Directors shall be entitled to administrative leave and all necessary travel expenses and per diems at standard Republic of Palau rates for travel necessitated by the business of the Board. Directors shall be paid, in addition to any other

compensation, fifty dollars (\$50) per day while on the business of the Board until such time as a budget for the business of the Board is enacted.

(e) The Board of Directors of the Authority shall be responsible for all aspects of operation and management of the Belau National Hospital. The Board shall ensure that all treatment choices made in the course of delivering medical care at the Belau National Hospital are based on sound medical reasoning. The Board shall develop a sustainable operational plan focused on principles of management, business practices, financial stability, and sustainable quality assurance and control.

(f) The Board shall adopt an appropriate standard in order to provide high quality health services.

Source

RPPL 11-16 § 2, modified.

§ 354. Hospital Administrator.

The Board shall hire a Hospital Administrator, who shall be an *ex-officio* member of the Board. The Hospital Administrator shall submit to the Board an annual budget for its approval, which budget shall include provisions for the expenditure of all salaries and logistical support incurred by the Authority during the fiscal year to which the budget applies. The Hospital Administrator shall, subject to the approval of the Board, have the power to hire and fire any employees of the Authority and the Belau National Hospital. The Hospital Administrator shall provide quarterly reports to the Board and such other reports as requested by the Board. The Hospital Administrator shall oversee the operation and management of the Belau National Hospital and shall hire any necessary staff for essential functions such as procurement. The Hospital Administrator shall possess professional training in public administration, business, finance, or another area of expertise that the Board deems reasonably related towards achieving the duties of the Authority as listed in 34 PNC § 355.

Source

RPPL 11-16 § 2.

§ 355. Powers and Duties of the Belau National Hospital Authority.

The powers and duties of the Belau National Hospital Authority shall include, but not be limited to, the following:

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- (a) to oversee the administration of the Belau National Hospital, to hire and fire the Hospital Administrator, and to promulgate all necessary regulations for the purposes of implementing this subchapter.
- (b) to have perpetual succession; to sue and be sued in its own name; to be represented by the Attorney General in such suits; and to have a seal and modify it.
- (c) to be exempt from all licensing requirements and taxation.
- (d) to enter and execute contracts and instruments of every kind and nature, necessary or convenient to the exercise of its powers and functions.
- (e) to make or have made all plans necessary to the carrying out of the purposes of this subchapter and to include in such plans, without limitation:
 - (1) plans for the expansion and renovation of hospital facilities to achieve full secondary and early tertiary level care coverage on island;
 - (2) plans for improving hospital capacity through the acquisition of technology and medical care providers so that the Republic achieves full secondary and early tertiary level care coverage on island;
 - (3) plans for reducing the costs and expenses associated with operating a hospital or health service through the implementation of better business practices, principles of entrepreneurship, and marketbased solutions;
 - (4) plans to address the impact of climate change on the provision of health services, including but not limited to, plans regarding the relocation of the Belau National Hospital to a location that is better protected from the effects of climate change, such as soil erosion; and
 - (5) plans to improve the sustainability of the provision of healthcare services.
- (f) to work in conjunction with the Medical Referral Committee and the National Healthcare Financing Governing Committee to reduce the cost of overseas referrals and expand coverage under the Palau Health Insurance system where possible.
- (g) to work with international medical clinics, hospitals, and health service providers to procure the provision of necessary medical services for the residents of Palau, be it

through temporary or permanent missions.

Source

RPPL 11-16 § 2, modified.

Notes

Subsections (1) to (7) re-lettered and paragraphs (A) to (E) renumbered, modified.

§ 356. Transition Plan.

(a) Upon the creation of the Belau National Hospital Authority and installment of the initial Board of Directors, the following shall be pre-conditions to the transfer of operational authority for the Belau National Hospital to the Belan National Hospital Authority:

(1) A transition plan. The Ministry of Health and Human Services shall work with the Belau National Hospital Authority to determine a plan for the transition of operational authority for the Belau National Hospital to the Authority. This plan shall, among other factors, address challenges around the use of medical equipment in the Belau National Hospital for primary and preventive health services and assess administrative functions to ensure that there are no conflicting administrative functions between the Ministry and Board. The transition plan shall be submitted to the President, the presiding officers of the Olbiil Era Kelulau, and the committee assembled to review and make recommendations for the relocation of the Belau National Hospital. The transition plan shall be considered adopted when affirmed by a Joint Resolution of the Olbiil Era Kelulau.

(2) Legislative amendments. As part of this transition plan, the Ministry and Authority shall submit recommendations to the President and the Olbiil Era Kelulau for proposed legislative changes necessary to effectuate the transfer of authority over the hospital from the Ministry to the Authority, including but not limited to, proposed legislative changes related to administration and management of the Hospital Trust Fund established pursuant to 34 PNC § 332. Such legislative amendments may have effective dates that are linked to the Determination of Completion of these preconditions and transfer of operational authority as set forth in subsection (b) of this section.

(3) An enacted budget. The Ministry shall provide the Authority with all monthly or annual financial statements that detail the operational expenses of the hospital. The Board shall prepare a proposed budget for the costs of transition and its

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ordinary course of business and shall submit the budget to the President and the presiding officers of the Olbiil Era Kelulau. This budget shall also address the compensation of the Board and the Hospital Administrator. This subsection shall be satisfied when funding is allocated in a Unified National Budget.

(4) Feasibility study for outside grant funding continuity. The Ministry and Board shall undertake a feasibility study to review the existing mechanisms whereby the Belau National Hospital receives outside grant funding for personnel and services. Thereafter, the Board shall draft a report detailing its grant funding continuity plans to ensure that existing sources of outside funding may be maintained. This report shall be submitted to the President and presiding officers of the Olbiil Era Kelulau.

(5) The Minister of Finance shall report to the Ministry of Health and Human Services and the Board when the Compact negotiations have concluded between Palau and the United States and shall report on the availability of health-related funding and technical assistance. The Board shall thereafter report to the President and presiding officers of the Olbiil Era Kelulau whether any gaps in funding or technical assistance have resulted from the Compact negotiations and shall include a proposal to address and mitigate any identified gaps.

(b) The Minister of Health and Human Services shall access the progress of the pre-conditions established in subsection (a) above and shall biannually, in the months of April and October, prepare a report updating the President and presiding officers of the Olbiil Era Kelulau on the progress of the pre-conditions. Upon the Minister's determination that the pre-conditions of subsection (a) above have been satisfied, the Minister shall issue a Determination of Completion in the biannual report and the transfer of operational authority may begin. The Ministry of Health and Human Services shall have one year from the date of the issuance of the Determination of Completion to effectuate this transition.

(c) Regulations. The Ministry is hereby authorized to promulgate all necessary regulations for the implementation of this transition.

Source
RPPL 11-16 § 2, modified.

Subchapter IV
Palau Nursing Practices Act
[Repealed by RPPL 5-42 § 27]

Chapter 4
Institutional Review Board

- § 401. Definitions.
- § 402. Institutional Review Board membership.
- § 403. Powers and duties of the Institutional Review Board.
- § 404. Research application and review procedures.
- § 405. Duties of researchers.
- § 406. Institutional Review Board fund.
- § 407. Violations; penalties.

§ 401. Definitions.

In this chapter:

- (a) “Human subject” means an individual who is or becomes a participant in research, either as a recipient of the test article or as a control, and may be either a healthy individual or a patient.
- (b) “Scientific research using human subjects”
 - (1) means investigation through trial or observation or both that is medical, clinical, behavioral, or psychological in nature and uses individuals as test or control subjects; and
 - (2) does not include scientific investigation that is sociological, political, or anthropological in nature.
 - (3) includes:
 - (A) administering any scientific test on a human subject;
 - (B) providing any treatment, drug, medicine, or placebo to a human subject in a context outside the clinical doctor-patient relationship;
 - (C) monitoring a human subject for the effects of any test, trial, treatment, drug, or medicine administered for purposes of scientific research or study;

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(D) recording the results of any test, treatment, drug, medicine, or placebo on a human subject for scientific research purposes.

Source

RPPL 10-27 § 2.

Notes

Former Chapter 4 entitled "Palau Health Care Certificate of Need Act" was repealed by RPPL 5-42 § 27.

§ 402. Institutional Review Board membership.

(a) The members of the Institutional Review Board shall be:

- (1) the Minister of Health and Human Services;
- (2) the Director of the Bureau of Clinical Services in the Ministry of Health and Human Services;
- (3) the Director of the Bureau of Public Health in the Ministry of Health and Human Services;
- (4) a representative from Palau Community College;
- (5) the Attorney General, or an Assistant Attorney General;
- (6) one representative from the Governors' Association;
- (7) one representative appointed by the Mechesil Belau; and
- (8) one representative appointed by the Council of Chiefs.

(b) The Chairman of the Institutional Review Board shall be elected by the members of the Board every two (2) years; no Chairman may serve more than two (2) consecutive terms.

(c) The Institutional Review Board may utilize staff and other resources from the Ministry of Health and Human Services.

(d) Any member of the Institutional Review Board, who is not a government employee, shall be compensated in the amount of fifty dollars (\$50) per meeting.

(e) The Ministry of Health and Human Services shall provide staffing support for the work of the Institutional Review Board, to include a full time IRB Coordinator to work with the Board members. Providing that funding is available, the Ministry of Health and Human Services shall hire additional staff as necessary.

Source
RPPL 10-27 § 2, modified.

§ 403. Powers and Duties of the Institutional Review Board.

(a) The Institutional Review Board is tasked with the following:

(1) Oversight of all scientific research using human subjects, including:

(A) Reviewing all proposed scientific research using human subjects to take place within Palau;

(B) Establishing rules and procedures to require all persons undertaking scientific research using human subjects to submit to review by the Board;

(C) Establishing criteria for reviewing proposed scientific research using human subjects, including review of the potential physical or psychological risks to human subjects posed by the research;

(D) Establishing procedures for monitoring scientific research using human subjects; and

(E) Providing written approval or disapproval of proposals for scientific research using human subjects.

(2) Establishing rules regarding standard research practice, which must include a provision requiring that all human subjects be provided with information about the study in which they are to participate, and that all human subjects sign an informed consent waiver prior to engaging in the research project at hand. The manner of such notice and informed consent must be done in a manner consistent with internationally recognized best practices for informed consent. If a subject is not able to give informed consent, the Board may determine if a legal guardian may give informed consent on his behalf.

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- (3) Adopting rules of procedure and internal guidelines for use during Board meetings.
- (4) Establishing ownership and custody of records and research results and regulate dissemination and application of those results.
- (5) Developing guidelines for conducting research covered by this chapter, including a research ethics policy to be distributed to all licensed researchers.
- (6) Establishing a repository for all documents related to approved research projects.
- (7) Establishing requirements for researchers regarding insurance coverage.
- (8) Promulgating any and all regulations necessary to formalize procedures and to effectuate the purposes of this chapter.
- (9) Coordinating with other regulators and establishment of Memorandums of Understanding as necessary to facilitate coordination and share expertise and guidance regarding scientific research using human subjects.
- (10) Creating internal policies requiring periodic educational opportunities to ensure that all Board members receive training on best practices and procedures for organizations monitoring and permitting research involving human subjects.
- (11) Any other activities necessary for the administration of this chapter.

(b) In establishing procedures and regulations pursuant to this section, the Institutional Review Board should:

- (1) Encourage responsible scientific investigations in the field of health;
- (2) Ensure the protection of the rights of human research subjects;
- (3) Balance the benefit of any research proposal against any potential effect on Palau's social, cultural, and traditional heritage; and
- (4) Ensure that the ownership interest and dissemination of a project's results are determined and finalized prior to project's approval. If appropriate, the Board

may require researchers to:

(A) provide the national government with a portion of any profits accrued as a result of the research, as agreed by the Institutional Review Board and the researcher; and

(B) assign the right of publication to the Institutional Review Board, or enter into an arrangement with the researcher where the Institutional Review Board has the authority to control the dissemination of the research.

(c) Nothing in this chapter shall be construed to limit, regulate, or prohibit the practice of traditional medicine or traditional treatments by Palauan citizens.

Source

RPPL 10-27 § 2, modified.

§ 404. Research application and review procedures.

(a) Before conducting scientific research using human subjects, a researcher must:

(1) pay a fee to the Institutional Review Board in an amount specified in the fee schedule established by the Institutional Review Board; and

(2) submit copies of the research proposal to the Institutional Review Board for review and discussion as follows:

(A) a copy to the Board;

(B) a copy to any government agency identified by the Board as relevant to the research proposal;

(C) a copy to each state government in which the project would be located.

(b) When considering a proposal, the Board shall solicit comments from stakeholders, including but not limited to individuals, state governments, and traditional organizations. The Board may also choose to solicit the advice of a medical ethicist.

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(c) Within thirty (30) days of receiving a proposal, the Board must issue one of the following:

- (1) a written approval;
- (2) a written amendment including any modifications to the proposal;
- (3) a written disapproval, including the reasons for such;
- (4) a document requesting more information; or
- (5) a document requesting more time for review and explaining the reason for delay.

(d) Any individual or company commencing research on human subjects without proper approval is subject to penalties under this chapter.

(e) Any party contemplating scientific research on human subjects using Palau's genetic resources must comply with all permit and access requirements for genetic resources under national and state law. Nothing in this chapter shall be construed to convey a permit or otherwise authorize the extraction, utilization, or study of Palau's genetic resources.

Source
RPPL 10-27 § 2.

§ 405. Duties of researchers.

Each researcher approved to commence research on human subjects shall:

- (a) comply with all monitoring requirements of the Institutional Review Board;
- (b) provide a copy of the final results of the research on human subjects and allow time for comment by the Institutional Review Board prior to research publication;
- (c) provide advice and recommendations to the Republic of Palau based on the practical application of the research, as directed by the Institutional Review Board; and
- (d) comply with any other requirements as specified in regulations promulgated by the

Institutional Review Board.

Source

RPPL 10-27 § 2.

Notes

Subsections (a) to (d) replaced (1) to (4) in the original legislation to conform to the Code format.

§ 406. Institutional Review Board fund.

- (a) There is established an Institutional Review Board Fund in the National Treasury which shall be segregated and separate from all other funds and accounts in the National Treasury.
- (b) The Institutional Review Board must establish regulations related to the authorization of expenditures from the Institutional Review Board Fund.
- (c) The following shall be paid into the Institutional Review Board Fund:
 - (1) any specific appropriation from the Olbiil Era Kelulau;
 - (2) research fees collected pursuant to this chapter;
 - (3) grant funding received from a government agency; and
 - (4) any research donations from individuals, corporations, or other institutions directed to the Fund.

Source

RPPL 10-27 § 2, modified.

§ 407. Violations; penalties.

- (a) The following actions are prohibited and shall be considered a violation of this chapter:
 - (1) Engaging in scientific research on human subjects without the approval of the Institutional Review Board;

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(2) Engaging in scientific research on human subjects in a manner that violates a provision of this chapter or any rule, or regulation promulgated under the authority of this chapter;

(3) Failing to comply with a duty enumerated in section 405 of this Title; or

(4) Engaging in scientific research on human subjects without obtaining informed consent from a subject.

(b) An individual found in violation of this chapter shall be subject to a fine of up to ten thousand dollars (\$10,000) for each offense. The following factors shall be considered when determining the amount of the fine:

(1) the potential harm to a human subject of a given violation;

(2) whether the violation was committed after a cease and desist order was issued in relation to the same course of research; and

(3) any prior instances of violation of this chapter.

(c) The Institutional Review Board may issue a cease and desist order if it has reason to believe that a violation of this section has occurred.

(d) Any person committing a violation of this section, and the entity employing or supervising the offender, are jointly and severally liable.

(e) The Office of the Attorney General shall represent the Institutional Review Board and issue a citation for any violation of this chapter.

(f) Nothing in this chapter shall prohibit application of any criminal statutes to the same conduct.

Source
RPPL 10-27 § 2, modified.

**Chapter 5
Mental Illnesses**

**Subchapter I
Diagnosis, Treatment and Care**

§ 501. Execution of diagnosis, treatment and care generally.

§ 501. Execution of diagnosis, treatment and care generally.

(a) The diagnosis, treatment and care of persons suffering from mental disorder shall be carried out in such manner and in such places as may be prescribed by the Director of the Bureau of Public Health or his designated representative.

(b) When commitment for insanity is indicated, persons may be committed pursuant to the provisions of section 531 of this chapter. Feeble-minded or mentally ill persons shall not be confined in jails or penal institutions, except temporarily in case of emergency.

(c) The Director of the Bureau of Public Health shall promulgate regulations creating and implementing a framework for the collection, management, and analysis of data relating to mental illness and substance abuse in the Republic, with special emphasis on preventing suicides and suicide attempts.

Source

(Code 1966, § 622.) 63 TTC § 401, modified. Subsection (c) added by RPPL 11-17 § 3.

34 PNCA § 531 PUBLIC HEALTH, SAFETY AND WELFARE

Subchapter II Commitment

- § 531. Commitment authorized; procedure.
- § 532. Temporary commitment authorized; procedure.
- § 533. Transfers.
- § 534. Release; by court.
- § 535. Same; by medical authorities.
- § 536. Same; in case of temporary commitment.
- § 537. Temporary leave of absence.
- § 538. Apprehension of absent, paroled or escaped patient.

§ 531. Commitment authorized; procedure.

(a) The Trial Division of the Supreme Court, or the National Court may, after hearing, commit an insane person within its jurisdiction to any hospital in the Republic for the care and keeping of the insane, or if the court deems best, to a member of the insane person's family lineage or clan, who may thereafter restrain the insane person to the extent necessary for his own safety and that of the public.

(b) Commitment of an insane person shall be made only on the testimony of two or more witnesses who personally testify in open court. At least one of the witnesses must be a doctor of medicine or a medical practitioner authorized to practice medicine in the Republic. Before testifying, the medical witness shall have personally examined the person sought to be committed, and shall establish to the satisfaction of the court that the person is insane.

(c) Except when the court is satisfied that the delay incident to giving such notice will be detrimental to the public interest or the welfare of the patient, a commitment shall not be made until after notice to the allegedly insane person's husband or wife, if any, or one of his parents or one of his children, or next of kin, if any, as determined by local custom.

(d) In making a commitment the court may make such order as it deems in the best interest of the public and of the patient for the patient's temporary custody and transportation to the hospital.

Source

(Code 1966, § 330.) 63 TTC § 402, modified.

Notes

Republic of Palau v. Katosang, 17 ROP 306, 307, 310, 311, 312, 313 (Tr. Div. 2009).

§ 532. Temporary commitment authorized; procedure.

(a) The Trial Division of the Supreme Court, the National Court or the Court of Common Pleas may, after hearing, commit for observation of possible mental illness any person within its jurisdiction.

(b) Temporary commitment for observation shall be made only after testimony presented personally in open court has been received from at least one doctor or medical practitioner authorized to practice medicine in the Republic, or from a nurse, health aide, or nurse's aide; provided that the court shall, whenever practicable, endeavor to secure the testimony of a doctor or medical practitioner. The person giving the testimony must have personally examined the person sought to be committed, indicating to the satisfaction of the court that the public welfare or the interest of the person demands such commitment.

(c) Temporary commitment for observation may be to any person or institution willing to accept the patient, and shall only authorize the patient's detention for a period of not more than thirty (30) days if the services of a doctor or medical practitioner are reasonably available. If such services are not reasonably available, commitment for observation may authorize the patient's detention until he may be brought to a doctor or medical practitioner or until a doctor or a medical practitioner visits the community in which the patient is detained, and for not more than thirty (30) days thereafter.

(d) Notice of each temporary commitment for observation shall be sent by the court making the commitment to the Director of the Bureau of Public Health by the quickest means practicable.

Source

(Code 1966, § 331.) 63 TTC § 403, modified.

§ 533. Transfers.

Any person committed under this subchapter may be transferred to any institution deemed suitable for his care by order of the Director of the Bureau of Public Health.

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Source

(Code 1966, § 332.) 63 TTC § 404, modified.

§ 534. Release; by court.

The husband, wife, parent, child, or any of the next of kin as determined by local custom, of any person committed for observation or as insane under this subchapter may at any time petition the appropriate court, requesting that the commitment be terminated or the patient paroled. The court may, after notice to the Director of the Bureau of Public Health and to the person in charge of the hospital or other place where the patient is detained, and after public hearing, make such order for the release of the patient or his parole under limited supervision or under specified conditions, if any, as it deems appropriate.

Source

(Code 1966, § 333.) 63 TTC § 405(1), modified

Notes

Republic of Palau v. Katosang, 17 ROP 306, 313, 314 (Tr. Div. 2009).

§ 535. Same; by medical authorities.

The doctor in charge of any hospital for the insane in the Republic may discharge or parole on such conditions as he deems best any patient (except one held on order of a court having criminal jurisdiction in a proceeding arising out of criminal offense) as follows:

- (a) upon filing with the Clerk of Courts a written certificate by the doctor in charge that such patient is considered to be recovered;
- (b) upon filing with the Clerk of Courts a written certificate by the doctor in charge that such patient, while not recovered, is considered in remission and is not deemed dangerous to himself or others and is not likely to become a public charge; or
- (c) upon transfer of such patient to an institution for care of mental cases outside of the Republic.

Source

(Code 1966, § 333.) 63 TTC § 405(2), modified.

Notes

Republic of Palau v. Katosang, 17 ROP 306, 313, 314 (Tr. Div. 2009).

§ 536. Same; in case of temporary commitment.

The person to whom, or the person in charge of the institution to which a person has been temporarily committed for observation under this subchapter may release such a patient whenever that person deems such release safe.

Source

(Code 1966, § 333.) 63 TTC § 405(4), modified.

§ 537. Temporary leave of absence.

The doctor in charge of any hospital for the insane in the Republic may permit leave of absence for a stated period to any of his hospital patients, under conditions that are satisfactory to the doctor, when in his judgment absence on leave will not be detrimental to the public welfare and will be of benefit to such patient. The doctor may, even before the period stated in the leave has expired, terminate the leave and authorize and direct the physical return of such patient to the hospital whenever in the judgment of the doctor the return of the patient would be in the best interest of the public and the patient.

Source

(Code 1966, § 333.) 63 TTC § 405(3), modified.

§ 538. Apprehension of absent, paroled or escaped patient.

Any patient committed under this subchapter who is absent on leave, or on parole, or escapes from the hospital or other place of detention to which he has been committed, may, upon the direction of the person in charge of such hospital or place of detention, be returned thereto by any policeman, or any official or employee of such hospital or place of detention, using such force as may be reasonably necessary to effect such return.

Source

(Code 1966, § 334.) 63 TTC § 406, modified.

34 PNCA § 551 PUBLIC HEALTH, SAFETY AND WELFARE

Subchapter III 72-Hour Detention

- § 551. Short title.
- § 552. Purpose.
- § 553. Definitions.
- § 554. Mentally ill person's custody; application; probable cause.
- § 555. Detention for evaluation; individual assessments prior to admission to determine the appropriateness of detention; services provided.
- § 556. Evaluating treatment and care; release or other disposition.
- § 557. Notification to the Director, presenting person; conditions.
- § 558. Apprehension.
- § 559. Personal rights of persons during evaluation and treatment.
- § 560. Personal property.
- § 561. Right to counsel.
- § 562. Medical rights of persons receiving evaluation and treatment.
- § 563. Restraints.
- § 564. Surgery and shock therapy.
- § 565. Notice of medical and personal rights required.
- § 566. Access to records and confidentiality.
- § 567. Exemption from liability.
- § 568. Suit.
- § 569. Hospital charges.
- § 570. Severability.
- § 571. Suicide prevention.

§ 551. Short title.

This subchapter shall be known as the "Seventy-two (72) hour Detention and Evaluation Act".

Source

RPPL 3-49 § 1, modified.

§ 552. Purpose.

The Olbiil Era Kelulau finds that cases arise which necessitate emergency action to help mentally ill persons who have become a danger to themselves or others. The purpose of this legislation is

to provide a non-judicial procedure to help mentally ill persons to receive evaluation and treatment while safeguarding their constitutional rights to liberty and due process within a therapeutic context while protecting the public safety. If after seventy-two (72) hours, a mentally ill person is in need of further treatment, involuntary detention would require a court order where appropriate.

Source

RPPL 3-49 § 2, modified.

§ 553. Definitions.

- (a) “Assessment” means the determination of whether a person shall be evaluated and treated as mentally ill and a danger to himself or others.
- (b) “Attending physician” means a duly authorized, licensed medical practitioner or health care provider including but not limited to mental health physicians, psychiatrists, medical officers, or psychologists.
- (c) “Bureau” means the Bureau of Public Health.
- (d) “Danger to self or others” means a person who is attempting to commit suicide or inflict serious bodily harm to himself or others by violent or other actively destructive means as evidenced by behavior causing, attempting to cause or with the potential to cause serious bodily harm to himself or others within seventy-two (72) hours of application for detention.
- (e) “Director” means the Director of the Bureau of Public Health.
- (f) “Evaluation facility” means a mental health facility designated by the Director as suitable for the evaluation, housing and treatment of the mentally ill.
- (h) “Gross negligence” means an action which is reckless, wanton, or intentional so as to be a substantial deviation from the accepted regional standard of medical treatment, care or procedure.
- (i) “He” or “She” shall be used interchangeably in this subchapter. Use of either pronoun shall imply substitution of the other gender to conform to fact.
- (j) “Mental Health Professional” means the qualified, trained and licensed (where

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required) member of the mental health staff of an evaluation facility.

(k) “Mentally ill” means for purposes of seventy-two (72) hour detention for evaluation and treatment, a person with a mental or emotional disorder such that he poses a danger to himself or others, and so is in need of immediate medical supervision, treatment, care or restraint.

(l) “Peace Officers” means the duly commissioned law enforcement officers of the Republic of Palau authorized to apprehend, detain, restrain and transport a person in custody or a person deemed to be mentally ill to a designated facility for evaluation.

Source

RPPL 3-49 § 3, modified.

§ 554. Mentally ill person’s custody: application; probable cause.

(a) A mentally ill person may be taken or caused to be taken into custody by a mental health professional designated by the Director. Such a mentally ill person shall be placed in a facility designated by the Director as a facility for evaluation and treatment of mentally ill persons for the duration of their seventy-two (72) hour detention.

(b) Such a designated facility shall require a written application stating the circumstances which called the mental illness of the person to the attention of the mental health professional so as to cause the application for detention. The application shall include detailed information regarding the observations, factual circumstances and other supportive data which constitute probable cause for the necessity of seventy-two (72) hour detention for purposes of evaluation, care and treatment of mental illness.

(c) Any person intentionally making a false statement in an application for detention which leads to detention or commitment shall be presumed liable in any subsequent civil action brought as a result of such a false statement, or subsequent detention or commitment, as a result of any such false statement.

Source

RPPL 3-49 § 4, modified.

§ 555. Detention for evaluation; individual assessments prior to admission to determine the appropriateness of detention; services provided.

- (a) If the facility admits a person for seventy-two (72) hour treatment and evaluation, such a person may be detained for a period of time not to exceed 72 hours except as otherwise provided in this subchapter.
- (b) Prior to admission for seventy-two (72) hour evaluation and treatment, the attending physician in charge of the facility or other designee shall assess the individual to be so admitted in person to determine whether involuntary detention is appropriate.
- (c) In each instance of suicidal ideation or attempted suicide, the managing or admitting facility shall report data concerning the victim’s demographic information and reasoning to the Director of the Bureau of Public Health for evaluation and analysis as described in 34 PNC § 501(c).

Source

RPPL 3-49 § 5, modified. Subsection (c) added by RPPL 11-17 § 3, modified.

§ 556. Evaluating treatment and care; release or other disposition.

- (a) Every person admitted to a facility for seventy-two (72) hour evaluation and treatment, pursuant to this subchapter, shall be re-evaluated no later than twenty-four (24) hours after admission. Such a person shall receive appropriate treatment for the full period of evaluation and treatment. No person so admitted shall be released before seventy-two (72) hours have elapsed without the written approval of the attending physician, the Director or their designee.
- (b) A person may be detained beyond the seventy-two (72) hour evaluation and treatment period only by order of the court or on a voluntary basis for further care and treatment.
- (c) In each instance of suicidal ideation or attempted suicide, the admitting facility shall report data concerning the method and efficacy of treatment to the Director of the Bureau of Public Health for evaluation and analysis as described in 34 PNC § 501(c).

Source

RPPL 3-49 § 6, modified. Amended by RPPL 11-17 § 3 to add subsection (c).

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§ 557. Notification to the Director, presenting person; conditions.

The attending physician in charge of the facility providing seventy-two (72) hour evaluation and treatment, or his designee shall notify the Director or his designee as well as the person who made the application for involuntary detention pursuant to section 554 of this subchapter, when the person admitted for seventy-two (72) hour evaluation and treatment has been released.

Source

RPPL 3-49 § 7, modified.

§ 558. Apprehension.

Any person admitted for seventy-two (72) hour evaluation and treatment who leaves the facility or other designated place of detention shall, upon direction of the attending physician, be returned thereto by any peace officer, official or facility employee.

Source

RPPL 3-49 § 8, modified.

§ 559. Personal rights of persons during evaluation and treatment.

A person receiving evaluation and treatment at an evaluation facility under a seventy-two (72) hour detention has the following rights:

- (a) to make two (2) phone calls within two (2) hours of being detained, and two (2) phone calls for every twenty-four-hour period of detention thereafter;
- (b) to receive and send sealed correspondence. No such correspondence shall be censored, opened or delayed by the evaluation facility.
- (c) to have access to letter writing materials including local postage, and to have staff members assist the person in writing and mailing correspondence if necessary.
- (d) to have frequent, convenient opportunities to meet with visitors including attorneys, clergymen or physicians.
- (e) to not be fingerprinted unless otherwise required by law.
- (f) to be photographed only for purposes of identification and administration. Any such

photographs shall be confidential and shall not be released except pursuant to court order.

(g) if the person retained for seventy-two (72) hour evaluation and treatment declines to exercise his rights as above, the staff of the evaluative facility shall make reasonable efforts to ensure that the patient's guardian or family is notified of the involuntary admission.

(h) The above enumerated rights may be denied for good cause only by the Mental Health Professionals. Any such denial of the rights shall be entered into the patient's record of treatment which shall be made available upon request to detained person or to his attorney.

Source
RPPL 3-49 § 9.

§ 560. Personal property.

At the time a person is detained for seventy-two (72) hour evaluation and treatment, or within a reasonable time thereafter, the staff member taking the person into the evaluation facility shall take reasonable care to preserve and safeguard the personal property of the person so detained.

Source
RPPL 3-49 § 10, modified.

§ 561. Right to counsel.

A person detained involuntarily for seventy-two (72) hour evaluation and treatment shall have the right to counsel. Such person has the right to contact either a private attorney or if he cannot afford a private attorney, the office of the public defender. If the attorney so contacted deems an interpreter to be necessary, the detained person shall have the right to have an interpreter present when appropriate. The detained person shall have the opportunity to exercise his right to counsel at the earliest possible opportunity to enable the detained person to fully exercise his other rights including the right to contest involuntary detention or concerning any matter which may develop as a result of detention. A person detained for longer than seventy-two (72) hours shall have the right to a hearing before a judge, with his attorney and qualified interpreter present.

Source
RPPL 3-49 § 11, modified.

34 PNCA § 562 PUBLIC HEALTH, SAFETY AND WELFARE

§ 562. Medical rights of person receiving evaluation and treatment.

(a) Every person detained for seventy-two (72) hour evaluation and treatment is entitled to such medical, social and rehabilitation services as his condition may require to bring about his eventual release. Minimum requirements for a patient's treatment are to be determined by the prevalent community standard and shall include actual treatment as deemed appropriate.

(b) Every person detained for seventy-two (72) hour evaluation and treatment has the right to be free from unnecessary or excessive medication as determined by the prevalent community standard. No medication shall be administered except medication prescribed by an order of a physician. Medication shall not be administered as punishment, solely for the convenience of the staff, or in quantities which impede the treatment program.

(c) Every person detained for seventy-two (72) hour evaluation and treatment who receives medication as a result of mental illness shall be given information about both the medication and the nature of the mental illness or behavior for which such medication has been prescribed.

Source
RPPL 3-49 § 12, modified.

§ 563. Restraints.

Every person detained for seventy-two (72) hour evaluation and treatment has the right to be free from physical restraint except where such a person presents an imminent threat of physical harm to himself or others. Every use of restraints or isolation shall be for no more than two (2) hours, after which time physical restraint or isolation may be continued only by an attending physician's order. Such an order may be entered only after the attending physician has observed the person concerned and evaluated the situation. A physician's order calling for no more than twelve (12) hours in restraint or isolation may be renewed by an attending physician if, following the physician's personal observation, continued restrained or isolation is required. Persons in restraint or isolation must have bathroom privileges every hour and must be bathed at least every twenty-four (24) hours, unless for good cause, the attending physician orders otherwise.

Source
RPPL 3-49 § 13, modified.

§ 564. Surgery and shock therapy.

(a) Persons detained for seventy-two (72) hour evaluation and treatment have the right to refuse non-emergency surgery, unless such persons have been found incompetent in which case a court appointed conservator may consent to surgery on behalf of the retained person.

(b) Persons detained for seventy-two (72) hour evaluation and treatment have the right not to be subjected to psycho-surgical treatment procedures such as lobotomy, electro convulsive treatment or other unusual or hazardous treatment procedures without their express and informed consent after such persons have had the opportunity to consult with counsel, an independent physician, or family members.

Source

RPPL 3-49 § 14, modified.

§ 565. Notice of medical and personal rights required.

Persons detained for seventy-two (72) hour evaluation and treatment shall receive written copies, in both the English and Palauan languages, of all the rights to which they are entitled during their stay in the evaluation facility. If a person is unable to read, these rights must be read to him. A written copy of these rights, in both the English and Palauan languages shall be posted in a common area.

Source

RPPL 3-49 § 15, modified.

§ 566. Access to records and confidentiality.

Information regarding a person detained for seventy-two (72) hour evaluation and treatment shall not be disclosed unless such a person expressly consents to such a disclosure in writing or pursuant to court order authorizing such a disclosure. Prospective employers shall not ask a job applicant whether they have ever been detained for seventy-two (72) hour evaluation and treatment. Nothing in this section shall be construed to prevent the admitting facility from disclosing nonidentifying and non-personal information concerning a person who is experiencing suicidal ideation or has attempted suicide, including their demographic information, their reasoning or other information shared concerning their state of mind, the method of treatment employed by the facility, and the efficacy of such treatment.

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Source

RPPL 3-49 § 16, modified. Amended in its entirety by RPPL 11-17 § 3.

§ 567. Exemption from liability.

The person in charge of the evaluation facility, the staff, physicians, police officers and their designees shall be immune from criminal and civil liability for any action brought by a person detained for seventy-two (72) hour evaluation and treatment, for any acts or omissions related to such seventy-two (72) hour evaluation and treatment, except for acts or omissions which fall so far below the prevalent community standard so as to constitute gross negligence or willful misconduct and which acts or omissions cause actual injury or damage to the person detained for seventy-two (72) hour evaluation and treatment.

Source

RPPL 3-49 § 17, modified.

§ 568. Suit.

A person detained for seventy-two (72) hour evaluation and treatment has causes of action, if any of the following have occurred:

- (a) If such a person's confidential records are disclosed without express consent or pursuant to court order, resulting in actual injury or damage to such a person;
- (b) If a mental health professional or staff member has submitted a false application or report resulting in the commitment or detention of the person detained for seventy-two (72) hour evaluation and treatment and if such false application or report results in injury or actual damage to such a person;
- (c) If a person detained for seventy-two (72) hour evaluation and treatment is denied their rights as contained in this subchapter, resulting in injury or actual damage to such a person;
- (d) Any such causes of action enumerated above will exist only upon a showing of willful misconduct or gross negligence.

Source

RPPL 3-49 § 18, modified.

§ 569. Hospital charges.

Persons detained for seventy-two (72) hour evaluation and treatment shall not be charged for any service or treatment received during the seventy-two (72) hour evaluation and treatment.

Source
RPPL 3-49 § 19, modified.

§ 570. Severability.

If any provision of this subchapter or the application of any such provision to any person or circumstances should be held invalid by a court of competent jurisdiction, the remainder of this subchapter or the application of its provisions to persons or circumstances other than those held invalid, shall not be affected.

Source
RPPL 3-49 § 20, modified.

§ 571. Suicide Prevention.

The Director of the Bureau of Public Health shall promulgate regulations providing for the development and implementation of a culturally appropriate and evidence-based approach to preventing suicide in the Republic using the data collected and shared with them according to this chapter and 34 PNC § 4004.

Source
RPPL 11-17 § 3, modified.

34 PNCA § 601 PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 6 School Entry Immunization Act

- § 601. Short title.
- § 602. “School” defined.
- § 603. Certificate of immunization or request for inoculation required.
- § 604. Exceptions.
- § 605. When exemption is not recognized.
- § 606. Certificates of immunization; forms and keeping.
- § 607. Immunization rules and regulations; administration and enforcement.
- § 608. Dismissal from school for failure to comply with chapter.

§ 601. Short title.

This chapter may be cited as the “School Entry Immunization Act.”

Source
PL 7-5-2 § 1, modified.

§ 602. “School” defined.

In this chapter, unless the context otherwise requires, “school” means a public, private or parochial nursery school, day care center, child care facility, family care home, head start program, kindergarten, or elementary or secondary school through grade twelve.

Source
PL 7-5-2 § 2, modified.

§ 603. Certificate of immunization or request for inoculation required.

Except as provided in section 604 of this chapter, a child may attend school in the Republic on or after September 1, 1980, only if such child, or the child’s parent or guardian, can present to the appropriate official of the school:

- (a) A certificate of immunization against communicable diseases as specified by the Bureau of Public Health, or
- (b) In lieu of a certificate of immunization, a written request by one parent or guardian to

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the Bureau of Public Health to administer to the child, within thirty (30) days of the date the written request is submitted, the required inoculation or the first of the next required of a series of inoculations.

Source

PL 7-5-2 § 3, modified.

§ 604. Exceptions.

(a) A child may be conditionally admitted as a transfer student from one school to another without submission of a certificate of immunization; provided that the child's parent or guardian presents a valid certificate of immunization to the appropriate school official within sixty (60) days from the date of said conditional admission.

(b) A child may be exempted from receiving the required immunization upon submitting certification from a licensed physician that the physical condition of the child is such that the specified immunization would endanger the life or health of the child.

(c) The Bureau of Public Health may provide, by regulations, further exemptions to immunization based upon sound medical practice.

Source

PL 7-5-2 § 4, modified

§ 605. When exemption is not recognized.

If at any time there is, in the opinion of the Bureau of Public Health, a danger of an epidemic from any of the communicable diseases for which an immunization is required pursuant to the rules and regulations promulgated pursuant to section 607 of this chapter, exemptions or exceptions from immunization against such disease shall not be recognized.

Source

PL 7-5-2 § 8, modified.

§ 606. Certificates of immunization; forms and keeping.

(a) The Bureau of Public Health shall provide official certificate of immunization forms to the schools and licensed physicians within the Republic. Any immunization record provided by a licensed physician, licensed nurse, or public health official may be accepted

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by a school official as a certificate of immunization if the information is transferred to the official certificate of immunization and verified by the school official.

(b) Every school shall maintain on file an official certificate of immunization for every child enrolled as a student. The certificate shall be returned to the parent or guardian of the child when a child withdraws, transfers, is promoted, or otherwise leaves the school, or the school, at the request of the parent or guardian, may transfer the certificate with the child's school record to the new school.

Source
PL 7-5-2 § 6, modified.

§ 607. Immunization rules and regulations; administration and enforcement.

(a) The Bureau of Public Health shall draft and promulgate rules and regulations for the administration of this chapter; provided that such rules and regulations shall be subject to the advice and consent of the Bureau of Education. Such rules and regulations shall establish which immunizations shall be required and the manner and frequency of their administration, and shall conform to recognized standard medical practices. Such rules and regulations shall also require the reporting of statistical information and names of noncompliers by the schools.

(b) The Bureau of Public Health shall administer and enforce the immunization requirements of this chapter and rules and regulations promulgated pursuant thereto.

Source
PL 7-5-2 § 5, modified.

§ 608. Dismissal from school for failure to comply with chapter.

(a) No child shall be prevented from attending a school for failure to comply with the provisions of this chapter, unless there has been a direct personal notification by the appropriate school official to the child's parents or guardian, or to an emancipated child, of such failure and of their rights under this chapter.

(b) The Bureau of Education shall insure that any child attending school in the Republic is in compliance with the provisions of this chapter.

Source
PL 7-5-2 § 7, modified.

**Chapter 7
Contagious Diseases**

§ 701. Isolation and quarantine of contagious diseases.

§ 701. Isolation and quarantine of contagious diseases.

Persons suffering from contagious diseases, and persons who have been exposed to such diseases, may be isolated and quarantined in accordance with regulations issued pursuant to section 102 of chapter 1 of this title.

Source

(Code 1966, § 621.) 63 TTC § 101, modified.

34 PNCA § 801 PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 8 Tobacco and Betel-nut Regulation

- § 801. Purposes.
- § 802. Prohibition.
- § 803. Posting of notice.
- § 804. Betel-nut chewing regulation.

§ 801. Purposes.

Exposure to tobacco smoke, also known as passive smoking, is a proven and potentially fatal health hazard. This chapter is intended to create a more healthful and aesthetic environment for government employees and patrons of government offices by prohibiting indoor tobacco smoking.

Source
RPPL 3-62 § 1, modified.

§ 802. Prohibition.

No person shall smoke tobacco products in the interior areas of any building utilized for business purposes by any entity of the national government. Any person who shall violate this section shall be fined not less than twenty five dollars (\$25) for each such violation. The Bureau of Public Safety shall enforce this section through the issuance of citations for violations. All appropriate management officials shall be responsible for helping to enforce the provisions of this chapter.

Source
RPPL 3-62 § 2, modified.

§ 803. Posting of notice.

Each cabinet minister, the presiding officers of the Olbiil Era Kelulau, and the Chief Justice shall ensure that each building under his authority utilized for business purposes by the national government shall have notice of the prohibition provided for by section 802 of this chapter conspicuously posted near all public entrances and at all other places necessary to promote compliance with this chapter. The lack of posted notice shall not be a defense to a charge of a violation of this chapter.

TOBACCO AND BETEL-NUT REGULATION 34 PNCA § 804

Source

RPPL 3-62 § 3, modified.

§ 804. Betel-nut chewing regulation

All appropriate management officials shall issue betel-nut chewing regulations to ensure a healthy and clean public building environment.

Source

RPPL 3-62 § 4.

34 PNCA § 901 PUBLIC HEALTH, SAFETY AND WELFARE

**Chapter 9
Cancer Registry Act**

- § 901. Definitions.
- § 902. Cancer registry.
- § 903. Participation in program.
- § 904. Confidentiality.
- § 905. Disclosure.
- § 906. Liability.

§ 901. Definitions.

As used in this chapter:

- (a) “Cancer” means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma diseases and all benign brain tumors.
- (b) “Health care facility” means a hospital, nursing home or other institution that provides medical care in the Republic of Palau.
- (c) “Health care provider” means a physician (M.D., M.B.B.S., M.O., D.O., or D.D.S.), medex, nurse practitioner, registered nurse, nurse midwife, practical nurse or health assistant licensed in the Republic of Palau.
- (d) “Minister” means the Minister of Health and Human Services or person designated by the Minister to compile information, prepare reports, or perform any functions required or permitted under this chapter.

Source

RPPL 5-33 § 2, modified. Subsection (a) amended by RPPL 7-6 § 1.

§ 902. Cancer registry.

- (a) The Minister and each health care facility and health care provider shall jointly establish a uniform, nation-wide population-based cancer registry system for the collection of information regarding the incidence of cancer and related data. The Minister and each health care facility and health care provider shall jointly adopt rules necessary to effect the purposes of this chapter, including the data to be reported and the effective date

after which reporting by health care facilities and health care providers shall be required.

(b) All cancers diagnosed or treated in the Republic shall be reported to the Minister to compile cancer related data.

(c) The Minister shall establish a training program for the personnel of participating health care facilities and a quality control program for cancer data. The Minister shall collaborate in studies with clinicians and epidemiologists and publish reports on the results of such studies. The Minister shall cooperate with the U.S. National Institutes of Health and the Centers for Disease Control in providing cancer incidence data.

Source

RPPL 5-33 § 3, modified.

§ 903. Participation in program.

Each health care facility and health care provider diagnosing or providing treatment to cancer patients shall report to the Minister each cancer case that occurs within that facility or provider's office. Within 120 days of the effective date of this chapter, the Minister and each health care provider and health care facility shall jointly promulgate a plan to set forth the format, content, and timing of the report required by this section, including remedies and penalties for noncompliance. Any cancer patient whose diagnosis or treatment is reported to the Minister shall be informed of this fact by the health care facility or health care provider prior to submission of the report. This section shall only apply to cancer cases diagnosed or treated following the effective date of this chapter.

Source

RPPL 5-33 § 4, modified.

§ 904. Confidentiality.

(a) All information reported pursuant to this chapter shall be confidential and privileged. The Minister shall take strict measures to ensure that all identifying information is kept confidential.

(b) All identifying information regarding an individual patient, health care provider or health care facility contained in records of interviews, written reports and statements procured by the Minister, or by any other person, agency or organization acting jointly

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with the Minister, in connection with cancer morbidity and mortality studies shall be confidential and privileged and may be used solely for the purposes of the study. Nothing in this section shall prevent the Minister from publishing statistical compilations relating to morbidity and mortality studies, which do not identify individual cases or sources of information.

Source

RPPL 5-33 § 5, modified.

§ 905. Disclosure.

(a) The Minister may enter into agreements to exchange confidential information with other cancer registries in order to obtain complete reports of Palau residents diagnosed or treated in other countries, or subdivisions thereof, and to provide information to other countries, and subdivisions thereof, regarding their residents diagnosed or treated in the Republic of Palau.

(b) The Minister may furnish statistical information to other nations' cancer registries, cancer control agencies, or health researchers in order to collaborate in a national cancer registry or to collaborate in cancer control and prevention research studies. Before releasing confidential information, the Minister shall first obtain from such national registry, agency or researcher, a written agreement to keep the identifying information confidential and privileged. In the case of researchers, the Minister shall first obtain evidence of the approval of his or her academic committee for the protection of human subjects or the equivalent.

Source

RPPL 5-33 § 6.

§ 906. Liability.

(a) No action for damages arising from the disclosure of confidential or privileged information may be maintained against any person, or the employer or employee of any person, who participates in good faith in the reporting of cancer registry data or data for cancer morbidity or mortality studies in accordance with this chapter.

(b) No license of a health care facility or health care provider may be denied, suspended or revoked for the good faith disclosure of confidential or privileged information in the reporting of cancer registry data for cancer morbidity or mortality studies in accordance with this chapter.

(c) Nothing in this section shall be construed to apply to the unauthorized disclosure of confidential or privileged information when such disclosure is due to gross negligence or willful misconduct.

Source
RPPL 5-33 § 7, modified.

34 PNCA § 1001 PUBLIC HEALTH, SAFETY AND WELFARE

DIVISION 2 SANITATION

Chapter 10 General Provisions

- § 1001. Latrines and toilets; disposal of human excreta generally.
- § 1002. Accumulation of rubbish, refuse, etc.
- § 1003. Standards for and inspection of service establishments.
- § 1004. Standards for and inspection of food and non-prescription, over-the-counter drugs.
- § 1005. Standards for and inspection of schools.
- § 1006. Penalties for violation of chapter.

§ 1001. Latrines and toilets; disposal of human excreta generally.

(a) Latrines or toilets conforming to standards established by the regulations promulgated pursuant to section 102 of chapter 1 of this title shall be constructed and maintained in connection with each inhabited dwelling in the Republic.

(b) Depositions of human intestinal excreta in the vicinity of a dwelling or in or within five hundred (500) yards of any village in a place other than an approved latrine or toilet is prohibited.

Source

(Code 1966, § 618(a).) 63 TTC § 201, modified.

Notes

Zakios v. Trust Territory, 2 TTR 102 (1959).

§ 1002. Accumulation of rubbish, refuse, etc.

(a) The accumulation of rubbish, garbage, cans, coconut shells and other refuse attractive to animal and insect life is prohibited.

(b) Any person who shall permit, create, or maintain any such accumulation on land owned or occupied by him, and who fails to remove and dispose of such accumulation within a reasonable time after due notice thereof in writing by a representative of the Bureau of Public Health shall be deemed to have violated this section.

Source

(Code 1966, § 618(b).) 63 TTC § 202, modified

§ 1003. Standards for and inspection of service establishments.

(a) The Director of the Bureau of Public Health shall establish standards of sanitation to be maintained by all owners, operators, and employees of and in bakeries, restaurants, food stores, barber shops, beauty parlors, and similar establishments. All such establishments shall be inspected at reasonable intervals during business hours by a representative of the Bureau of Public Health for the purpose of determining whether such standards are being maintained.

(b) Failure to correct any substandard conditions after due notice thereof in writing by such representative shall be deemed a violation of this section.

Source

(Code 1966, § 618(c).) 63 TTC § 203, modified.

§ 1004. Standards for and inspection of food and non-prescription, over-the-counter drugs.

(a) All food and medicine offered for public sale shall be subject to inspection by duly authorized representatives of the Bureau of Public Health. Food for human consumption which is adjudged by the representative to be unsanitary or of questionable sanitary condition because of contamination, spoilage, animal or insect infestation, adulteration or, age shall, as directed by the representative, be destroyed.

(b) Any canned, bottled or packaged foodstuffs labeled pursuant to the laws or regulations of their country of origin are conclusively presumed to be of questionable sanitary condition if the date by which such foodstuffs should be sold or consumed has expired, or if no such date appears on the label, and shall be disposed of by the Director of the Bureau of Public Health at any time in accordance with the provisions of this section.

(c) The Director of the Bureau of Public Health may ban the importation and sale of any canned, bottled, or packaged foods or medicines that have been identified as dangerous for human consumption by the U.S. Food and Drug Administration, the World Health Organization, or other internationally recognized organizations addressing food, drug, and

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consumer safety.

(d) Any business or establishment offering for public sale any canned, bottled or packaged foodstuffs or medicines not labeled in English or Palauan may sell such items so long as an English or Palauan translation of the item's label has been affixed to the item or is posted and clearly visible in a location proximate to where the item is being displayed for sale.

(e) All non-prescription, over-the-counter medications offered for public sale shall be labeled in English with the following information:

- (1) Name of the drug (generic or non-proprietary name);
- (2) Active ingredients;
- (3) Amount of active ingredients per unit;
- (4) Batch or lot code;
- (5) Dates of manufacture and expiration;
- (6) Directions and dosage; and
- (7) Storage directions.

Source

(Code 1966, § 618(d).) 63 TTC § 204, as amended by RPPL 1-28 § 2, modified. Amended in its entirety by RPPL 8-13 § 4.

§ 1005. Standards for and inspection of schools.

All schools shall be subject to inspection by duly authorized representatives of the Bureau of Public Health. They shall maintain minimum acceptable standards of health and sanitation. After due warning and advice, failure of a private school to maintain acceptable standards may result in revocation of its charter.

Source

(Code 1966, § 618(e).) 63 TTC § 205, modified.

§ 1006. Penalties for violation of chapter.

A person who violates any of the provisions of this chapter or regulations issued pursuant thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500), or imprisoned for not more than one (1) year, or both.

Source

(Code 1966, § 625.) 63 TTC § 206, modified.

34 PNCA § 1101 PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 11 Individual Sewage Disposal Act

- § 1101. Short title.
- § 1102. Purposes.
- § 1103. Definitions.
- § 1104. Permits; required.
- § 1105. Same; application process.
- § 1106. Same; review of application; hearing.
- § 1107. Same; minimum standards for individual sewage disposal systems.
- § 1108. Regulations.
- § 1109. Inspections.
- § 1110. Use of individual sewage disposal system prohibited where public system available.
- § 1111. Penalties.
- § 1112. Conflict of chapter with other laws or regulations.

§ 1101. Short title.

This chapter may be cited as the “Individual Sewage Disposal Act.”

Source
PDC § 710(a), modified.

§ 1102. Purposes.

The purposes of this chapter are to define and regulate individual sewage disposal systems, require minimum standards governing the design, construction and installation of septic tank-soil absorption systems, privies and chemical type toilets, authorize the issuance of permits, and provide for penalties for violations.

Source
PDC § 710(b), modified.

§ 1103. Definitions.

In this chapter:

- (a) “Director” means the Director of the Bureau of Public Health or his authorized

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representatives;

(b) “Individual sewage disposal system” means a sewage disposal system other than a public or community system which receives human excreta or liquid waste, or both, from one premises. Included within the scope of this definition are septic tank-soil absorption systems, privies and chemical type toilets, and such other systems as may be prescribed in regulations by the Director;

(c) “Permit” means a written permit issued by the Director permitting the construction of an individual sewage disposal system under this chapter;

(d) “Person” means any institution, public or private corporation, individual, partnership or other entity.

Source

PDC § 710(c), modified.

§ 1104. Permits; required.

It shall be unlawful for any person to construct, alter or extend individual sewage disposal systems within the Republic unless he holds a valid permit issued by the Director in the name of such person for the specific construction, alteration or extension proposed, or unless the construction is to a standard as published by the Director for specific states of the Republic.

Source

PDC § 710(e)(1), modified.

§ 1105. Same; application process.

(a) Applications for permits shall be in writing, signed by the applicant, and shall include the following:

(1) name and address of the applicant;

(2) lot and block number or other approved description of property on which construction, alteration or extension is proposed;

(3) complete plan of the proposed disposal facility with substantiating data, if necessary, attesting to its compliance with the minimum standards of the Director;

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(4) such further information as may be required by the Director to substantiate that the proposed construction, alteration or extension complies with regulations promulgated by the Director.

(b) A complete plan for the purpose of obtaining a permit to be issued by the Director shall include:

(1) the number, location and size of all sewage disposal facilities to be constructed, altered or extended;

(2) the location of water supplies, water supply piping, existing sewage disposal facilities, buildings, or dwellings and adjacent lot lines;

(3) plans of the proposed sewage disposal facilities to be constructed, altered or extended.

(c) No application fee shall be charged unless promulgated by the Director in accordance with section 1108 of this title.

Source

PDC § 710(e)(4) and (5), modified.

§ 1106. Same; review of application; hearing.

(a) All applications for permits shall be made to the Director, who shall issue a permit upon compliance by the applicant with the provisions of this chapter and any regulations adopted hereunder or as provided by section 1104 of this title.

(b) The Director shall refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewage disposal systems are reasonably available.

(c) Any person whose application for a permit under this chapter has been denied may within ten (10) days after official notification of such action file a written request for a hearing before the Director. Such hearing shall be held within thirty (30) days after the receipt of the request by the Director and upon reasonable notice to the applicant. The Director shall affirm, modify or revoke the denial or issue the permit on the basis of the evidence presented at the hearing.

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Source

PDC § 710(e)(2), (3) and (6), modified.

§ 1107. Same; minimum standards for individual sewage disposal systems.

The Director, in order to protect the health and safety of the people of the Republic and of the general public, is authorized and directed after public hearing to promulgate and amend from time to time regulations establishing minimum standards governing the design, construction, installation and operation of individual sewage disposal systems. Such regulations shall establish such minimum standards as in the judgment of the Director will insure that the wastes discharged to various individual sewage disposal systems:

- (a) do not contaminate any drinking water supply;
- (b) are not accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
- (c) do not pollute or contaminate the waters of any bathing beach, shellfish breeding grounds or stream used for public or domestic water supply purposes or for recreational purposes;
- (d) are not a health hazard by being accessible to children;
- (e) do not give rise to nuisance due to odor or unsightly appearance;
- (f) will not violate any other laws or regulations governing water pollution or sewage disposal.

Source

PDC § 710(d)(1), modified.

§ 1108. Regulations.

- (a) The Director shall file a certified copy of all rules and regulations which he may adopt with the Clerk of Courts.
- (b) Rules and regulations adopted by the Director shall have the same force and effect as the provisions of this chapter, and the penalty for violation thereof shall be the same as the penalty for violations of the provisions of this chapter as herein provided.

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(c) Notice of public hearing for the consideration, adoption and amendment of rules and regulations authorized herein shall specify the date, time and place of such hearings. Such notice shall be published at least two times in a newspaper of general circulation in the Republic, and such other public notices as the Director may determine shall be made at least ten (10) days before such public hearing.

(d) In addition to the regulations promulgated pursuant to this chapter, the Director is authorized to promulgate such other regulations as are necessary in his judgment to carry out the provisions of this chapter.

Source

PDC § 710(d)(2) through (5), modified.

§ 1109. Inspections.

(a) The Director is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter and regulations promulgated hereunder.

(b) It shall be the duty of the owner or occupant of a property to give the Director free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this chapter and regulations promulgated hereunder.

Source

PDC § 710(f), modified.

§ 1110. Use of individual sewage disposal system prohibited where public system available.

(a) Upon the installation of or extension of a public or community sewage system, a person to whom that system is available shall have a maximum of twenty-four (24) months in which to voluntarily connect to the new facilities, except that the Director may allow additional time for connection in individual cases where proven hardship exists. Each such case shall be properly recorded and documented.

(b) For the purpose of subsection (a), a public or community sewage system is defined as available when any portion of a dwelling or structure is within one hundred (100) linear feet of a sewer main and located so as to allow flow of sewage to the sewer main without mechanical assistance.

INDIVIDUAL SEWAGE DISPOSAL ACT 34 PNCA § 1112

Source

PDC § 710(g), modified.

§ 1111. Penalties.

(a) Any person who violates any provision of this chapter, or any provision of any regulation adopted by the Director pursuant to authority granted by this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars (\$50), or by imprisonment for not more than ten (10) days. Each day's failure to comply shall constitute a separate violation.

(b) The Director shall enforce the provisions of section 1110 by contracting out the installation of the sewer connection should voluntary connection not be made within the required time or within the time extensions as allowed. All costs of the sewer connection shall be applied to the following months' water bills.

Source

PDC § 710(h), modified.

§ 1112. Conflict of chapter with other laws or regulations.

In any case where a provision of this chapter is found to be in conflict with any zoning, building, fire, safety or health ordinance or regulation, or with any other provision of this Code, the provision which in the judgment of the Director establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

Source

PDC § 710(i)(1), modified.

34 PNCA § 1201 PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 12 Sewer Use Act

- § 1201. Short title.
- § 1202. Definitions.
- § 1203. Requirements for permit.
- § 1204. Applicability.
- § 1205. Public sewer connection requirement.
- § 1206. Septic tank and leaching field standards.
- § 1207. Usage of old building sewer pipes and facilities.
- § 1208. Construction and material standards.
- § 1209. Connection of storm water drains to public sewer.
- § 1210. Connection standards.
- § 1211. Inspection and supervision of building sewer connection.
- § 1212. Excavation for building sewer installation.
- § 1213. Maintenance and responsibilities.
- § 1214. Repair or replacement.
- § 1215. Changeover from septic tank to public sewer.
- § 1216. Discharge into public sewer.
- § 1217. Discharge of waste or water into public sewer.
- § 1218. Discharge prohibitions.
- § 1219. Disposal of waste to public sanitary sewers.
- § 1220. Grease, oil, and sand interceptors.
- § 1221. Preliminary treatment.
- § 1222. Manhole, meters and other appurtenances.
- § 1223. Tests and analyses.
- § 1224. Special agreement.
- § 1225. Negligent break, damage, destruction of sewer.
- § 1226. Right of entry.
- § 1227. Safety rules.
- § 1228. Written notice.
- § 1229. Penalty.
- § 1230. Conflict of law.

§ 1201. Short title.

This chapter shall be known and may be cited as the “Sewer Use Act of 1984.”

Source

RPPL 1-73 § 1, modified.

§ 1202. Definitions.

As used in this chapter, the following words shall have the meanings ascribed to them unless context indicates otherwise:

- (a) “BOD or biological oxygen demand” means the quantity of oxygen utilized by the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter;
- (b) “Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall;
- (c) “Building sewer” means the extension from the building drain to the public sewer or other place of disposal;
- (d) “Director of Public Works” means the Director of the Bureau of Public Works or his authorized representative;
- (e) “Fixture” means a toilet bowl, sink, shower facility or other indoor plumbing that is connected to a building drain;
- (f) “Garbage” means solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce;
- (g) “Government” means the national government of the Republic;
- (h) “Industrial waste” means the water-carried wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage;
- (i) “Natural outlet” means any outlet into a watercourse, pond, ditch, bay or other body of surface or ground water;
- (j) “Person” means any individual, firm, company, association, society, corporation, or group;

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- (k) “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution;
- (l) “Pre-treatment” means a chemical or biological process which will render industrial waste nontoxic and acceptable to the Palau Environmental Quality Protection Board in all other characteristics;
- (m) “Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority;
- (n) “Sanitary sewer” means a sewer which is designated to carry sewage and to which storm, surface and ground waters are not intentionally admitted;
- (o) “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present;
- (p) “Sewage works” means all facilities for collection, pumping, treating, and disposing of sewage;
- (q) “Sewer” means a pipe or conduit for carrying sewage;
- (r) “Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation;
- (s) “Standard laboratory procedures” means laboratory tests or determinations made in accordance with the recommendations of Standard Methods for the Examination of Water and Wastewater. Latest edition, published by the American Public Health Association;
- (t) “Suspend solids” means solids that either float on the surface or are in suspension in water, sewage, or other liquids and that are removable by laboratory filtering;
- (u) “Palau Environmental Quality Protection Board” means the Palau Environmental Quality Protection Board, or any successor or agency or board;
- (v) “Watercourse” means a channel in which the flow of water occurs either continuously or intermittently.

Source

RPPL 1-73 § 2, modified.

§ 1203. Requirements for permit.

(a) No person other than the Director of Public Works shall uncover, make connections with, or open into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Palau Environmental Quality Protection Board.

(b) The Palau Environmental Quality Protection Board shall require any or all of the following data on the basis of which the determination of granting a permit shall be made:

(1) plot plan drawn to scale, completely dimensioned, showing direction and approximate slope of surface, location of all present and proposed structures, drainage channels, utilities, roads, streams, and other surface waters and sewage facilities in relation to property lines and other structures;

(2) description of the complete installation of toilet and sewage disposal systems including quality, type and grade of material, equipment and method of assembly and installation;

(3) a log of soil formation and ground water level.

(c) No building permit or occupancy permit under the Republic of Palau Building Code, if any, shall be issued without prior compliance with these regulations.

Source

RPPL 1-73 § 3, modified.

§ 1204. Applicability.

Within two years of enactment of this chapter the owner of every building which contains piped water facilities that may be used for any normal domestic purposes shall provide a building sewer.

Source

RPPL 1-73 § 4, modified.

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§ 1205. Public sewer connection requirement.

(a) All building sewers from buildings which stand within three hundred feet (300 ft) of an existing public sanitary sewer shall, within two (2) years of enactment of these regulations, be connected to the public sewer unless specifically exempted by the Palau Environmental Quality Protection Board.

(b) All building sewers from buildings which stand within three hundred feet (300 ft) of any new public sanitary sewer shall, within one (1) year of completion of construction, be connected to said public sewer unless specifically exempted by the Palau Environmental Quality Protection Board.

(c) It shall be the responsibility of each homeowner to provide the connection, which shall comply with all requirements of this chapter and such rules and regulations governing sewer pipe and related connections established by the Palau Environmental Quality Protection Board, including cost and expenses incurred from such connection.

(d) Exemptions of building sewers from buildings to public sewer may be granted in accordance with rules and regulations established by the Palau Environmental Quality Protection Board in the event a connection shall cause severe and unavoidable hardship on building owners or landowners.

Source

RPPL 1-73 § 5, modified.

§ 1206. Septic tank and leaching field standards.

A septic tank and leaching field conforming to the recommendation set forth in the U.S. Public Health Service Publication No. 526 “Manual of Septic Tank Practice”, shall be provided to receive the discharge of any building sewer which is not connected to a public sanitary sewer unless specifically exempted by the Palau Environmental Quality Protection Board, in accordance with section 1205(d) of this chapter.

Source

RPPL 1-73 § 6, modified.

§ 1207. Usage of old building sewer pipes and facilities.

Old building sewer pipes and facilities may be used in connection with new building sewers only

when they are found, on examination and testing by the Palau Environmental Quality Protection Board, to meet all requirements of this chapter.

Source

RPPL 1-73 § 7, modified.

§ 1208. Construction and material standards.

The size, slope alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling and trench shall all conform to the requirements of the building and plumbing code or other applicable and established rules and regulations of the Palau Environmental Quality Protection Board. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials and Water Pollution Control Federation Manual of Practice No. 2, shall apply.

Source

RPPL 1-73 § 8, modified.

§ 1209. Connection of storm water drains to public sewer.

No person shall connect roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Source

RPPL 1-73 § 9, modified.

§ 1210. Connection standards.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing specifications set up by the Palau Environmental Quality Protection Board, and of other applicable rules and regulations. All such connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Palau Environmental Quality Protection Board before installation.

Source

RPPL 1-73 § 10, modified.

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§ 1211. Inspection and supervision of building sewer connection.

The applicant for the building permit shall notify the Palau Environmental Quality Protection Board forty-eight (48) hours prior to the time when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Palau Environmental Quality Protection Board or his representative.

Source
RPPL 1-73 § 11, modified.

§ 1212. Excavation for building sewer installation.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Palau Environmental Quality Protection Board.

Source
RPPL 1-73 § 12, modified

§ 1213. Maintenance and responsibilities.

Toilets and sewage facilities shall be maintained at all times in good repair and in a clean and sanitary condition. The owner of the property is primarily responsible for the structural completeness, good repair, and maintenance of toilet and sewage facilities in conformity with applicable sanitation regulations.

Source
RPPL 1-73 § 13, modified.

§ 1214. Repair or replacement.

Toilets and sewage facilities which fail to comply with the provisions of these regulations, shall be repaired, altered, cleaned, emptied, or removed and replaced by the owner of the property as may be ordered by the Palau Environmental Quality Protection Board or its designated representative.

Source
RPPL 1-73 § 14, modified.

§ 1215. Changeover from septic tank to public sewer.

In the instance of making any connection to a public sanitary sewer from a building sewer that previously was served by a septic tank, the septic tank shall be emptied and filled with earth to make that septic tank inoperable.

Source

RPPL 1-73 § 15, modified.

§ 1216. Discharge into public sewer.

No person shall discharge or cause to be discharged any surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Source

RPPL 1-73 § 16, modified.

§ 1217. Discharge of waste or water into public sewer.

No person shall discharge or cause to be discharged the following described waters or wastes to any public sewer;

- (a) gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (b) water or waste containing toxic or poisonous solids, liquids, or gases, in sufficient quantity either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2.mg/1 as CN in the wastes as discharged to the public sewer;
- (c) water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage work;
- (d) solid substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such

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as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails, paper cups, and paper milk containers;

(e) water or wastes containing strong acid unless neutralized prior to discharging into these sewers;

(f) water or wastes containing livestock or domestic animal excreta.

Source

RPPL 1-73 § 17, modified.

§ 1218. Discharge prohibitions.

(a) No person shall discharge or cause to be discharged into the public sewer system, the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Palau Environmental Quality Protection Board that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance;

(1) liquid or vapor having a temperature higher than one hundred thirty degrees Fahrenheit (130°);

(2) any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify;

(3) any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes requiring chlorine treatment greater than that required by domestic sewage, which is defined for this purpose as 15 mg/liter of chlorine;

(4) any waters or wastes containing phenols or other tastes or odor producing substance, in concentrations exceeding limits established by the TTPI Marine and Fresh Water Quality Standards as necessary, after treatment of the composite sewage, to meet the requirements of the public agencies having jurisdiction for such discharge to the receiving waters;

(5) any radioactive wastes or isotopes of such half-life or concentration as may

exceed limits established by the TTPI Marine and Fresh Water Quality Standards in compliance with applicable standards and regulations;

(6) any waters or wastes having a pH in excess of 10.5.

(7) materials which exert or cause:

(A) unusual concentration of inert suspended solids such as but not limited to fuller's earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chlorine and sodium sulfate;

(B) excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions;

(C) unusual biological oxygen demand, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant; and

(D) unusual volume of flow or concentration of wastes constituting sludge;

(8) wastes removed from septic tanks and cesspools;

(9) waters or wastes containing substances which are not amendable to treatment reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the discharge requirements established by the government.

(b) In forming its opinion as to acceptability of these wastes, the Palau Environmental Quality Protection Board shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

Source

RPPL 1-73 § 18, modified.

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§ 1219. Disposal of waste to public sanitary sewers.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in sections 1218 and 1219 of this chapter, and which in the judgment of the Palau Environmental Quality Protection Board may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

- (1) reject the wastes;
- (2) require pre-treatment to an acceptable condition before discharge to the public sewers;
- (3) require control over the quantities and rates of discharge;
- (4) require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the Board permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances and law. Wastes removed from septic tanks and cesspools may be discharged to the public sewers only under the following conditions:

- (1) the supervisor of the sewage treatment plants is notified, and it is done in the presence of his representative;
- (2) it is done at times and places designated by the Palau Environmental Quality Protection Board.

Source
RPPL 1-73 § 19, modified.

§ 1220. Grease, oil, and sand interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sands, or other harmful ingredients; except that such interceptors shall not be

required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection.

Source
RPPL 1-73 § 20, modified.

§ 1221. Preliminary treatment.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Source
RPPL 1-73 § 21, modified.

§ 1222. Manhole, meters and other appurtenances.

When required by the Palau Environmental Quality Protection Board an owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Source
RPPL 1-73 § 22, modified.

§ 1223. Tests and analyses.

All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this chapter shall be determined in accordance with standard laboratory procedures and shall be determined at the control manhole provided or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole is the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

34 PNCA § 1223 PUBLIC HEALTH, SAFETY AND WELFARE

Source

RPPL 1-73 § 23, modified.

§ 1224. Special agreement.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the government and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the government for treatment, subject to payment, therefor, by the industrial concern.

Source

RPPL 1-73 § 24, modified.

§ 1225. Negligent break, damage, destruction of sewer.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person convicted of a violation of this section shall be guilty of malicious mischief. Such conviction shall not preclude the government from any civil remedies available to it.

Source

RPPL 1-73 § 25, modified.

§ 1226. Right of entry.

Members and staff of the Palau Environmental Quality Protection Board and other duly authorized employees of the government bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, repair and obstruct, testing in accordance with the provisions of this chapter, provided that an owner of a property is notified in advance prior to the entry.

Source

RPPL 1-73 § 26, modified.

§ 1227. Safety rules.

While performing an inspection of private properties referred to in section 1226, members and staff of the Board or duly authorized employees of the government shall observe all safety rules and applicable to the premises established by the company and the company shall be held

harmless for injury or death to the government employees and the government shall indemnify the company against loss or damage to its property by government employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such as may be caused by negligence or failure of the company to maintain safe conditions as required in this chapter.

Source

RPPL 1-73 § 27, modified.

§ 1228. Written notice.

Any person found to be violating any provision of this chapter shall be served by the government with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Source

RPPL 1-73 § 28, modified.

§ 1229. Penalty.

Any person who continues any violation beyond the time limit set by the government for correction of said violation, shall be guilty of a misdemeanor, and is punishable by a fine of fifty dollars (\$50). Each day in which any such violation continues shall be deemed a separate offense. Any person violating any of the provisions of this chapter shall become liable to the government for any expenses, loss, or damage occasioned the government by reason of such violation.

Source

RPPL 1-73 § 29, modified.

§ 1230. Conflict of law.

Any provision of this chapter inconsistent with or contrary to any other provisions of law shall prevail over such other provisions, and such other provisions shall be deemed amended, superseded or repealed to the extent of the conflict.

34 PNCA § 1230 PUBLIC HEALTH, SAFETY AND WELFARE

Source

RPPL 1-73 § 30(b), modified.

Notes

RPPL 1-73 § 30(a) severability clause omitted as unnecessary and section modified.

DIVISION 3
PLANT AND ANIMAL CONTROL

Chapter 20
General Provisions

- § 2001. Purpose.
- § 2002. Promulgation of plant and animal quarantines and regulations.
- § 2003. Administration and enforcement.
- § 2004. Emergency measures authorized.
- § 2005. Inspection.
- § 2006. Manifests and information.
- § 2007. In-transit material.
- § 2008. Disposition of contraband material.
- § 2009. Treatment for insects or other pests.
- § 2010. Penalties.

§ 2001. Purpose.

In order to protect the agricultural and general well-being of the people of the Republic, plant and animal quarantines and regulations are promulgated as a means of preventing the introduction and further dissemination of injurious insects, pests, and diseases into and within the Republic.

Source

(Code 1966, § 730.) 25 TTC § 1, modified.

§ 2002. Promulgation of plant and animal quarantines and regulations.

(a) With the prior approval of the President, the Chief of the Division of Agriculture shall issue plant and animal quarantines and regulations relating to the administration and enforcement of the controls established by this chapter. Letters and memoranda may be issued from time to time by the Chief of the Division of Agriculture and the President relating to the administration and enforcement of such quarantines and regulations.

(b) The plant and animal quarantines and regulations issued pursuant to this chapter shall be translated in whole or in summary from English to Palauan, and shall be published by filing with the Clerk of Courts a copy of such translation and a copy of the English language version.

34 PNCA § 2002 PUBLIC HEALTH, SAFETY AND WELFARE

Source

(Code 1966, § 731; P.L. No. 4C-32, § 1.) 25 TTC § 2, § 2(2) omitted as no longer applicable and section modified.

Notes

Uchel v. Owen, 4 TTR 132 (1968).

§ 2003. Administration and enforcement.

- (a) The Chief of the Division of Agriculture shall administer the provisions of the plant and animal quarantines and regulations.
- (b) Agricultural quarantine inspectors may be appointed by the President, and shall, under the direction of the Chief of the Division of Agriculture, enforce the provisions of the plant and animal quarantines and regulations.

Source

(Code 1966, § 732; P.L. No. 4C-32, § 2.) 25 TTC § 3, modified.

§ 2004. Emergency measures authorized.

- (a) Upon the discovery of a situation not covered by the quarantines or regulations issued under this chapter, or any other situation warranting immediate action, emergency quarantine measures may be taken at any time by an agricultural quarantine inspector or the Chief of the Division of Agriculture.
- (b) Such emergency quarantine measures must be reviewed by the Chief of the Division of Agriculture and either incorporated into existing regulations in the manner which is or may be provided by law, or rescinded as soon as practicable after issuance, and in no case shall such action be taken later than thirty (30) days after the measure is taken.

Source

(Code 1966, § 733; P.L. No. 4C-32, § 3.) 25 TTC § 4, modified.

Notes

Uchel v. Owen, 4 TTR 132 (1968).

§ 2005. Inspection.

- (a) All animals and plants or parts thereof, including seeds, fruits, vegetables and cuttings, entering or transported within the Republic are subject to inspection by

agricultural quarantine inspectors and may be refused entry into or movement within the Republic if they are known to be, or are suspected of being, infected or infested with disease or pests.

(b) All aircraft and vessels or their cargoes, including baggage, ship's stores and ballast, entering or moving within the Republic, are subject to inspection by agricultural quarantine inspectors for the purpose of enforcing the quarantines and regulations established pursuant to this chapter; provided that such inspections of military aircraft and vessels of the United States Government shall be subject to existent military security regulations.

(c) It shall be a petty misdemeanor for anyone to interfere with or refuse to submit to the inspections authorized by this section.

Source

(Code 1966, § 734.) 25 TTC § 5, modified.

Notes

Uchel v. Owen, 4 TTR 132 (1968).

§ 2006. Manifests and information.

Cargo manifests and other similar documents concerning aircraft and vessels traveling in the Republic must be made available to the agricultural quarantine inspectors upon request. Those authorities having information as to the movements of aircraft and vessels must furnish such information to agricultural quarantine inspectors upon request; provided that the provisions of this section are subject to military security regulations.

Source

(Code 1966, § 735.) 25 TTC § 6, modified.

§ 2007. In-transit material.

Any animals, plants, or other quarantinable material in transit through the Republic on aircraft or vessels shall be kept aboard such aircraft or vessels while in port or on any island of the Republic, unless such material is otherwise enterable. If it is necessary to transfer such quarantinable material from one vessel or aircraft to another, such transfer shall be made under the direction of an agricultural quarantine inspector, and with such safeguards as the inspector deems necessary.

34 PNCA § 2007 PUBLIC HEALTH, SAFETY AND WELFARE

Source

(Code 1966, § 736.) 25 TTC § 7, modified.

§ 2008. Disposition of contraband material.

Anything attempted to be brought into or transported within the Republic in contravention of the quarantines or regulations established pursuant to this chapter shall be seized by an agricultural quarantine inspector and destroyed by fire or other appropriate means, or expelled from the Republic, or returned to its place of origin at the shipper's expense, depending on the pest risk involved.

Source

(Code 1966, § 737.) 25 TTC § 8, modified.

§ 2009. Treatment for insects or other pests.

Vessels and aircraft traveling into or within the Republic and known or suspected upon reasonable grounds to be harboring insects or other agricultural pests will be subject to spraying with insecticides or such other treatment as may be deemed necessary by an agricultural quarantine inspector; provided that the spraying of aircraft with insecticides and the fumigation of ships is subject to public health regulations.

Source

(Code 1966, § 738.) 25 TTC § 9, modified.

§ 2010. Penalties.

A person who violates any of the provisions of this chapter or any properly issued plant and animal controls, quarantines or regulations shall be guilty of a misdemeanor.

Source

(Code 1966, § 739.) 25 TTC § 10.

EXPORT MEAT INSPECTION ACT 34 PNCA § 2101

**Chapter 21
Export Meat Inspection Act**

- § 2101. Short title.
- § 2102. Definitions.
- § 2103. Examination and inspection of animals prior to slaughtering.
- § 2104. Methods of slaughtering allowed.
- § 2105. Post-mortem examination.
- § 2106. Application of provisions.
- § 2107. Examination and inspection of meat products prepared for export.
- § 2108. Labeling of packaged meat products.
- § 2109. Sanitation inspections; authorized; action on discovery of insanitary conditions.
- § 2110. Sanitation inspections; when made.
- § 2111. Compliance with provisions of chapter required.
- § 2112. Marking to be authorized; practices prohibited.
- § 2113. Appointment of inspectors; promulgation of rules and regulations governing inspections.
- § 2114. Bribing officials; accepting bribe.
- § 2115. Control of handling and storage.
- § 2116. Animal products not intended for human consumption.
- § 2117. Maintenance and inspection of records.
- § 2118. Registration of business.
- § 2119. Animals dying otherwise than by slaughter.
- § 2120. Withdrawal of inspection services.
- § 2121. Detention of adulterated products; removal of official markings.
- § 2122. Seizure and condemnation.
- § 2123. Jurisdiction of Supreme Court.
- § 2124. Obstructing enforcement of chapter.
- § 2125. Miscellaneous violations; prosecution for minor violations discretionary.
- § 2126. Additional powers of Chief and other officials.
- § 2127. Ratification of rules and regulations.

§ 2101. Short title.

This chapter may be cited as the “Export Meat Inspection Act.”

Source
25 TTC § 78, modified.

34 PNCA § 2102 PUBLIC HEALTH, SAFETY AND WELFARE

§ 2102. Definitions.

In this chapter:

(a) “Adulterated” shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but, in case the substance is not an added substance, such article shall not be considered adulterated under this paragraph if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) if it:

(A) bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity, a food additive, a color additive or antibiotic or other medication) which may, in the judgment of the Chief make such article unfit for human food;

(B) is, in whole or in part, a raw agricultural commodity, and such commodity bears or contains a pesticide chemical which is unsafe as defined by the Chief;

(C) bears or contains any food additive which is unsafe as defined by the Chief;

(D) bears or contains any color additive which is unsafe as defined by the Chief; provided, that an article which is not adulterated under subparagraphs (B), (C) or this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, color additive or antibiotic in, or on such article is prohibited by regulations of the Chief in establishments at which inspection is maintained under this chapter;

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

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

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

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

(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to regulations issued by the Chief;

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

(9) if it is margarine containing animal fat and any of the raw material used therein consists in whole or in part of any filthy, putrid, or decomposed substance.

(b) “animal food manufacturer” means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, or goats.

(c) “capable of use as human food” shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the Chief to deter its use as human food, or it is naturally inedible by humans.

(d) “Chief” means the Chief of the Division of Agriculture or his designated representative.

(e) “export” means commerce from the Republic to any foreign country, including the United States and its territories and possessions.

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- (f) “firm” means any partnership, association, or other unincorporated business organization.
- (g) “label” means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.
- (h) “labeling” means all labels and other written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article.
- (i) “meat broker” means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, or goats, on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm or corporation.
- (j) “meat food product” means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats. The term does not include products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the Chief under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products.
- (k) “misbranded” shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:
- (1) if its labeling is false or misleading in any particular;
 - (2) if it is offered for sale under the name of another food;
 - (3) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word “imitation” and immediately thereafter, the name of the food imitated;
 - (4) if its container is so made, formed, or filled as to be misleading;
 - (5) if it is in a package or other container, unless it bears a label showing:

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(A) the name and place of business of the manufacturer, packer, or distributor; and

(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

provided that under subparagraph (B), reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the Chief;

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

(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Chief under section 2108 of this title unless:

(A) it conforms to such definition and standard, and

(B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

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

(9) if it is not subject to the provisions of paragraph (7) of this subsection, unless its label bears:

(A) the common or usual name of the food, if any there be, and

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(B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Chief, be designated as spices, flavorings, and colorings without naming each; provided that, to the extent that compliance with the requirements of subparagraph (B) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Chief;

(10) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Chief, after consultation with the Director for Public Health, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Chief; or

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

(l) "Official certificate" means any certificate prescribed by regulations of the Chief for issuance by an inspector or other person performing official functions under this chapter.

(m) "Official device" means any device prescribed or authorized by the Chief for use in applying any official mark.

(n) "Official inspection legend" means any symbol prescribed by regulations of the Chief showing that an article was inspected and passed in accordance with this chapter.

(o) "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the Chief to identify the status of any article or animal under this chapter.

(p) "Pesticide chemical," "food additive," "color additive," "antibiotic" or other

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medication, and “raw agricultural commodity” shall be defined by the Chief.

(q) “Prepared” means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(r) “Renderer” means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of carcasses, of cattle, sheep, swine, or goats, except rendering conducted under inspection under this chapter.

Source

25 TTC § 51, terms put in alphabetical order and section modified.

§ 2103. Examination and inspection of animals prior to slaughtering.

For the purpose of preventing the use in export commerce, as hereinafter provided, of meat and meat food products which are adulterated, the Chief shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment in the Republic in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for export commerce, and all cattle, sheep, swine and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine or goats, and when so slaughtered, the carcasses of said cattle, sheep, swine or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Chief. The Chief may, with the approval of the President, promulgate and issue rules and regulations covering the disposition of condemned carcasses and materials classified as inedible. Such rules and regulations shall have the force and effect of law.

Source

25 TTC § 52, modified.

§ 2104. Methods of slaughtering allowed.

No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the Republic unless it is humane. The following methods of slaughtering and handling are hereby found to be humane in the case of cattle, calves, sheep, swine, goats and other livestock: where all animals are rendered insensible to pain by a single blow or gunshot or an electric, chemical or other means that is rapid and effective before being shackled, hoisted, thrown, cast or cut.

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Source
25 TTC § 53, modified.

§ 2105. Post-mortem examination.

For the purposes set forth in sections 2102 through 2104 of this title:

(a) The Chief shall appoint inspectors and cause the same to make post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in the Republic in which such articles are prepared solely for export commerce. The carcasses and parts of all such animals found to be unadulterated shall be marked, stamped, tagged, or labeled as “Inspected and Passed.” The carcasses and parts of all such animals found to be adulterated shall be marked, stamped, tagged, or labeled as “Inspected and Condemned.” The carcasses and parts of all such inspected and condemned animals shall be destroyed for food purposes by said establishment in the presence of an inspector, and the Chief may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof.

(b) After the first inspection authorized under subsection (a) of this section, the inspectors shall, when they deem it necessary, reinspect said animal carcasses or parts thereof to determine whether the same have become adulterated, and, if any carcass or any parts thereof shall be found to have become adulterated, the same shall be destroyed for food purposes by the said establishment in the presence of an inspector. The Chief may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

Source
25 TTC § 54, modified.

§ 2106. Application of provisions.

Sections 2103 through 2105 of this title shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where inspection under this chapter is maintained. Examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products. The

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foregoing sections referred to shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. The Chief may limit the entry of carcasses, parts of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this chapter is maintained, under such conditions as he may prescribe, to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purpose of this chapter.

Source

25 TTC § 55, modified.

§ 2107. Examination and inspection of meat products prepared for export.

For the purposes of this chapter, the Chief shall appoint inspectors and cause the same to make an examination and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where such articles are prepared solely for export commerce. For the purposes of any examination and inspection, said inspectors shall have access at all times, by day or by night, whether the establishment be then in operation or not, to every part of said establishment. The inspectors shall mark, stamp, tag, or label as “Republic of Palau - Inspected and Passed” all such products found to be unadulterated. The inspectors shall label, mark, stamp, or tag as “Republic of Palau - Inspected and Condemned” all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes as provided in subsection (a), section 2105 of this title. The Chief may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

Source

25 TTC § 56, modified.

§ 2108. Labeling of packaged meat products.

(a) When any meat or meat food product prepared for export commerce which has been inspected as provided in section 2107 of this title and marked “Republic of Palau - Inspected and Passed” shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been inspected and passed under the provisions of this chapter, and no inspection and

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examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

(b) All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this chapter and found to be unadulterated shall, at the time they leave the establishment, bear, in distinctly legible form, directly thereon or on their containers, as the Chief may require, the information required under section 2102(k).

(c) The Chief, whenever he determines such action is necessary, may prescribe the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to this chapter.

(d) No article subject to this chapter shall be sold or offered for sale by any person, firm, or corporation, in export commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Chief are permitted.

(e) If the Chief has reason to believe that any marking or labeling, or the size or form of any container in use or proposed for use with respect to any article subject to this chapter, is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the Chief, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the Chief so directs, be withheld pending hearing and final determination by the Chief. Any such determination by the Chief shall be conclusive unless, within thirty (30) days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appears before the Trial Division of the Supreme Court.

Source
25 TTC § 57, modified.

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§ 2109. Sanitation inspections; authorized; action on discovery of insanitary conditions.

The Chief shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering or similar establishments in which cattle, sheep, swine and goats are slaughtered and the meat or meat food products thereof are prepared solely for export commerce, as may be necessary to 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. 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 “Republic of Palau - Inspected and Passed.”

Source
25 TTC § 58, modified.

§ 2110. Sanitation inspections; when made.

The Chief shall cause an examination and inspection of all 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.

Source
25 TTC § 59, modified.

§ 2111. Compliance with provisions of chapter required.

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

- (a) slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishment preparing such articles solely for export commerce, except in compliance with the requirements of this chapter;
- (b) sell, transport, offer for sale or transportation, or receive for transportation, in export commerce:
 - (1) any such articles which are capable of use as human food, and are adulterated

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or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or

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

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

Source

25 TTC § 60, modified.

§ 2112. Marking to be authorized; practices prohibited.

(a) No brand manufacturer, printer, or other person, firm or corporation shall cast, print, lithograph or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Chief.

(b) No person, firm, or corporation shall:

(1) forge any official device, mark, or certificate;

(2) use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark or certificate without authorization from the Chief;

(3) detach, deface, or destroy any official device, mark, or certificate, or fail to use the same, contrary to the regulations prescribed by the Chief;

(4) knowingly possess, without promptly notifying the Chief or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate of any device or label, or any carcass of any animal, or any part or product thereof bearing any counterfeit, simulated, forged, or improperly altered official mark;

(5) knowingly make any false statement in any shipper's certificate or other

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nonofficial or official certificate provided for in the regulations prescribed by the Chief; or

(6) knowingly represent that any article has been inspected and passed, or exempted, under this chapter when, in fact, it has not been so inspected and passed, or exempted.

Source

25 TTC § 61, modified.

§ 2113. Appointment of inspectors; promulgation of rules and regulations governing inspections.

The Chief shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products destined for export are prepared. The inspectors so appointed shall refuse to stamp, mark, tag or label any carcass or any part thereof, or any meat food product therefrom, prepared in any such establishment, until the same shall have been inspected and found to be unadulterated, and shall perform such other duties as are provided by this chapter and by the rules and regulations to be prescribed by the Chief from time to time as are necessary for the efficient execution of the provisions of this chapter. All inspections and examinations made under this chapter shall be made in such manner as described in the rules and regulations prescribed by the Chief and shall be consistent with the provisions of this chapter.

Source

25 TTC § 62, modified.

§ 2114. Bribing officials; accepting bribe.

(a) Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the national government authorized to perform any of the duties prescribed by this chapter or by the rules and regulations of the Chief, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the national government in the discharge of any duty specified in this chapter, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than one

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thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), and by imprisonment for not less than one (1) year nor more than three (3) years.

(b) Any inspector, deputy inspector, chief inspector, or other officer or employee of the national government authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in export commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) and by imprisonment for not less than one (1) year nor more than three (3) years.

Source

25 TTC § 63, modified.

§ 2115. Control of handling and storage.

The Chief may, by regulations, prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine or goats, capable of use as human food, shall be stored or otherwise handled by any person, firm or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for export commerce, such articles, whenever the Chief deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. The violation of any such regulations promulgated by the Chief under the authority of this section is prohibited.

Source

25 TTC § 64, modified.

§ 2116. Animal products not intended for human consumption.

Inspection shall not be provided under this chapter at any establishment for the slaughter of cattle, sheep, swine, or goats, or the preparation of any carcasses or parts of products of such animals, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in export commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Chief to deter their use for human food. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in export commerce, any carcasses, parts thereof, meat or meat food

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products of any such animals, which are not intended for use as human food, unless they are denatured or otherwise identified as required by the regulations of the Chief or are naturally inedible by humans.

Source
25 TTC § 65, modified.

§ 2117. Maintenance and inspection of records.

(a) The following classes of persons, firms and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses that directly relate to the activities sought to be regulated by this chapter, and all such persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice from the Chief, afford access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value thereof:

(1) any persons, firms or corporations that engage, for export commerce, in the business of slaughtering any cattle, sheep, swine, or goats, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, or any such animals, for use as human food or animal food;

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

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

(b) Any records required to be maintained under this section shall be maintained for such period of time as the Chief may, by regulations, prescribe.

Source
25 TTC § 66, modified.

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§ 2118. Registration of business.

No person, firm, or corporation shall engage in business, in or for export commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, or goats, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the Chief, he has registered with the Chief his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

Source

25 TTC § 67, modified.

§ 2119. Animals dying otherwise than by slaughter.

No person, firm or corporation engaged in the business of buying, selling or transporting in export commerce, dead, dying, disabled or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled or diseased cattle, sheep, swine or goats, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the Chief may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

Source

25 TTC § 68, modified.

§ 2120. Withdrawal of inspection services.

(a) The Chief may, indefinitely, or for such period as he deems necessary to effectuate the purposes of this chapter, withdraw, or refuse to provide, inspection services with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under this chapter because the applicant or recipient, or anyone responsibly connected therewith, has been convicted in any court of the Republic of a violation of any law based upon the acquiring, handling, or distributing

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of unwholesome, mislabeled or deceptively packaged meat products or upon fraud in connection with transactions in food. This section shall not affect in any way any other provisions of this chapter for the withdrawal of inspection services under this chapter from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

(b) For the purposes of this section, a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of ten percent (10%) or more of its voting stock, or an employee thereof in a managerial or executive capacity. The determination and order of the Chief with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty (30) days after the effective date of such order in the Trial Division of the Supreme Court as provided in section 2123 of this title. Judicial review of any such order shall be upon the record upon which the determination and order were based.

Source

25 TTC § 69, modified.

§ 2121. Detention of adulterated products; removal of official markings.

Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine or goats, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine or goat, is found by any authorized representative of the Chief upon any premises where it is held for purposes of or during or after distribution in export commerce, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this chapter, or that such article or animal has been or is intended to be distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty (20) days, pending action under section 2122 of this title, and shall not be moved by any person, firm or corporation from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the Chief that the article or animal is eligible to retain such marks.

Source

25 TTC § 70, modified.

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§ 2122. Seizure and condemnation.

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

(1) is being or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter, or

(2) is capable of use as human food and is adulterated or misbranded, or

(3) in any other way is in violation of this chapter, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in the Trial Division of the Supreme Court as provided in section 2123 of this title. If the article or animal is condemned, it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the National Treasury; provided that such articles or animals shall not be sold contrary to the provisions of this chapter; and provided further that 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 Republic, 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 as is necessary to insure compliance with the applicable laws. 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. 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 Republic.

(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this chapter, or other laws of the Republic.

Source

25 TTC § 71, modified.

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§ 2123. Jurisdiction of Supreme Court.

The Trial Division of the Supreme Court is vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter.

Source
25 TTC § 72, modified.

§ 2124. Obstructing enforcement of chapter.

(a) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than five thousand dollars (\$5,000), or imprisoned for not more than three (3) years, or both.

(b) Any person who, in the commission of any acts prohibited by subsection (a) of this section, uses a deadly or dangerous weapon, shall be fined not more than ten thousand dollars (\$10,000), or imprisoned not more than ten (10) years, or both.

(c) Any person who kills any person while engaged in or on account of the performance of his official duties under this chapter shall be punished as provided in section 17 PNC § 1301.

Source
25 TTC § 73, modified.

Cross-reference

Section 1301, chapter 13 of Title 17 is the murder in the first degree section in the criminal homicide chapter of the penal code.

§ 2125. Miscellaneous violations; prosecution for minor violations discretionary.

(a) Any person, firm, or corporation who violates any provision of this chapter for which no other criminal penalty is provided shall, upon conviction therefor, be subject to a fine of not more than one thousand dollars (\$1,000), imprisonment for not more than one (1) year, or both; provided that if such violation involves an intent to defraud or any distribution or attempted distribution of an article that is adulterated (except as defined in section 2102(a)(9)), such person, firm, or corporation shall be subject to a fine of not more than ten thousand dollars (\$10,000), imprisonment for not more than three (3) years,

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or both; provided further that no person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this chapter if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Chief the name and address of the person from whom he received such article or animal, and copies of all documents, if there are any, pertaining to the delivery of the article or animal to him.

(b) Nothing in this chapter shall be construed as requiring the Chief to report for prosecution or for the institution of libel or injunction proceedings minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

Source

25 TTC § 74, modified.

§ 2126. Additional powers of Chief and other officials.

(a) The Chief shall have the power:

(1) to gather and compile information concerning, and to investigate from time to time, the organization, business, conduct, practices, and management of any person, firm, or corporation engaged in export commerce, and the relation thereof to other persons, firms, and corporations.

(2) to require, by general or special orders, persons, firms, and corporations engaged in export commerce, or any class of them, or any of them, to file with the Registrar of Corporations, in such form as the Registrar of Corporations may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the Registrar of Corporations such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations, of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Registrar of Corporations may prescribe, and shall be filed with the Registrar of Corporations within such reasonable period as he may prescribe, unless additional time be granted in any case by such Registrar.

(A) For the purposes of this chapter, the Attorney General or his designated representatives shall at all reasonable times have access to, for

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the purpose of examination, and the right to copy, any documentary evidence of any person, firm, or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Attorney General may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(i) Such attendance of witnesses, and the production of such documentary evidence may be required at any designated place of hearing. In case of disobedience to a subpoena the Attorney General may invoke the aid of the Supreme Court requiring the attendance and testimony of witnesses and the production of documentary evidence.

(ii) The Supreme Court may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation to appear before the Attorney General, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(iii) Upon the application of the Attorney General, the Trial Division of the Supreme Court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this chapter or any order of the Attorney General made in pursuance thereof.

(iv) The Attorney General may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Attorney General and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce

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documentary evidence before the Attorney General as provided in this section.

(v) Witnesses summoned before the Attorney General shall be paid the same fees and mileage that are paid witnesses in the courts of the Republic, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts.

(vi) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Attorney General or in obedience to the subpoena of the Attorney General whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it, or subject him or it to a penalty of forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(vii) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if it is in his or its power to do so in obedience to the subpoena or lawful requirement of the Attorney General, shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or by imprisonment for not more than one (1) year, or both.

(B) Any person, firm, or corporation that shall wilfully make, or cause to be made, any false entry or statement of fact in any report required to be

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made under this chapter, or that shall wilfully make, or cause to be made, any false entry in any account, record, or memorandum kept by a person, firm, or corporation subject to this chapter, or that shall wilfully neglect or fail to make or cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall wilfully remove out of the jurisdiction of the Republic, or wilfully mutilate, alter, or by any other means falsify, any documentary evidence of any such person, firm, or corporation, or that shall wilfully refuse to submit to the Attorney General or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction, to a fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000), or to imprisonment for a term of not more than three (3) years, or both.

(C) If any person, firm, or corporation required by this chapter to file any annual or special report shall fail to do so within the time fixed by the Registrar of Corporations for filing the same, and such failure shall continue for thirty (30) days after notice of such default, such person, firm, or corporation shall forfeit to the Republic the sum of one hundred dollars (\$100) for each and every day of the continuance of such failure, which forfeiture shall be payable into the National Treasury and shall be recoverable in a civil suit in the name of the Republic brought in the Trial Division of the Supreme Court. It shall be the duty of the Attorney General to prosecute for the recovery of such forfeitures.

(b) Any officer or employee of the national government who shall make public any information obtained by the Registrar of Corporations without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Source
25 TTC § 75, modified.

34 PNCA § 2127 PUBLIC HEALTH, SAFETY AND WELFARE

§ 2127. Ratification of rules and regulations.

The rules and regulations authorized by this chapter to be promulgated by the Chief shall be temporary until their ratification by the Olbiil Era Kelulau; provided, that should the Olbiil Era Kelulau fail to reject or ratify such rules and regulations within eighteen (18) months after they are published, they shall have the effect of law as if they had been formally ratified.

Source

25 TTC § 77, modified.

**Chapter 22
Domestic Sale of Pork**

- § 2201. Preparation of pork according to chapter required.
- § 2202. Slaughter to be supervised by Chief of Division of Agriculture.
- § 2203. Certificate of inspection required.
- § 2204. Penalties.

§ 2201. Preparation of pork according to chapter required.

It shall be unlawful in the Republic to sell locally raised pork, except when butchered and otherwise prepared under the supervision of the Chief of the Division of Agriculture as provided in this chapter.

Source

PDC § 700, first sentence, modified.

§ 2202. Slaughter to be supervised by Chief of Division of Agriculture.

- (a) Animals designated for slaughtering shall be inspected by the Chief of the Division of Agriculture prior to slaughtering.
- (b) Slaughtering shall be in the presence of and under the direct supervision of the Chief or his designated representative.
- (c) The Chief may direct the destruction and disposal of all or part of slaughtered animals found to be infested.

Source

PDC § 700, second through fourth sentences, modified.

§ 2203. Certificate of inspection required.

Persons offering locally slaughtered pork for sale shall exhibit a certificate of inspection issued by the chief executive officer of the state where the pork was slaughtered and countersigned by the Chief of the Division of Agriculture or his designated representative.

Source

PDC § 700, fifth sentence made into separate section and modified.

34 PNCA § 2204 PUBLIC HEALTH, SAFETY AND WELFARE

§ 2204. Penalties.

Every person who shall violate any of the provisions of this chapter or regulations issued pursuant hereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for a period of not more than six (6) months, or fined not more than one hundred dollars (\$100), or both.

Source

PDC § 700, sixth sentence made into separate section and modified.

Chapter 23

Pests

Subchapter I

Beetles

§ 2301. Control of Coconut rhinoceros beetle.

§ 2301. Control of Coconut rhinoceros beetle.

(a) It shall be unlawful for any person to plant any primary host plant of the coconut rhinoceros beetle on Malakal Island. The primary host plants of the coconut rhinoceros beetle in the Republic are coconut palms, beetle-nut palms and all other palms and pandanus.

(b) Palms and pandanus naturally reseeding or coming into existence for any other reason on Malakal Island in the future will be destroyed at the direction of the President.

(c) Any person who violates this section shall, on conviction, be imprisoned for not more than six (6) months, fined not more than one hundred dollars (\$100), or both.

Source

PDC § 200, modified.

Subchapter II

Monkeys

§ 2311. Transport of monkeys.

§ 2311. Transport of monkeys.

(a) It is prohibited to transport monkeys from any island in the Republic to any other island in the Republic except under special permit to be issued only by the Chief Entomologist or his designated assistant.

(b) Any person violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for not more than six (6) months, or fined not

34 PNCA § 2311 PUBLIC HEALTH, SAFETY AND WELFARE

more than one hundred dollars (\$100), or both.

Source

PDC § 204, modified.

Subchapter III Rats

- § 2321. Rat control; definitions.
- § 2322. Same; businesses and dwellings.
- § 2323. Same; storage of animal feed.
- § 2324. Same; garbage and refuse
- § 2325. Same; penalties.

§ 2321. Rat control; definitions.

For the purposes of sections 2322 through 2325:

- (a) “Director” means the Director of the Bureau of Public Health or any other authorized representative of that Bureau.
- (b) “Rat eradication” means the elimination or extermination of rats within buildings or premises by any or all of the accepted means, such as poisoning, fumigation, trapping and clubbing.
- (c) “Rat-harborage” means any conditions which provide shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of such structures.

Source

PDC § 706(a), terms put into alphabetical order and section modified.

§ 2322. Same; businesses and dwellings.

- (a) All business buildings and dwelling houses shall be freed of rats to the satisfaction of the Director.
- (b) Whenever the Director notifies the occupant or occupants of a business building or a

dwelling house in writing that there is evidence of rat infestation of that building or house, said occupant or occupants shall immediately institute rat eradication measures as specified by the Director, and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the Director to be free of rat infestation.

Source

PDC § 706(b) and (c), modified.

§ 2323. Same; storage of animal feed.

All food and feed for chickens, pigs and other animals shall be stored in rat-proof containers, compartments or rooms, unless stored in a rat-proof building.

Source

PDC § 706(d), modified.

§ 2324. Same; garbage and refuse.

(a) It shall be unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish or trash in any building or on any premises so that said building or premises shall or may afford food or harborage for rats.

(b) Garbage and refuse shall be disposed of by dumping in an open public dump, burning in a drum or similar container or a pit or dumping garbage and rubbish and some ashes in a pit and immediately covering the pit with a layer of earth to exclude rodents and other vermin.

Source

PDC § 706(e) and (f), modified.

§ 2325. Same; penalties.

Any person who violates any provisions of sections 2322 through 2324 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five dollars (\$5), or imprisoned for not more than thirty (30) days, or both.

Source

PDC § 706(g), modified.

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Subchapter IV Birds

§ 2341. Importation of parrots and other psittacine birds.

§ 2341. Importation of parrots and other psittacine birds.

(a) No birds of the psittacine family (parrots, parakeets, love birds, etc.) shall be imported into the Republic without specific approval in each case by the Director of the Bureau of Public Health.

(b) Birds kept in violation of this section may be ordered exported or destroyed by the Director.

(c) A person who violates this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500), or imprisoned for not more than one (1) year, or both.

Source

Subsections (a) and (b) -- 63 TTC § 102; subsection (c) -- 63 TTC § 103; section modified.

**DIVISION 4
CONTROLLED SUBSTANCES**

**Chapter 30
General Provisions**

§ 3001. Short title.

§ 3002. Definitions.

§ 3001. Short title.

This division may be cited as the “Controlled Substances Act.”

Source

(P.L. No. 5-110.) 63 TTC § 251, modified.

§ 3002. Definitions.

In this division:

(a) “Administer” means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject by:

(1) a practitioner (or, in his presence, by his authorized agent), or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser, but does not include a common or contract carrier, public warehouseman, or employee thereof.

(c) “Controlled substance” means a drug, substance, or immediate precursor in Schedules I through V of chapter 31 of this title.

(d) “Counterfeit substance” means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer,

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distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

(e) “Deliver” or “Delivery” means the actual, constructive, or attempted transfer of a controlled substance whether or not there exists an agency relationship.

(f) “Director” means the Director of the Bureau of Public Health.

(g) “Dispense” means to deliver a controlled substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including prescribing, administering, packaging, labeling, and compounding necessary to prepare the substance for such delivery.

(h) “Dispenser” is a practitioner who dispenses.

(i) “Distribute” means to deliver other than by administering or dispensing a controlled substance.

(j) “Distributor” means a person who distributes.

(k) “Drug” means:

(1) substances recognized in the official pharmacopoeia of the United States, the official homeopathic pharmacopoeia of the United States, the official national formulary of the United States, or any supplement to any of them,

(2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals,

(3) substances (other than food) intended to affect the structure or any function of the body of man or other animals, and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3) of this subsection.

The term does not include devices or their components, parts, or accessories.

(l) “Drug dependent person” means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(m) “Federal law” means a law enacted by the Congress of the United States.

(n) “Immediate precursor” means a substance which the Director has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

(o) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation or compounding of a controlled substance by an individual for his own use, or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to research, teaching, or chemical analysis and not for sale.

(p) “Marihuana” means all parts of the plant cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. The term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

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(q) “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substance of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative , or preparation of opium or opiate.

(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), above, but not including the isoquinoline alkaloids of opium.

(3) opium poppy and poppy straw.

(4) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(r) “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section 3101 of this title, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(s) “Opium poppy” means the plant of the species papaver somniferum L., except the seeds thereof.

(t) “Person” means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(u) “Poppy straw” means all parts, except the seeds, of the opium poppy after mowing.

(v) “Practitioner” means:

(1) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise authorized by the Director to distribute, dispense, conduct research with respect to or to administer a controlled substance in the

course of professional practice or research in the Republic.

(2) a pharmacy, hospital or other institution licensed, registered or otherwise authorized by the Director to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in the Republic.

(w) “Production” includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(x) “Ultimate user” means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administration to an animal owned by him or by a member of his household.

Source

(P.L. No. 5-110.) 63 TTC § 252, terms put into alphabetical order and section modified.

Notes

ROP v. Techur, 6 ROP Intrm. 344, 345 (Tr. Div. 1997).

Minor v. ROP, 5 ROP Intrm. 1, 4 (1994).

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Chapter 31 Standards and Schedules

- § 3101. Reports and recommendations by Director to Olbiil Era Kelulau; amendment of schedule by Olbiil Era Kelulau.
- § 3102. Nomenclature.
- § 3103. Criteria for classification under Schedule I.
- § 3104. Schedule I.
- § 3105. Criteria for classification under Schedule II.
- § 3106. Schedule II.
- § 3107. Criteria for classification under Schedule III.
- § 3108. Schedule III.
- § 3109. Criteria for classification under Schedule IV.
- § 3110. Schedule IV.
- § 3111. Criteria for classification under Schedule V.
- § 3112. Schedule V.
- § 3113. Annual revision and republication of schedules.

§ 3101. Reports and recommendations by Director to Olbiil Era Kelulau; amendment of schedule by Olbiil Era Kelulau.

(a) Annually, upon the convening of the year's first session of the Olbiil Era Kelulau, the Director shall report to the Olbiil Era Kelulau the effects of the implementation of this division in relation to the problems of drug abuse in the Republic, and shall recommend to the Olbiil Era Kelulau any additions, deletions or revisions in the schedules of substances enumerated in sections 3104, 3106, 3108, 3110 and 3112 of this title, and any other recommendations which he deems necessary. The Director shall not recommend any additions, deletions or revisions in such schedules until after notice and an opportunity for a hearing is afforded all interested parties, except such hearing shall not be required if official notice has been received that the substance has been added, deleted or rescheduled as a controlled substance under federal law. In making a determination regarding a substance, the Director shall assess the degree of danger or probable danger of the substance by considering the following:

- (1) the actual or probable abuse of the substance, including:
 - (A) its history and current pattern of abuse;

- (B) the scope, duration and significance of abuse; and
 - (C) a judgment of the degree of actual or probable detriment which may result from the abuse of the substance.
- (2) the biomedical hazard of the substance, including:
- (A) its pharmacology: the effects and modifiers of effects of the substance;
 - (B) its toxicology: the acute and chronic toxicity, interaction with other substances whether controlled or not and liability to psychic or physiological dependence;
 - (C) risk to public health and particular susceptibility of segments of the population; and
 - (D) existence of therapeutic alternatives for substances which are or may be used for medical purposes.
- (3) a judgment of the probable physical and social impact of widespread abuse of the substance.
- (4) whether the substance is an immediate precursor of a substance already controlled under this division.
- (5) the current state of scientific knowledge regarding the substance.
- (b) After considering the factors enumerated above, the Director shall make a recommendation to the Olbiil Era Kelulau, specifying to what schedule the substance shall be added, deleted or rescheduled if it finds that the substance has a degree of danger or probable danger. The Director may make such recommendation to the Olbiil Era Kelulau prior to the submission of his annual report, in which case the Director shall publish and give notice to the public of such recommendation.
- (c) The Olbiil Era Kelulau has the sole authority to add, delete, or reschedule all substances enumerated in the schedules in sections 3104, 3106, 3108, 3110 and 3112 of this title.

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(d) If the Olbiil Era Kelulau designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(e) If a substance is added, deleted or rescheduled as a controlled substance under federal law and notice of the designation is given to the Director, the Director shall recommend that a corresponding change in the law of the Republic be made by the Olbiil Era Kelulau, unless the Director objects to the change. In that case, the Director shall publish the reasons for objection and afford all interested parties an opportunity to be heard. Following the hearing, the Director shall announce his decision and shall notify the Olbiil Era Kelulau in writing of the change in federal law or regulations and of the Director's recommendations.

Source

(P.L. No. 5-110.) 63 TTC § 256, modified.

§ 3102. Nomenclature.

The schedules in sections 3104, 3106, 3108, 3110 and 3112 include the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name or trade name designated.

Source

(P.L. No. 5-110.) 63 TTC § 257, modified.

Notes

Sungino v. ROP, 6 ROP Intrm. 70, 72 (1997).

§ 3103. Criteria for classification under Schedule I.

The Director in his recommendation shall place a substance in Schedule I if he finds that the substance:

- (a) has a high potential for abuse; and
- (b) has no accepted medical use in treatment in the United States, or lacks accepted safety for use in treatment under medical supervision.

Source

(P.L. No. 5-110.) 63 TTC § 258.

§ 3104. Schedule I.

The controlled substances listed in this section are included in Schedule I:

(a) any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetylmethadol.
- (2) Allylprodine.
- (3) Alphacetylmethadol.
- (4) Alphameprodine.
- (5) Alphamethadol.
- (6) Bensethidine.
- (7) Betacetylmethadol.
- (8) Betameprodine.
- (9) Betamethadol.
- (10) Betaprodine.
- (11) Clonitazene.
- (12) Dextromoramide.
- (13) Dextrorphan.
- (14) Diampromide.
- (15) Diethylambutene.

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- (16) Dimenoxadol.
- (17) Dimepheptanol.
- (18) Dimethylthiambutene.
- (19) Dioxaphetylbutyrate.
- (20) Dipipanone.
- (21) Ethylmethylthiambutene.
- (22) Etonitazene.
- (23) Etoxidine.
- (24) Furethidine.
- (25) Hydroxypethidine.
- (26) Ketobemidone.
- (27) Lavomoramide.
- (28) Levophenacilmorphan.
- (29) Morpheridine.
- (30) Noracymethadol.
- (31) Norlevorphanol.
- (32) Normethadone.
- (33) Norpipanone.
- (34) Phenadoxone.
- (35) Phenampromide.

- (36) Phenomorphan.
- (37) Phenoperidine.
- (38) Piriramide.
- (39) Proheptazine.
- (40) Properidine.
- (41) Propiram.
- (42) Racemoramide.
- (43) Trimeperidine.

(b) any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine.
- (2) Acetyldihydrocodeine.
- (3) Benzylmorphine.
- (4) Codeine methylbromide.
- (5) Codeine-N-Oxide.
- (6) Cyprenorphine.
- (7) Desoporphine.
- (8) Dihydromorphine.
- (9) Drotebanol.
- (10) Etorphine (Except hydrochloride salt).

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- (11) Heroin.
- (12) Hydromorphanol.
- (13) Methyldesorphine.
- (14) Methyldihydromorphine.
- (15) Morphine methylbromide.
- (16) Morphine methylsulfonate.
- (17) Morphine-N-Oxide.
- (18) Myrophine.
- (19) Nicocodeine.
- (20) Nicomorphine.
- (21) Normorphine.
- (22) Phoclodine.
- (23) Thebacon.

(c) any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) 2,5 dimethoxyamphetamine (2,5-DMA).
- (2) 3,4-methylenedioxyamphetamine.
- (3) 5-methoxy-3,4-methylenedioxyamphetamine.
- (4) 4-bromo-2,5 dimethoxyamphetamine (4-bromo-2,5-DMA).

- (5) 3,4,5-trimethoxyamphetamine.
- (6) Bufotenine.
- (7) 4-methoxyamphetamine (PMA).
- (8) Diethyltryptamine.
- (9) Dimethyltryptamine.
- (10) 4-methyl-2,5-dimethoxylamphetamine.
- (11) Ibogaine.
- (12) Lysergic acid diethylamide.
- (13) Marihuana.
- (14) Mescaline.
- (15) Peyote.
- (16) N-ethyl-3-piperidyl benzilate.
- (17) N-methyl-3-piperidyl benzilate.
- (18) Psilocyn.
- (19) Psilocybin.
- (20) Tetrahydrocannabinol.

Source

(P.L. No. 5-110.) 63 TTC § 259.

Notes

ROP v. Techur, 6 ROP Intrm. 344, 345 (Tr. Div. 1997).

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§ 3105. Criteria for classification under Schedule II.

The Director in his recommendation shall place a substance in Schedule II if he finds that:

- (a) the substance has a high potential for abuse;
- (b) the substance has currently accepted medical use with severe restrictions; and
- (c) abuse of the substance may lead to severe psychic or physical dependence.

Source

(P.L. No. 5-110.) 63 TTC § 260, modified.

§ 3106. Schedule II.

The controlled substances listed in this section are included in Schedule II:

(a) any of the following substances except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

- (1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
- (2) any salt, compound, isomers, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), above, but not including the isoquinoline alkaloids of opium;
- (3) opium poppy and poppy straw;
- (4) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not include cocaine or ecgonine.

(b) any of the following opiates, including their immediate isomers, esters, ethers, salts, and salts of isomers, ester and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical

designation:

- (1) Alphaprodine.
- (2) Anileridine.
- (3) Apomorphine.
- (4) Bezitramide.
- (5) Dihydrocodeine.
- (6) Diphenoxylate.
- (7) Fentanyl.
- (8) Isomethadone.
- (9) Levomethorphan.
- (10) Levorphanol.
- (11) Metazocine.
- (12) Methadone.
- (13) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (14) Methaqualone.
- (15) Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid.
- (16) Pethidine.
- (17) Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine.
- (18) Pethidine - Intermediate - B, ethyl-4-phenylpiperidine; 4-carboxylate.

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- (19) Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (20) Phenazocine.
- (21) Piminodine.
- (22) Racemethorphan.
- (23) Racemorphan.

(c) any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
- (3) any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:
 - (A) Phenmetrazine and its salts.
 - (B) Methylphenidate.

Source

(P.L. No. 5-110.) 63 TTC § 261, modified.

Notes

Wenty v. ROP, 8 ROP Intrm. 188, 189 (2000).
Minor v. Republic of Palau, 5 ROP Intrm. 1, 4 (1994).

§ 3107. Criteria for classification under Schedule III.

The Director in his recommendation shall place a substance in Schedule III if he finds that:

- (a) the substance has a potential for abuse less than the substances listed in Schedules I and II;

- (b) the substance has currently accepted medical use in treatment in the United States;
and
- (c) abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

Source

(P.L. No. 5-110.) 63 TTC § 262, modified.

§ 3108. Schedule III.

The controlled substances listed in this section are included in Schedule III:

(a) unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules.
- (2) Benzphetamine.
- (3) Chlorhexadol.
- (4) Chlorphentermine.
- (5) Chlortermine.
- (6) Clutethimide.
- (7) Diethylpropion.
- (8) Lysergic acid.
- (9) Lysergic acid amide.
- (10) Mazindol.

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- (11) Methyproylon.
- (12) Phencyclidine.
- (13) Phendimetrazine.
- (14) Phentermine.
- (15) Sulfondiethylmethane.
- (16) Sulfonethylmethane.
- (17) Sulfonmethane.

(b) Nalorphine.

(c) any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

- (1) not more than 1.8 grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
- (2) not more than 1.8 grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- (3) not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
- (4) not more than three hundred (300) milligrams of dihydrocodeinone, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
- (5) not more than 1.8 grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit,

with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(6) not more than three hundred (300) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(7) not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;

(8) not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(d) The Director may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (a) and (b) of this section from the application of all or any part of this division if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which do have a stimulant or depressant effect on the central nervous system.

Source

(P.L. No. 5-110.) 63 TTC § 263, modified.

§ 3109. Criteria for classification under Schedule IV.

The Director in his recommendation shall place a substance in Schedule IV if he finds that:

- (a) the substance has a low potential for abuse relative to substances in Schedule III;
- (b) the substance has currently accepted medical use in treatment in the United States;
and
- (c) abuse of the substance may lead to limited physical dependence or psychological

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dependence relative to the substances listed in Schedule III.

Source

(P.L. No. 5-110.) 63 TTC § 264.

§ 3110. Schedule IV.

The controlled substances listed in this section are included in Schedule IV:

(a) any material, compound, mixture, or preparation which contains any quantity of the following substances or salts thereof having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Barbital.
- (2) Chloral betaine.
- (3) Chloral hydrate.
- (4) Diethylpropion.
- (5) Ethchlorvynol.
- (6) Ethinamate.
- (7) Fenfluramine.
- (8) Methohexital.
- (9) Meprobamate.
- (10) Methylphenobarbital.
- (11) Paraldehyde.
- (12) Petrichloral.
- (13) Phenobarbital.

(b) The Director may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (a) from the application of all or any part of this division if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

Source

(P.L. No. 5-110.) 63 TTC § 265, modified.

§ 3111. Criteria for classification under Schedule V.

The Director in his recommendation shall place a substance in Schedule V if he finds that:

- (a) the substance has a low potential for abuse relative to the controlled substances listed in Schedule IV;
- (b) the substance has currently accepted medical use in treatment in the United States; and
- (c) the substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

Source

(P.L. No. 5-110.) 63 TTC § 266, modified.

§ 3112. Schedule V.

Included in Schedule V is any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (a) not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams.
- (b) not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams.

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(c) not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams.

(d) not more than 2.5 milligrams of dephenoxylate, and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit.

(e) not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than five (5) milligrams per dosage unit.

Source

(P.L. No. 5-110.) 63 TTC § 267, modified.

§ 3113. Annual revision and republication of schedules.

The Director shall revise and republish the schedules annually and make them available to any registrant, law enforcement agency or any member of the public desiring such list.

Source

(P.L. No. 5-110.) 63 TTC § 268.

MANUFACTURE, DISTRIBUTION AND DISPENSING 34 PNCA § 3202

Chapter 32 Manufacture, Distribution and Dispensing

- § 3201. Authority of Director to promulgate rules and regulations.
- § 3202. Registration; required; exceptions.
- § 3203. Same; criteria for granting; effect; compliance with federal law.
- § 3204. Same; revocation or suspension; grounds; limitation of effect; sealing of substances; notice to Bureau of Public Health.
- § 3205. Same; denial, suspension or revocation; notice and hearing.
- § 3206. Same; records.
- § 3207. Order forms for substances on Schedules I or II.
- § 3208. Prescriptions.

§ 3201. Authority of Director to promulgate rules and regulations.

The Director is authorized to promulgate rules in accordance with chapter 1 of Title 6 of this Code and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within the Republic.

Source

(P.L. No. 5-110.) 63 TTC § 271, modified.

Cross-reference

Chapter 1 of Title 6 of this Code is the Administrative Procedure Act.

§ 3202. Registration; required; exceptions.

- (a) Every person who manufactures, distributes, or dispenses any controlled substance within the Republic or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within the Republic shall obtain annually a registration issued by the Director in accordance with the rules made by him.
- (b) Persons registered by the Director under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this chapter.
- (c) The following persons need not register and may lawfully possess controlled substances under the provisions of this division:

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- (1) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of his business or employment.
 - (2) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.
- (d) The Director may, by rule, waive the requirement for registration of certain manufacturers, distributors, or dispensers if he finds it consistent with the public health and safety.
- (e) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.
- (f) The Director or his designed may inspect the establishment of a registrant or applicant for registration in accordance with the rules promulgated by him.

Source

(P.L. No. 5-110.) 63 TTC § 272, modified.

§ 3203. Same; criteria for granting; effect; compliance with federal law.

- (a) The Director shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V of Chapter 31 of this title unless he determines that the issuance of that registration is inconsistent with the public interest. In determining the public interest, the Director shall consider the following factors:
- (1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
 - (2) compliance with applicable law;
 - (3) prior conviction record of applicant under federal law and the laws of the Republic relating to controlled substances;
 - (4) past experience in the manufacture or distribution of controlled substances, and the existence in the establishment of effective controls against diversion;

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(5) furnishing by the applicant of false or fraudulent material in any application filed under this division;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration granted under subsection (a) of this section shall not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the laws of the Republic. The Director need not require separate registration under this chapter for practitioners engaging in research with non-narcotic controlled substances in Schedules II through V where the registrant is already registered under this chapter in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within the Republic upon furnishing evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of federal law respecting registration (excluding fees) shall be deemed compliance with this section.

Source

(P.L. No. 5-110.) 63 TTC §273, modified.

§ 3204. Same; revocation or suspension; grounds; limitation of effect; sealing of substances; notice to Bureau of Public Health.

(a) A registration pursuant to section 3203 of this title to manufacture, distribute, or dispense a controlled substance, may be suspended or revoked by the Director upon a finding that the registrant:

(1) has materially falsified any application filed pursuant to this chapter or required by this chapter;

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(2) has been convicted of any violation under this division, or of any law of the Republic or of the United States or its states or territories, relating to any substance defined herein as a controlled substance; or

(3) has had his federal registration suspended or revoked by competent federal authority and is no longer authorized by federal law to engage in the manufacture, distribution, or dispensing of controlled substances; or

(4) has violated any regulation promulgated by the Director relating to this chapter;

(5) will abuse or unlawfully transfer such substances or that the registrant will fail to safeguard adequately his supply of such substances against diversion into other than legitimate channels of distribution.

(b) The Director may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exists.

(c) In the event the Director suspends or revokes a registration granted under section 3203 of this title, all controlled substances owned or possessed by the registrant pursuant to such registration at the time of suspension or the effective date of the revocation order, as the case may be, may in the discretion of the Director be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all such controlled substances shall be forfeited.

(d) The Bureau of Public Health shall promptly be notified of all orders suspending or revoking registration and all forfeitures of controlled substances.

Source

(P.L. No. 5-110.) 63 TTC § 274, modified.

§3205. Same; denial, suspension or revocation; notice and hearing.

(a) Before denying, suspending or revoking a registration, or refusing a renewal of registration, the Director shall serve upon the applicant or registrant in accordance with Chapter 1 of Title 6 of this Code notice to show cause why registration should not be

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denied, revoked, or suspended, or why the renewal should not be refused. The notice to show cause shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Director at a time and place not less than thirty (30) days after the date of service of the notice, but in the case of a denial or renewal of registration the show cause notice shall be served not later than thirty (30) days before the expiration of the registration. These proceedings shall be conducted in accordance with chapter 1 of Title 6 of this Code without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration shall not abate the existing registration which shall remain in effect pending the outcome of the administrative hearing.

(b) The Director may suspend, without a notice to show cause, any registration simultaneously with the institution of proceedings under section 3204 of this title, or where renewal of registration is refused, if he finds that there is an imminent danger to the public health or safety which warrants this action. The suspension shall continue in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the Director or dissolved by a court of competent jurisdiction.

Source

(P.L. No. 5-110.) 63 TTC § 275, modified.

Cross-reference

Chapter 1 of Title 6 of this Code is the Administrative Procedure Act.

§ 3206. Same; records.

Persons registered to manufacture, distribute, or dispense controlled substances under this division shall keep records and maintain inventories in conformance with the record-keeping and inventory requirements of federal law and in accordance with any rules or regulations adopted by the Director pursuant to the provisions of this division.

Source

(P.L. No. 5-110.) 63 TTC § 276.

§ 3207. Order forms for substances on Schedules I or II.

Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms shall be deemed compliance with this section.

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Source

(P.L. No. 5-110.) 63 TTC § 277.

§ 3208. Prescriptions.

- (a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II, may be dispensed without the written prescription of a practitioner.
- (b) In emergency situations, as defined by rule of the Director, Schedule II drugs may be dispensed upon oral prescription of a practitioner reduced promptly to writing and filled by the pharmacy. Prescriptions shall be retained in conformity with the requirements of section 3206 of this title. No prescription for a Schedule II substance may be refilled.
- (c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedules III or IV which is a prescription drug, shall not be dispensed without a written or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date thereof or be refilled more than five (5) times, unless renewed by the practitioner.
- (d) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.
- (e) No prescription for a controlled substance shall be filled or refilled with more than a thirty (30) day supply, based upon the dosage units contained in the prescription.

Source

(P.L. No. 5-110.) 63 TTC § 278, modified.

Chapter 33
Offenses and Penalties

- § 3301. Trafficking.
- § 3302. Possession.
- § 3303. Commercial offenses.
- § 3304. Fraudulent practices.
- § 3305. Attempts and conspiracies.
- § 3306. Restitution; instrumentality of crime; proceeds of drug trafficking.
- § 3307. Distribution to persons under eighteen.
- § 3308. Conditional discharge for first offense possession.
- § 3309. Conviction by another jurisdiction not bar to prosecution.
- § 3310. Cooperation with law enforcement officers.
- § 3311. Public notice at points of entry.
- § 3312. Drug Fine Collection Fund; establishment.
- § 3313. Use of positive marihuana field test in criminal proceedings.

§ 3301. Trafficking.

(a) Except as authorized by this division, it shall be unlawful for any person knowingly or intentionally:

(1) to manufacture, deliver or possess with intent to manufacture, deliver or dispense, a controlled substance; or

(2) to create, distribute, or possess with intent to deliver, a counterfeit controlled substance.

(b) Any person who violates subsection (a) with respect to:

(1) a substance classified in Schedules I or II which is a narcotic, except those substances specified in paragraph (5), shall be sentenced to a term of imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000), or both;

(2) any other controlled substance classified in Schedules I, II or III, except those substances specified in paragraph (5), shall be sentenced to a term of imprisonment of not more than eight (8) years, a fine of not more than five

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thousand dollars (\$5,000), or both;

(3) a substance classified in Schedule IV shall be sentenced to a term of imprisonment for not more than two (2) years, a fine of not more than one thousand dollars (\$1,000), or both;

(4) a substance classified in Schedule V shall be sentenced to a term of imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000), or both;

(5) methamphetamine, as defined in 34 PNC § 3106(c)(2), heroin, cocaine, as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), or morphine, shall be sentenced to a term of imprisonment of not less than twenty-five (25) years but not more than fifty (50) years, and a fine of not less than fifty thousand dollars (\$50,000) but not more than one million dollars (\$1,000,000). Notwithstanding any other provision of law, a person sentenced to imprisonment under this subsection shall not be eligible for any work-release program.

(c) Notwithstanding subsection (b)(2) of this section, any person who violates subsection (a)(1) of this section by distributing not more than one ounce of marihuana for no remuneration shall be treated as provided in section 3302(c)(1) of this title.

(d) Any person who attempts to import into the Republic or to manufacture methamphetamine, heroin, cocaine, LSD, or morphine, shall be sentenced to a term of imprisonment of not less than twenty-five (25) years but not more than fifty (50) years, and a fine of not less than fifty thousand dollars (\$50,000) but not more than one million dollars (\$1,000,000).

(e) The minimum and maximum term of imprisonment for any Bureau of Public Safety police officer, customs officer, immigration officer, airport or port security officer or quarantine officer who violates subsection (a) or (d) of this section shall be five (5) years more than the penalty otherwise prescribed by subsection (b) or (d).

Source

(P.L. No. 5-110.) 63 TTC § 291, modified. Subsection (b) amended by RPPL 5-3 § 1. Subsections (b)(5), (d) and (e) added by RPPL 5-3 § 1, modified.

Rengulbai v. ROP, 2022 Palau 14 ¶¶ 1, 13, 24.

Ebert v. ROP, 2020 Palau 21 ¶¶ 2, 4 n.2.

Republic of Palau v. Kangichi, 2019 Palau 2 ¶ 1 n.1.

Buck v. ROP, 2018 Palau 27 ¶ 2.

Siksei v. Ngiraked, 2018 Palau 7 ¶¶ 2, 9, 14.
Wasisang v. Republic of Palau, 19 ROP 87, 88 (2012).
Blesoch v. Republic of Palau, 17 ROP 198, 199 (2010).
Teriong v. ROP, 15 ROP 88, 90 (2008).
Oiterong v. ROP, 9 ROP 195, 196 (2002).
Wenty v. ROP, 8 ROP Intrm. 188 (2000).
Ngirarorou v. ROP, 8 ROP Intrm. 136 (2000).
Flaga v. ROP, 8 ROP Intrm. 79 (1999).
Gotina v. ROP, 8 ROP Intrm. 56, 58 (1999).
Sungino v. ROP, 6 ROP Intrm. 70, 72 (1997).
Minor v. ROP, 5 ROP Intrm. 1, 1-4 (1994).

§ 3302. Possession.

- (a) It is unlawful for any person knowingly or intentionally to possess a controlled substance, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this division.
- (b) Any person who violates subsection (a) with respect to any controlled substance except marihuana shall be sentenced to a term of imprisonment for not less than ten (10) years and not more than twenty-five (25) years, a fine of not less than five thousand dollars (\$5,000), or both. Any person convicted of a violation of subsection (a) with respect to any controlled substance except marihuana shall not be eligible for parole on any subsequent conviction for violation of subsection (a).
- (c) Any person who violates subsection (a) with respect to marihuana shall be penalized as follows:
- (1) Any person who possesses two ounces or less shall be fined five hundred dollars (\$500) in the form of a citation which can be paid to the Court Clerk within thirty (30) days after receipt. Any person who is cited for possession of two ounces or less of marihuana shall be fined one thousand dollars (\$1,000) in the form of a citation for each subsequent violation of this section.
 - (2) Any person possessing more than two ounces but not more than one pound shall be sentenced on first conviction to a term of imprisonment of one (1) year and fined not more than three thousand dollars (\$3,000); provided, that eleven (11) months of the sentence shall be suspended on the condition that the person enroll in a drug counseling program approved by the court and undergo regular drug testing at least four (4) times per year for a period of three (3) years as

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directed by the court, at his or her own expense or, if a minor, at the expense of his or her parents or legal guardian(s). If the mandatory drug testing reveals the illegal use of a controlled substance at any time during the three (3) year testing period, or if the person does not complete the drug counseling program, the suspension shall be automatically revoked and the person shall be immediately imprisoned for the remainder of the sentence and shall not be eligible for parole. On subsequent conviction, the person shall be sentenced to a term of imprisonment of not more than two (2) years, a fine of not more than five thousand dollars (\$5,000), or both.

(3) Any person possessing more than one (1) pound of marihuana shall be sentenced to a term of not more than ten (10) years, a fine of no more than fifteen thousand dollars (\$15,000), or both.

(d) Notwithstanding any other provision of law, any person who violates subsection (a) with respect to methamphetamine, as defined in 34 PNC § 3106(c)(2), heroin, cocaine, as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), or morphine shall be penalized as follows:

(1) Any person who possesses one gram or less shall be sentenced on first conviction to a term of imprisonment of five (5) years and fined not less than ten thousand dollars (\$10,000). On subsequent conviction for a violation of subsection (a) with respect to methamphetamine, as defined in 34 PNC § 3106(c)(2), heroin, cocaine, as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), or morphine, the person shall be sentenced to a term of imprisonment of not less than five (5) years and not more than ten (10) years, a fine of not less than ten thousand dollars (\$10,000), or both.

(2) Any person who possesses more than one gram shall be sentenced on first conviction to a term of imprisonment of not less than fifteen (15) years nor more than twenty-five (25) years and may be fined not less than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000). On subsequent convictions, the person shall be sentenced to a term of imprisonment of not less than twenty five (25) years and may be fined not less than twenty thousand dollars (\$20,000) nor more than fifty thousand dollars (\$50,000).

(3) Any person imprisoned under this subsection shall receive drug counseling, the cost of which shall be borne by the national government. Such counseling shall begin immediately upon imprisonment and shall continue for a reasonable

period of time as ordered by the court.

(e) Any person convicted of a violation of subsection (a) with respect to methamphetamine, as defined in 34 PNC § 3106(c)(2), heroin, cocaine, as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), or morphine shall not be eligible for parole on any subsequent conviction for violation of subsection (a) with respect to methamphetamine, as defined in 34 PNC § 3106(c)(2), heroin, cocaine, as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), or morphine.

(f) The minimum and maximum term of imprisonment for any Bureau of Public Safety police officer, customs officer, immigration officer, airport or port security officer or quarantine officer who violates subsection (a) of this section shall be three (3) years more than the penalty otherwise prescribed by subsection (b), (c) or (d).”

Source

(P.L. No. 5-110.) 63 TTC § 292, modified. Subsection (c) amended by RPPL 5-3 § 1. Subsections (d) and (e) added by RPPL 5-3 § 1, modified. Amended in its entirety by RPPL 10-41 § 2.

Notes

Buck v. ROP, 2018 Palau 27 ¶ 2.
Blesoch v. Republic of Palau, 17 ROP 198, 199 (2010).
Ngirarorou v. ROP, 8 ROP Intrm. 136 (2000).
ROP v. Techur, 6 ROP Intrm. 344, 345 (Tr. Div. 1997).

§ 3303. Commercial offenses.

(a) It shall be unlawful for any person who is subject to the requirements of chapter 32 of this division:

- (1) to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
- (2) to manufacture, distribute, or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
- (3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this division;
- (4) to refuse an entry into any premises for any inspection authorized by this division; and

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(5) to knowingly keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any other structure or place whatever which is resorted to by persons using controlled substances, or which is used for the keeping or selling of the same in violation of this division.

(b) Any person who violates this section is punishable by imprisonment for not more than five (5) years, or a fine of not more than one thousand dollars (\$1,000), or both.

Source

(P.L. No. 5-110.) 63 TTC § 293, modified.

§ 3304. Fraudulent practices.

(a) It shall be unlawful for any person knowingly or intentionally:

(1) to distribute a controlled substance classified in Schedules I or II, in the course of his legitimate business, if that person is a registrant, except pursuant to an order form as required by section 3207 of this title;

(2) to use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended or issued to another person;

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this division, or any record required to be kept by this division;

(5) to make, distribute, or possess any punch, die, plate, stone or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container of labeling thereof so as to render such drug a counterfeit controlled substance.

(b) Any person who violates this section is punishable by imprisonment for not more than five (5) years, a fine of not more than one thousand dollars (\$1,000), or both.

Source

(P.L. No. 5-110.) 63 TTC § 294, modified.

§ 3305. Attempts and conspiracies.

Any person who attempts, endeavors or conspires to commit any offense defined in this division is punishable by imprisonment, fine, or both; provided that the punishment may not exceed the maximum punishment prescribed for the offense the commission of which was the object of the attempt, endeavor or conspiracy.

Source

(P.L. No. 5-110.) 63 TTC § 295, modified.

Notes

Republic of Palau v. Kangichi, 2019 Palau 2 ¶ 1 n.1.
Minor v. ROP, 5 ROP Intrm. 1, 1, 3, 4 (1994).

§ 3306. Restitution; instrumentality of crime; proceeds of drug trafficking.

- (a) Any penalty imposed for violation of this division shall be in addition to, and not in lieu of, any civil or administrative sanction authorized by law.
- (b) The court may order any person convicted of a violation of this division to make restitution to the Republic for reasonable costs incurred in the investigation and prosecution of the criminal case against him. The court may order that such restitution be in the form of direct monetary payment, seizure of the convicted person's assets, garnishment of future wages or salary, seizure and sale of the convicted person's real or personal property, or any combination of the above methods.
- (c) When the interests of justice so require, the court may order seized any real or personal property of the convicted where it is proven by clear and convincing evidence that such property was either used as an instrumentality in the violation of 34 PNC § 3301, or that such property was purchased with the proceeds from drug trafficking.

Source

(P.L. No. 5-110.) 63 TTC § 296, modified. Subsection (a) amended by RPPL 5-3 § 1. Subsections (b) and (c) added by RPPL 5-3 § 1.

§ 3307. Distribution to persons under eighteen.

- (a) Any person who is at least eighteen (18) years of age who violates section 3301(a)(1) of this title by distributing a substance listed in Schedules I or II which is a narcotic drug to a person under eighteen (18) years of age who is at least three (3) years his junior is

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punishable by a term of imprisonment up to twice that authorized by section 3301(a)(1), by the fine authorized by section 3301(a)(1), or both.

(b) Any person who is at least eighteen (18) years of age who violates section 3301(a)(1) of this title by distributing any other controlled substance listed in Schedules I, II, III or IV to a person under eighteen (18) years of age who is at least three (3) years his junior is punishable by a term of imprisonment up to twice that authorized by section 3301(b)(2), by the fine authorized by section 3301(b)(2), or both.

Source

(P.L. No. 5-110.) 63 TTC § 297, modified. Amended by RPPL 5-3 § 1, modified.

§ 3308. Conditional discharge for first offense possession.

(a) Whenever any person who has not previously been convicted of any offense under this division, or under any statute of the Republic, or of the United States or its states or territories, relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 3302(a) of this title, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 3309 of this title. Discharge and dismissal under this section may occur only once with respect to any person.

(b) Upon the dismissal of such person and discharge of the proceedings against him under subsection (a) of this section, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained by the court solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this section) all recordation relating to his arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines after hearing that such person was dismissed and the proceedings against him discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the

status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held hereafter under any provisions of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him for any purpose.

Source

(P.L. No. 5-110.) 63 TTC § 298, modified.

Notes

Kruger v. Doran, 8 ROP Intrm. 350, 352 (Tr. Div. 2000).

§ 3309. Conviction by another jurisdiction not bar to prosecution.

If a violation of this division is a violation of a federal law or the law of another jurisdiction, a conviction or acquittal under federal law or the law of that other jurisdiction for the same act is not a bar to prosecution in the Republic.

Source

(P.L. No. 5-110.) 63 TTC § 299, modified.

§ 3310. Cooperation with law enforcement officers.

The Court may impose a sentence or penalty less severe than the minimum punishment set out in this chapter upon any person who, after committing a violation of this chapter, willingly cooperates with law enforcement officers in their investigation of violations of this chapter.

Source

RPPL 5-3 § 1.

§ 3311. Public notice at points of entry.

The Bureau of Public Safety shall post public notices in English, Palauan, and other languages as it shall deem proper, in prominent locations throughout the Republic, including in areas entered by incoming passengers after they disembark from air and sea transports at Airai airport and Malakal harbor, respectively, warning of the penalties for persons found to be in violation of this chapter and warning that anyone who traffics in illegal drugs shall be prosecuted to the fullest extent of the law.

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Source
RPPL 5-3 § 1.

§ 3312. Drug Fine Collection Fund; establishment.

The Minister of Finance shall create within the National Treasury a special fund to be the “Drug Fine Collection Fund” which shall be maintained separate from other funds of the Republic. The Minister of Finance shall maintain independent records and accounts in connection with the Drug Fine Collection Fund. All funds received from the payment of fines for violations of this chapter or restitution orders under 34 PNC § 3306 shall be deposited into the Drug Fine Collection Fund and shall be used to supplement operations of the Bureau of Public Safety and Division of Customs relating to efforts to reduce illegal drug trafficking.

Source
RPPL 5-3 § 1. Amended by RPPL 6-26 § 35, modified.

Notes
In the first sentence the phrase “to be the ‘Drug Fine Collection Fund’” reads “to be as the ‘Drug Fine Collection Fund’” in RPPL 6-26 § 35.

§ 3313. Use of positive marihuana field test in criminal proceedings.

In a criminal proceeding, a positive marihuana field test on a substance shall constitute prima facie evidence that the substance tested is marihuana, provided the Republic establishes that the field test was conducted in accordance with the procedures prescribed by the manufacturer of the test.

Source
RPPL 5-7 § 42.

POPULATION AND RESIDENCE REPORTS 34 PNCA § 4001

DIVISION 5 VITAL STATISTICS

Chapter 40 Records and Reports of Population and Residence

- § 4001. Records; responsibilities of Bureau of Public Health.
- § 4002. Same; cooperation of agencies of national government.
- § 4003. Same; registration by Clerk of Courts.
- § 4004. Autopsies.
- § 4005. Reporting of births.
- § 4006. Reporting of deaths.
- § 4007. Reporting of adoptions.
- § 4008. Reporting of changes of name.
- § 4009. Change of residence.
- § 4010. Entry and departure from the Republic.
- § 4011. Maintenance of records by chief executive officer.
- § 4012. Penalties.

§ 4001. Records; responsibilities of Bureau of Public Health.

The Bureau of Public Health shall be responsible for:

- (a) the prompt collection of vital statistical information concerning all births and deaths occurring in the Republic;
- (b) preparing forms and issuing instructions necessary for uniform registration of births and deaths;
- (c) filing a copy of the certificate of such birth or death with the Clerk of Courts; and
- (d) compiling, analyzing and publishing vital statistics concerning births, deaths, and such other subjects related to the general welfare of the inhabitants of the Republic.

Source

(Code 1966, § 624.) 63 TTC § 51(1), modified.

34 PNCA § 4002 PUBLIC HEALTH, SAFETY AND WELFARE

§ 4002. Same; cooperation of agencies of national government.

Other agencies of the national government shall cooperate with and assist the Bureau of Public Health in performing the functions specified in section 4001 of this title.

Source

(Code 1966, § 624.) 63 TTC § 51(2), modified.

§ 4003. Same; registration by Clerk of Courts.

The Clerk of Courts shall register births and deaths by recording and indexing each birth and death certificate filed in his office in accordance with regulations provided pursuant to this chapter.

Source

(Code 1966, § 624.) 63 TTC § 51(3), modified.

§ 4004. Autopsies.

(a) Autopsies and post-mortem examinations may be performed by a physician as a means of revealing or clarifying the cause of death, provided the examination does not violate local custom, and provided written consent is secured from the nearest responsible relative.

(b) In the case of a death under conditions suggesting poisoning, violence, suicide, or unusual circumstances, where the cause and manner of death cannot otherwise be satisfactorily ascertained, an autopsy shall be performed if practicable, whenever recommended by the Director of the Bureau of Public Health or the Attorney General.

(c) For all suspected suicides, the autopsy performed shall include a psychosocial autopsy that ascertains the circumstances of the death, including suicidal intent, and explores in depth other significant risk factors for suicide exhibited by the deceased individual and any emotional, social, economic, or cultural issues that contributed to the suicide.

Source

(Code 1966, § 623.) 63 TTC § 52, modified. Subsection (b) amended and subsection (c) added by RPPL 11-17 § 2.

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§ 4005. Reporting of births.

The mother of a newborn child or any person attending the mother at the time of birth and acting on her behalf shall report the child's name, sex, parentage, date of birth, and any further information required by the Bureau of Public Health to the Bureau and to the chief executive officer of the state in which it is intended by the mother that the child will be permanently residing. The report shall be made not later than ten (10) days following the birth of such child.

Source

PDC § 701(a)(1), modified.

§ 4006. Reporting of deaths.

The nearest of kin of any person deceased or, in their absence, the person charged with the care of the deceased at the time of death shall report the death within ten (10) days of this occurrence to the chief executive officer of the state in which the deceased was a legal resident at the time of death.

Source

PDC § 701(a)(3), modified.

§ 4007. Reporting of adoptions.

The parents of any child given in adoption shall notify the chief executive officer of the state in which the child resides of the change of address and relationship within thirty (30) days of the change; provided that if the child is adopted by a person or persons who are permanent residents of another state, then the chief executive officer shall correct his census rolls and notify the chief executive officer of the state to which the child is moving of the change of address.

Source

PDC § 701(a)(2), modified.

§ 4008. Reporting of changes of name.

Any resident of the Republic who legally changes his name through appropriate court action shall notify the chief executive officer of the state in which he resides of the change within ten (10) days following final action by the court. The chief executive officer shall change the name on the state census rolls.

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Source

PDC § 701(d), modified.

§ 4009. Change of residence.

(a) Any resident of the Republic intending to transfer his place of residence from the state in which he is a legal resident shall secure from the chief executive officer of that state a validated certificate of transfer acknowledging that said person has given notice of his intention to change his legal residence and certifying that he has paid all tax obligations due to that state; provided that in the case of a child less than eighteen (18) years of age such certificate of transfer shall be secured by his parents or guardian.

(b) Any permanent resident of the Republic entering a state other than the one in which he has a legal residence and intending to establish residence in that state shall report to the chief executive officer of that state within thirty (30) days of arrival therein.

(c) Any permanent resident of the Republic who changes his place of residence from one hamlet to another within the same state shall notify the chiefs of the two hamlets concerned within ten (10) days after the change of residence.

(d) Any citizen of the Republic who has not obtained his transfer of residence in accordance with the above provisions and who shall reside within a state for over a period of six months shall automatically become a legal resident of that state; provided that he is in no way relieved from any unfulfilled obligations to his former state of residence.

Source

PDC § 701(b), modified.

§ 4010. Entry and departure from the Republic.

(a) Any person who is not a citizen of the Republic and who enters the Republic with the intent to establish residency shall, on or before ninety (90) days after clearance by the Chief of the Division of Immigration and Customs, report his intent to the chief executive officer of the state in which he intends to reside.

(b) Any person who is not a citizen of the Republic and who intends to depart from the Republic shall notify the chief executive officer of the state in which he is a legal resident of his intent to leave no later than ten (10) days prior to his intended date of departure.

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The chief executive officer shall certify that he has received notice of departure and that the individual has met his tax obligations due that state.

Source
PDC § 701(c), modified.

§ 4011. Maintenance of records by chief executive officer.

The chief executive officer of a state or his designated representative shall maintain a correct record of all births and deaths occurring in that state and all population transfers from and entries into his state. He shall forward a copy of such records to the Director of the Bureau of Public Health each month or whenever so requested.

Source
PDC § 701(e), modified.

§ 4012. Penalties.

(a) A person who violates any of the provisions of sections 4001 through 4004 of this title or regulations issued pursuant thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500), or imprisoned for not more than one (1) year, or both.

(b) Any person who wilfully and unlawfully violates any of the provisions of sections 4005 through 4011 of this title shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for not more than six (6) months, or fined not more than fifty dollars (\$50), or both.

(c) Any resident of the Republic who shall hereafter permanently transfer residence from a state without first securing a valid certificate of transfer executed by the chief executive officer shall, until securing same, render himself liable to personal taxation in that state as well as in any other state in which he may have subsequently acquired legal residence.

(d) Any chief executive officer or official designated by him who shall refuse to execute a certificate of transfer as authorized in sections 4009(a) and 4010(b) of this title (except when the applicant therefor has failed to meet his outstanding tax obligations), shall, in addition to the above penalty, be deemed to have infringed the right to freedom of migration and movement provided by Title 1, section 408 of this Code.

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(e) Nothing in sections 4005 to 4012 shall relieve any individual from the responsibility under any law of the Republic to report births, still births, abortions, deaths, transfers of residence or changes of name to the proper medical, police, or other designated authorities, nor from liability to the penalties prescribed for violation thereof.

Source

(Res. 24-56, 2-13-57; amended Res. 7-61; amended by PL 69 (1)-08). Subsection (a) -- 63 TTC § 103; subsections (b) through (d) -- PDC § 701(f); subsection (e) -- PDC § 701(g); section modified.

**Chapter 41
Identification Cards**

- § 4101. Purpose.
- § 4102. Identification card; description.
- § 4103. Procedure for issuance.
- § 4104. Administration of fees; revolving fund.
- § 4105. Penalties.
- § 4106. Cards previously issued.

§ 4101. Purpose.

The purpose of this chapter is to establish an official identification card which will be available to all residents of the Republic for the purpose of providing such residents with a convenient means whereby they can easily and readily prove their age and identity to any concerned.

Source
PDC § 709(a), modified.

§ 4102. Identification card; description.

All identification cards issued pursuant to this chapter shall be encased in plastic, and shall contain the following information for each person to whom a card is issued:

- (a) legal name;
- (b) address;
- (c) date and place of Birth, Citizenship;
- (d) height;
- (e) blood type;
- (f) weight;
- (g) distinguishing marks or scars;

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- (h) full-faced picture (one inch by one inch);
- (i) signature of person;
- (j) signature of issuing officer;
- (k) date of issuance;
- (l) name of parent, guardian or next of kin;
- (m) identification card number which is identical to Social Security Number.

Source

PDC § 709(b), as amended by RPPL 4-16 § 2, modified.

§ 4103. Procedure for issuance.

Identification cards may be obtained by any resident of the Republic who is sixteen (16) years of age or over. Such cards may be obtained from the Office of the Bureau of Public Safety upon payment of a fee of five dollars (\$5) and submission of the information required to be contained on the card.

Source

PDC § 709(c), modified, as amended by RPPL 4-16 § 2, modified.

§ 4104. Administration of fees; revolving fund.

The Bureau of Public Safety shall keep a record of all identification cards issued, and shall remit all fees collected from the issuance of identification cards to the Director of the Bureau of the National Treasury each month, together with a statement as to the number of cards issued during that month. Such fees shall be deposited by the Director into a special fund entitled the "Identification Card Revolving Fund," which fund shall be expended only for the purpose of carrying out the provisions of this chapter.

Source

PDC § 709(d), modified.

§ 4105. Penalties.

(a) Any person who wilfully and unlawfully forges, materially alters or falsely makes an identification card shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five dollars (\$5) nor more than fifty dollars (\$50), or imprisoned for not more than three (3) months, or both.

(b) Any person who wilfully provides false information in obtaining an identification card, or who uses the identification card of another person and represents such card to be his own, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than fifty dollars (\$50), or imprisoned for not more than three (3) months, or both.

Source

PDC § 709(e), modified.

§ 4106. Cards previously issued.

Any identification card issued pursuant to section 709 of the Palau District Code before the effective date of this chapter shall be deemed to be an official identification card issued pursuant to the provisions of this chapter.

Source

PDC § 709(f), modified.

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DIVISION 6 SAFETY

Chapter 50 Bureau of Public Safety

Subchapter I General Provisions

- § 5001. Creation; composition; supervision.
- § 5002. Ranks within Bureau; strength.
- § 5003. Duties of Bureau.
- § 5004. Promulgation of rules and regulations for administration and operation.

§ 5001. Creation; composition; supervision.

There shall be a police force to be known as the Bureau of Public Safety consisting of an armed, uniformed and trained group of persons in sufficient numbers and ranks to efficiently maintain law and order within the Republic. The Bureau shall function under the general supervision of the Director of the Bureau and such technical supervisors as the President shall appoint from time to time.

Source

(Code 1966, § 240.) 69 TTC § 1, modified.

§ 5002. Ranks within Bureau; strength.

(a) The Bureau shall be organized by voluntary recruitment. It shall consist of the following ranks:

- (1) the Director (the equivalent of a chief of police), appointed under the provisions of section 5021 of this title;
- (2) captains of police, appointed under the provisions of section 5023 of this title;
- (3) sergeants;
- (4) patrolmen; and

(5) probationary patrolmen.

(b) The strength of the Bureau shall be determined by the President upon recommendation of the Director and the approval of the Attorney General.

Source

(Code 1966, § 240(a).) 69 TTC § 2, modified.

§ 5003. Duties of Bureau.

It shall be the duty of the Bureau, under the direction of the Director, to preserve the peace, maintain order, enforce all laws, conduct criminal investigations, assist in the conduct of prosecutions in the courts of the Republic in the name of the Republic, act as bailiffs and other court attendants as necessary, serve legal processes issued by competent judicial authority, operate and administer all penal institutions in the Republic, and operate all fire protection equipment within the Republic.

Source

(Code 1966, § 241.) 69 TTC § 3, modified.

Notes

King v. ROP, 6 ROP Intrm. 131, 133 (1997).

§ 5004. Promulgation of rules and regulations for administration and operation.

The Bureau shall be administered and operated under rules and regulations issued by the Attorney General, who, with the approval of the President, shall have the power to prescribe such rules and regulations as he may deem advisable. Such rules and regulations shall have the force and effect of law.

Source

(Code 1966, § 242.) 69 TTC § 4, modified.

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Subchapter II Director of Bureau and Police Captains

- § 5021. Director of Bureau; appointment.
- § 5022. Same; duties.
- § 5023. Police captains; appointment.
- § 5024. Same; duties.
- § 5025. Liability of Director and captains for damages.

§ 5021. Director of Bureau; appointment.

(a) There shall be a Director of the Bureau of Public Safety who shall be responsible to the President. The Director shall be appointed by the President and shall serve at the President's pleasure, but not longer than three years unless reappointed.

(b) The President may appoint an acting director in case of death, incapacity or prolonged absence of the Director. An acting director shall serve until removed, until formal appointment by the President, or until return of the Director.

Source

(Code 1966, § 245.) 69 TTC § 51, modified.

§ 5022. Same; duties.

The Director shall:

- (a) head the Bureau of Public Safety and be responsible for the supervision of all members of the Bureau and for carrying out all rules and regulations regarding the organization, operation and duties of the Bureau;
- (b) supervise the prisons and jails in the Republic, be responsible to the President for the proper operation of all jails and prisons located in the Republic and for the receipt and proper treatment, housing, feeding and clothing of all prisoners committed to his charge;
- (c) serve or execute promptly every lawful process directed to him by a court or an officer authorized to issue process. Delivery of a process directed to the Director or to a captain of police shall be considered delivery to the Director and, subject to the directions of the Director, the captain receiving such process shall proceed to execute the same

without delay;

(d) when commanded by a court, personally attend any session of court and obey all lawful orders and directions issued by such court;

(e) provide a bailiff for all sessions of the courts of the Republic;

(f) act as fire marshal; and

(g) perform such other duties as may be prescribed by law or assigned to him by the President.

Source

(Code 1966, § 246.) 69 TTC § 52, modified.

§ 5023. Police captains; appointment.

(a) There shall be in the Republic a sufficient number of regularly appointed police captains to enable the Director to carry out his duties promptly and efficiently.

(b) Captains of police shall be appointed by the President from nominations made by the Director. In an emergency, whenever required for the efficient performance of his duties, the Director shall appoint special captains as required. Police captains shall serve for two (2) years, unless sooner removed for cause or by reason of a reduction in force, and may be reappointed. Persons appointed special captains in an emergency shall serve until released by the Director.

Source

(Code 1966, § 247; P.L. No. 5-53.) 69 TTC § 53, modified.

§ 5024. Same; duties.

A police captain shall act under the direction of the Director and shall have all of the authority and responsibility of the Director when so acting. In the absence of specific directives and when the Director is not available, as in the case of a police captain on an outer island, a police captain shall act in all respects as though he were the Director and shall be liable for his acts or failure to act to the same extent that the Director would in like circumstances.

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Source

(Code 1966, § 248.) 69 TTC § 54, modified.

§ 5025. Liability of Director and captains for damages.

(a) The Director shall not be liable for any damages resulting from the lawful execution of the duties imposed by this Code or any other law of the Republic, but he shall act upon his own private accountability for all excesses of his official powers and for any departure from the lawful provisions of any process in his hands.

(b) The Director or a captain of police to whom any lawful process is delivered shall be personally liable for any damages caused by his failure to serve or otherwise execute the same with reasonable diligence.

Source

(Code 1966, § 252.) 69 TTC § 55, modified.

**Chapter 51
Fire Control**

- § 5101. Fires to clear land; permission required.
- § 5102. Same; penalties.
- § 5103. Fireworks; import, sale and use prohibited.

§ 5101. Fires to clear land; permission required.

- (a) No fires to clear land, including the burning of stumps, logs, brush, dry grass or fallen timber, shall be started without the prior written permission of the Bureau of Public Safety's Division of Fire at the Ministry of Justice.
- (b) Whether authorized by permit or not, no fires shall be started during a heavy wind or without sufficient help present to control the same, and the fire shall be watched by the person setting it, or by his competent agents, until put out.

Source

(Code 1966, § 765.) 63 TTC § 451, modified. Subsection (a) is amended by RPPL 9-27 § 1.

§ 5102. Same; penalties.

- (a) A person who, without proper and valid authorization, sets any fire in violation of the provisions of section 5101 of this title shall be guilty of a misdemeanor, and liable to be fined up to one thousand dollars (\$1,000), or imprisoned not more than one (1) month, or both.
- (b) A person who, without proper and valid authorization:
 - (1) willfully, maliciously, or negligently sets on fire or causes to be set on fire any woods, brush, prairies, grass, grain or stubble on any lands not owned, leased or controlled by him, or
 - (2) willfully, maliciously, or negligently allows a fire to escape from land owned, leased, or controlled by him whereby any property of another is injured or destroyed, or
 - (3) accidentally sets or causes to be set any fire on land not owned, leased or controlled by him or sets or causes to be set any fire on land owned, leased or

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controlled by him which spreads to the land of another, and allows such fire to escape from his control without using every effort to extinguish it, shall be deemed guilty of a misdemeanor and liable to be fined not more than one thousand dollars (\$1,000), or imprisoned for a period of not more than six (6) months, or both.

(c) Any person who is authorized by a permit issued according to section 5101, who sets a fire or causes a fire to be set that results in destruction or damage to the property of another person due to the permit holder's negligent, willful, or reckless conduct shall be penalized according to the discretion of the Bureau of Public Safety's Division of Fire, up to the one thousand dollars (\$1,000) fine or one (1) month imprisonment limitation in section 5102.

(d) Nothing in this section shall apply to a person who in good faith sets a backfire to check a fire already burning.

(e) Nothing in this chapter shall be construed to prohibit the use of food, brush, grass, or other vegetable fuels in properly set and controlled cooking, heating or industrial fires.

Source

(Code 1966, § 766; P.L. No. 4C-16, § 1.) 63 TTC § 452, modified. Amended by RPPL 9-27 § 2, modified.

§ 5103. Fireworks; import, sale and use prohibited.

(a) It shall be unlawful for any person, company, store, corporation or organization to import, sell or use fireworks in the Republic, provided that the importation, sale or use of fireworks may be permitted by the chief executive officer of a state where fireworks are to be used for a public display.

(b) Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for not more than three (3) months, or fined not more than fifty dollars (\$50), or both.

Source

PDC § 708, modified.

**Chapter 52
Water Safety**

**Subchapter I
General Provisions**

§ 5201. Short title.

§ 5202. Purpose.

§ 5203. Definitions.

§ 5201. Short title.

This chapter may be cited as the “Water Safety Act.”

Source

PL 6-6-25 § 2, modified.

§ 5202. Purpose.

The purpose of this chapter is to promote the safety of water-related activities in the Republic.

Source

PL 6-6-25 § 1, modified.

§ 5203. Definitions.

In this chapter:

- (a) “Division” means the Division of Marine Law Enforcement of the Bureau of Public Safety within the Ministry of Justice.
- (b) “Diving card” means evidence or proof that the holder has satisfactorily completed a course of instruction in SCUBA diving which course was conducted by a recognized diving organization.
- (c) “Instructor’s card” means evidence or proof that the holder has satisfactorily completed a course which qualifies the holder to teach or give instructions.

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(d) “Person” means any individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the national government or a state government.

(e) “Recognized diving organization” means an organization that certifies divers with a certification recognized by the Division. A list of these organizations shall be kept on file by the Division.

(f) “SCUBA” means self-contained underwater breathing apparatus.

(g) “UB” means underwater breathing apparatus such as SCUBA, hooka equipment and rebreathers, and includes, but is not limited to, air tanks, regulators, gauges, valves, buoyancy compensators and backpacks.

Source

PL 6-6-25 § 3, modified. subsections (a) and (e) amended by RPPL 5-7 § 34(7)(a) on 10/3/97 effective 10/1/97.

Subchapter II Division of Marine Law Enforcement

§ 5211. [Repealed]

§ 5212. Division of Marine Law Enforcement; water safety powers and duties.

§ 5211. [Repealed]

Source

PL 6-6-25 § 4(a) through (e), (g) and (h), modified. Repealed by RPPL 5-7 § 34(7)(b) on 10/3/97 effective 10/1/97.

§ 5212. Division of Marine Law Enforcement; water safety powers and duties.

The Division shall have the following powers and duties, in addition to any other powers and duties prescribed by law or regulations issued pursuant thereto:

(a) The Division shall have the power to license the use of air compressors operated to provide air for use in UB equipment, and to suspend, revoke and reinstate such license.

(b) The Division shall have the power to license the sale of compressed air used in SCUBA equipment, and to suspend, revoke and reinstate such license.

- (c) The Division shall have the power to license the rental and sale of UB equipment, and to suspend, revoke and reinstate such license.
- (d) The Division shall have the power to license all boats operated for hire to transport passengers within the Republic and which boats are not already licensed or regulated pursuant to Title 7 of this Code.
- (e) The Division shall prescribe the form of all applications for licenses or renewal of licenses and other papers it shall require, including, but not limited to, verification of the information contained in such applications.
- (f) The Division shall have the power to prescribe the character and manner of keeping books and records by licensees, common and private carriers and such other persons as are necessary to enable the Division to exercise its powers and duties.
- (g) The Division shall issue regulations not inconsistent with the provisions of this chapter, and may amend or repeal them as it deems necessary to carry out the purpose and intent of this chapter and to enable it to exercise its duties and powers. Such regulations shall be issued only after hearing and due notice thereof to all licensees and other interested persons, and when issued shall have the force and effect of law. The Division shall also prescribe the place and manner for the posting of licenses by licensees.
- (h) The Division shall have the power to appoint water safety inspectors who shall have the authority and powers set out in section 5271 of this title. Such inspectors shall be members of the Bureau of Public Safety.
- (i) The Division shall recommend to the Olbiil Era Kelulau such legislation as the Division believes necessary to enable it to exercise its powers and duties, and such legislation as may be related to the safe use of the waters of the Republic.
- (j) The Division shall investigate water-related accidents upon request of the Bureau of Public Safety and forward a copy of its written report to the President.

Source

PL 6-6-25 § 4(f), modified. "Board" amended to "Division" by RPPL 5-7 § 34(7)(b) on 10/3/97 effective 10/1/97.

34 PNCA § 5231 PUBLIC HEALTH, SAFETY AND WELFARE

Subchapter III Licensing

- § 5231. Licenses; required.
- § 5232. Same; issuance.
- § 5233. Same; classes.
- § 5234. Same; fees.
- § 5235. Same; application forms.
- § 5236. Same; review of application.

§ 5231. Licenses; required.

No person shall sell or make available compressed air to be used in UB equipment or sell or rent UB equipment without a valid license issued by the Division according to the provisions of this chapter. The license shall permit the licensee to engage only in such activities as the license shall explicitly permit.

Source

PL 6-6-25 § 5(a), modified. "Board" amended to "Division" by RPPL 5-7 § 34(7)(d) on 10/3/97 effective 10/1/97.

§ 5232. Same; issuance.

Licenses to sell and make available compressed air or to sell or rent UB equipment may be issued or reissued by the Division to any person engaging in such activities in the Republic, provided that any person applying for a license meets the requirements as stated in this chapter.

Source

PL 6-6-25 § 5(b), modified. "Board" amended to "Division" by RPPL 5-7 § 34(7)(e) on 10/3/97 effective 10/1/97.

§ 5233. Same; classes.

Separate licenses shall be issued for each of the following types of activities:

- (a) Compressed air sales license--which license shall permit the licensee to sell compressed air for use in UB equipment.
- (b) Air compressor use license--which license shall permit the licensee to operate an air

compressor and to provide, at no cost, air for use in UB equipment by the owner or his family and friends, scientific or educational expeditions, diving tour operators whose place of business is outside the Republic, or governmental agencies.

(c) UB equipment sales and rental license--which license shall permit the licensee to sell and/or rent UB equipment.

Source
PL 6-6-25 § 5(c), modified.

§ 5234. Same; fees.

(a) The fees for licenses of the several classes shall be as follows:

- | | |
|--|------------------------|
| (1) compressed air sales licenses | fifteen dollars (\$15) |
| (2) air compressor use licenses | five dollars (\$ 5) |
| (3) UB equipment sales and rental licenses | fifteen dollars (\$15) |
| (4) compressed air and UB equipment sales and rental license | twelve dollars (\$12) |

(b) Licenses shall be valid for six (6) months and renewed on January 1 and July 1 of each year. All license fees shall be paid by the licensee or applicant directly to the National Treasury.

Source
PL 6-6-25 § 5(d), modified. Subsection (b) amended by RPPL 5-7 § 34(7)(f) on 10/3/97 effective 10/1/97.

§ 5235. Same; application forms.

Applications for licenses or renewals thereof shall be submitted in the form prescribed by the Division and shall include, but not be limited to, the following information:

- (a) applicant's name;
- (b) name of business;

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- (c) location of business or air compressor;
- (d) make or manufacturer of air compressor;
- (e) date of manufacture;
- (f) date of last inspection;
- (g) business license number (if any);
- (h) inventory of all UB equipment offered for rent.

Source

PL 6-6-25 § 5(e), modified. “Board” amended to “Division” by RPPL 5-7 § 34(7)(g) on 10/3/97 effective 10/1/97.

§ 5236. Same; review of application.

Upon receipt of the application for a new license or renewal and fee, the Division shall instruct a water safety inspector to inspect the applicant’s air compressor and all UB equipment offered for sale or rental. Upon receipt of a satisfactory inspection report from the inspector, the Division shall issue the license or renewal.

Source

PL 6-6-25 § 5(f), modified. “Board” amended to “Division” by RPPL 5-7 § 34(7)(h) on 10/3/97 effective 10/1/97.

Subchapter IV Business Guidelines

§ 5251. Business guidelines; compressed air sales licensee.

§ 5252. Same; air compressor use licensee.

§ 5251. Business guidelines; compressed air sales licensee.

Every person licensed under this chapter to sell compressed air for use in UB equipment shall strictly adhere to the following guidelines:

- (a) Sales are to be made only to individuals holding a current diving card.

- (b) Only individuals holding a valid instructor's card shall be allowed to purchase compressed air for conducting classes in the use of SCUBA equipment.
- (c) No air tank shall be filled unless it has a current hydrostatic test date stamp on it.
- (d) No air tank shall be filled if the compressor operator has reason to believe it defective.
- (e) Sales of air are to be made only from air compressors which have a valid, current license issued pursuant to this chapter.

Source

PL 6-6-25 § 6(a), modified.

§ 5252. Same; air compressor use licensee.

Every person licensed under this chapter to operate an air compressor for producing air for use in UB equipment shall strictly adhere to the following guidelines:

- (a) All UB equipment offered for sale or rental shall be in a good, safe, functioning condition, free of any defects.
- (b) All compressed air tanks offered for sale or rental shall have a current hydrostatic test date stamp on them.
- (c) No compressed air tanks or breathing regulators shall be sold or rented to any individual unless said individual holds a current diving card or instructor's card.

Source

PL 6-6-25 § 6(b), modified.

34 PNCA § 5271 PUBLIC HEALTH, SAFETY AND WELFARE

Subchapter V Enforcement and Violation

§ 5271. Inspections; citations.

§ 5272. Revocation or suspension of license; grounds.

§ 5273. Same; procedure.

§ 5274. Penalties.

§ 5271. Inspections; citations.

(a) Each water safety inspector appointed under section 5212(h) of this title shall have the authority to make an examination and inspection of all equipment and records required to be kept by licensees pursuant to this chapter. An examination or inspection shall be made only during weekdays from 8:30 a.m. to 4:30 p.m. and only after giving the licensee at least twenty-four (24) hours' prior notice.

(b) Each water safety inspector shall have the power to issue citations for violations of this chapter or regulations issued pursuant thereto.

Source

PL 6-6-25 § 7(a) and (b), modified.

§ 5272. Revocation or suspension of license; grounds.

The Division may suspend or revoke a license of any class on any of the following grounds:

(a) The licensee's violation of, causing or permitting of a violation of, or a failure or refusal to comply with, any provision of this chapter or regulations issued pursuant thereto; or

(b) The misrepresentation of a material fact by the applicant in obtaining or renewing a license.

Source

PL 6-6-25 § 7(c), modified. "Board" amended to "Division" by RPPL 5-7 § 34(7)(i) on 10/3/97 effective 10/1/97.

§ 5273. Same; procedure.

(a) If the Division has reasonable cause to believe that one or more of the grounds for revocation or suspension may exist, the Division shall notify the licensee in writing that a hearing will be held within fifteen (15) days before the Division. At this hearing the licensee will be given an opportunity to show cause why his license should not be revoked or suspended.

(b) The Division shall notify the licensee and the President of its decision in writing within five (5) days of the hearing. The decision shall take effect immediately upon such notification and shall remain in effect until its expiration.

Source

PL 6-6-25 § 7(d), modified. "Board" amended to "Division" by RPPL 5-7 § 34(7)(j) on 10/3/97 effective 10/1/97.

§ 5274. Penalties.

Every person who wilfully violates or fails to comply with any provision of this chapter or any regulation issued pursuant thereto shall be imprisoned for a period of not more than one (1) year, or fined not more than one thousand dollars (\$1,000), or both.

Source

PL 6-6-25 § 8, modified.

34 PNCA § 5301 PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 53 Trust Territory Disaster Relief Act of 1977

- § 5301. Short title.
- § 5302. Findings and intent.
- § 5303. Limitations.
- § 5304. Definitions.
- § 5305. The High Commissioner and disaster emergencies.
- § 5306. Trust Territory disaster control office.
- § 5307. Local disaster agencies and services.
- § 5308. Intergovernmental arrangements.
- § 5309. Local disaster emergencies.
- § 5310. Disaster prevention.
- § 5311. Compensation.
- § 5312. Communications.
- § 5313. Mutual aid.
- § 5314. Weather modification.

§ 5301. Short title.

This chapter is known and may be cited as the “Trust Territory Disaster Relief Act of 1977.”

Source

(P.L. No. 7-38, § 1.) 2 TTC § 601.

§ 5302. Findings and intent.

(a) The Congress of Micronesia finds and declares that:

(1) Public Law 93-288, enacted by the Ninety-Third Congress of the United States, provides for assistance to the Trust Territory in the event an emergency or a major disaster should strike the Territory, as determined by the President of the United States;

(2) emergency and disasters may include the loss of life, human suffering, loss of income and property damage resulting from typhoons, tornadoes, storms, floods, high waters, wind-driven waters, tidal waves, earthquakes, droughts, fires and other catastrophes;

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(3) due, however, to the scattering of small islands and small island groups throughout the three million square miles of ocean within the boundaries of the Trust Territory, disasters frequently occur which may be of insufficient magnitude to warrant being designated by the President as an “emergency” or a “major disaster” as defined within the provisions of Public Law 93-288, and may therefore, be of insufficient severity to warrant direct assistance from the federal government to the Trust Territory; and

(4) because such disasters disrupt the normal functions of the government and the communities, and adversely affect individual persons and families with great severity, special measures are required by the government of the Trust Territory to assist the people of the Trust Territory and to expedite the rendering of aid, assistance and emergency welfare services and the reconstruction and rehabilitation of devastated areas.

(b) It is therefore the intent of the Congress of Micronesia by this chapter to:

(1) establish and provide for an orderly and continuing program of assistance by the government of the Trust Territory to alleviate the suffering and damage which may result from disasters outlined above, and which may not be of sufficient severity or scope to warrant assistance by the United States Government under the provisions of Public Law 93-288;

(2) clarify and strengthen the roles of the High Commissioner, the district administrators and local governments in prevention of, preparation for and response to and recovery from disasters;

(3) provide a disaster management system embodying all aspects of pre-disaster preparedness and post-disaster response;

(4) supplement and augment assistance which may be provided by the federal government to the Trust Territory in the event of an emergency or major disaster declaration by the President pursuant to the provisions of Public Law 93-288; and

(5) authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of the Trust Territory, and similar United States, interterritorial and foreign activities in which the Trust Territory and its political subdivisions may participate.

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Source

(P.L. No. 7-38, § 2.) 2 TTC § 602, modified.

§ 5303. Limitations.

Nothing in this chapter shall be construed to:

- (a) interfere with dissemination of news or comments on public affairs; but any communications facility or organization, including but not limited to radio and television stations, wire services, and newspapers, may be required to transmit or print public service messages furnishing information or instructions in connection with a disaster emergency;
- (b) affect the jurisdiction or responsibilities of the Trust Territory, district, municipal or local police forces, and fire fighting forces; and units of the armed forces of the United States, or of any personnel thereof, when on active duty;
- (c) interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this chapter may be taken when necessary to forestall or mitigate imminent or existing disasters that pose a danger to public health or safety; or
- (d) limit, modify or abridge the authority of the High Commissioner to respond to emergencies or to exercise any other powers vested in him by the laws of the Trust Territory, independent of, or in conjunction with, any provisions of this chapter.

Source

(P.L. No. 7-38, § 3.) 2 TTC § 603, modified.

§ 5304. Definitions.

As used in this chapter, unless the context otherwise requires, the following definitions shall apply:

- (a) “Disaster” means occurrence or imminent threat of a widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including, but not limited to, typhoons, tornadoes, storms, floods, high water, wind-driven water, tidal wave, earthquake, fire, oil spill or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air contamination, blight, drought, infestation or explosion, occurring in any part of the Trust Territory which, in

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the determination of the High Commissioner, is of sufficient severity and magnitude to warrant assistance by the Trust Territory Government to supplement the efforts and available resources of the political subdivisions thereof and relief organizations in alleviating the damage, loss, hardship or suffering caused thereby, and with respect to which the district administrator of any district in which such catastrophe occurs determines the need for disaster assistance under this chapter.

(b) “Emergency” means any typhoon, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire, explosion or other catastrophe in any part of the Trust Territory which requires federal emergency assistance to supplement Trust Territory and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

(c) “Major disaster” means any typhoon, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, drought, fire or other catastrophe in any part of the Trust Territory which, in the determination of the President of the United States, causes damage of sufficient severity and magnitude to warrant major disaster assistance under Public Law 93-288, above and beyond emergency services by the federal government to supplement the efforts and available resources of the Trust Territory Government and its political subdivisions.

(d) “Political subdivision” means any district, municipality, town, village, community or other unit of local government recognized as such by laws or customs of the Trust Territory.

Source

(P.L. No. 7-38, § 4.) 2 TTC § 604.

§ 5305. The High Commissioner and disaster emergencies.

(a) The High Commissioner is responsible for meeting the dangers to the Trust Territory and people presented by disasters.

(b) Under this chapter, the High Commissioner may issue executive orders and regulations and amend or rescind them. Executive orders shall have the force and effect of law when promulgated in accordance with the procedures set forth in this chapter. The High commissioner shall issue regulations as provided by law for the administration and enforcement of this chapter, and such regulations shall have the force and effect of law if they are not in conflict with the express provisions of this chapter or other laws of the

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Trust Territory.

(c) A disaster emergency shall be declared by executive order of the High Commissioner if he finds a disaster has occurred or that this occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the High Commissioner finds that the threat or danger has passed or that the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order, but no state of disaster emergency may continue for longer than thirty (30) days unless renewed by the High Commissioner. The Congress of Micronesia may terminate a state of disaster emergency at any time by joint resolution. Thereupon, the High Commissioner shall issue an executive order promulgating the termination of the state of disaster emergency. An executive order issued under this subsection shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster so prevent or impede, promptly filed with the Trust Territory disaster control office, the Attorney General's office and the district administrator's office of the district to which it applies.

(d) An executive order declaring a state of disaster emergency shall serve to activate the disaster response and recovery aspects of the Trust Territory, local and interjurisdictional disaster emergency plans applicable to the political subdivisions or area in question, and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to this chapter or any other provision of law relating to disaster emergencies.

(e) During the continuance of any state of disaster emergency, the High Commissioner shall be in charge of all forces and personnel and he shall delegate or assign command authority by prior arrangement embodied in appropriate regulations, but nothing herein restricts his authority to do so by executive orders issued at the time of the disaster emergency.

(f) In addition to any other powers conferred upon the High Commissioner by law, he may, during a state of disaster emergency:

(1) suspend the provisions of any regulatory statute prescribing the procedures for conduct of Trust Territory business, or the orders, rules, or regulations of any Trust Territory activity or agency, if strict compliance with the provision of any such statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency;

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- (2) utilize all available resources of the Trust Territory Government as reasonably necessary to cope with the disaster emergency of each political subdivision of the Trust Territory;
- (3) transfer the direction, personnel, or functions of Trust Territory Government departments and agencies or units thereof for the purpose of performing or facilitating emergency services;
- (4) subject to any applicable requirements for compensation under section 5311 of this title, commandeer or utilize any private property if he finds this necessary to cope with the disaster emergency; provided however, that any such property that is not destroyed or totally damaged shall be returned to the owner immediately following the termination of the disaster emergency;
- (5) direct and compel the evacuation of all or part of the population from any stricken or threatened area within the Trust Territory if he deems this action necessary for the preservation of life or public health or safety; provided however, that any person so evacuated shall be permitted to return to the place from which evacuated immediately following the termination of the disaster emergency;
- (6) prescribe routes, modes of transportation, and destination in connection with evacuation;
- (7) control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;
- (8) suspend or limit the sale, dispensing or transporting of alcoholic beverages, firearms, explosives, and combustibles; and
- (9) make provision for the availability and use of temporary emergency housing.

Source

(P.L. No. 7-38, § 5.) 2 TTC § 605, modified.

§ 5306. Trust Territory disaster control office.

(a) The Trust Territory disaster control office is hereby established within the office of the High Commissioner. The office shall have a disaster control officer appointed by the High Commissioner and to serve under the general supervision of the High

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Commissioner. The appointment is subject to the advice and consent of the Congress. The office shall have a planning officer and other professional, technical, secretarial and clerical employees as necessary for the performance of its functions. Funds required for the operation of this office shall be included in the High Commissioner's annual budget request to the United States Congress, and the Congress of Micronesia shall not be expected to appropriate money for the operation of this office.

(b) The disaster control office shall prepare and maintain the Trust Territory disaster plan and keep it current, which plan may include:

- (1) prevention and minimization of injury and damage caused by disaster;
- (2) prompt and effective response to disaster;
- (3) emergency relief;
- (4) identification of areas particularly vulnerable to disaster;
- (5) recommendations for zoning, building codes, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semi-permanent structures, and other preventative and preparedness measures designed to eliminate or reduce disasters or their impact;
- (6) assistance to local officials in designing local emergency action plans;
- (7) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, conflagration, or other disaster;
- (8) preparation and distribution to the appropriate Trust Territory and district officials of catalogs of federal, territorial, and private assistance programs;
- (9) organization of manpower and chains of command;
- (10) coordination of federal, territorial and local disaster activities;
- (11) coordination of the Trust Territory disaster plan with the disaster plans for the United States Government; and

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(12) other necessary and appropriate matters relating to disaster relief and assistance.

(c) The disaster control office shall take an integral part in the development and revision of district and local disaster plans prepared under section 5307 of this title. To this end, it shall employ or otherwise secure services of professional and technical personnel capable of providing expert assistance to political subdivisions, their disaster agencies, and interjurisdictional planning and disaster agencies. These personnel shall consult with district administrators and local agencies on a regularly scheduled basis and shall make field examinations of the areas, circumstances and conditions to which particular district local and interjurisdictional disaster plans are intended to apply, and may suggest revisions.

(d) In preparing and revising the Trust Territory disaster plan, the disaster control office shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising district and local agencies, the disaster control office shall encourage them also to seek advice from these sources.

(e) The Trust Territory disaster plan, or any part thereof, may be incorporated in regulations of the High Commissioner or executive orders which have the force and effect of law.

(f) The disaster control office shall:

- (1) determine requirements for the Trust Territory and the political subdivisions thereof for food, clothing and other necessities in the event of an emergency;
- (2) coordinate with appropriate government agencies to procure and pre-position supplies, medicines, materials, and equipment;
- (3) promulgate general standards and requirements for district and local disaster plans;
- (4) periodically review district and local disaster plans;
- (5) provide for mobile support units;
- (6) establish and operate, or assist political subdivisions and their disaster

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agencies to establish and operate training programs and programs of public information;

(7) make surveys of industries, resources, and facilities within the Trust Territory, both public and private, as are necessary to carry out the purposes of this chapter;

(8) plan and make arrangements for the availability and use of any private facilities, services and property, and if in fact used, provide for payment for such use under terms and conditions agreed upon or under the provisions of section 5311 of this title in the absence of such agreement;

(9) establish a register of persons with types of training and skills important in emergency prevention, preparedness, response and recovery;

(10) establish a register of mobile and construction equipment and temporary housing available for use in a disaster emergency;

(11) prepare, for issuance by the High Commissioner, executive orders and regulations as necessary or appropriate in coping with disasters;

(12) cooperate with the United States Government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster prevention, preparation, response and recovery; and

(13) do other things necessary, incidental or appropriate for the implementation of this chapter.

Source

(P.L. No. 7-38, § 6.) 2 TTC § 606, modified.

§ 5307. Local disaster agencies and services.

(a) Each political subdivision within the Trust Territory shall, for purposes of this chapter, be within the jurisdiction of and served by the Trust Territory disaster control office and by a local or district agency responsible for disaster preparedness and coordination of response.

(b) The High Commissioner shall determine which political subdivisions within the Trust Territory need disaster agencies of their own and require that they be established

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and maintained; provided however, that the High Commissioner shall make available or seek sources of any funds he feels to be necessary for such agencies to be established and maintained. He shall make his determinations on the basis of each political subdivision's disaster vulnerability and capability of response related to population, size and concentration. The disaster control office shall publish and keep current a list of political subdivisions required to have disaster agencies under this subsection.

(c) Any provisions of this chapter or other law to the contrary notwithstanding, the High Commissioner may require a political subdivision to establish and maintain a disaster agency jointly with one or more contiguous political subdivisions if he finds that the establishment and maintenance of an agency or participation therein is made necessary by circumstances or conditions that make it unusually difficult to provide disaster prevention, preparedness, response or recovery services under other provisions of this chapter; provided however, that the High Commissioner shall make available or seek sources of any funds he feels to be necessary for such agencies to be established and maintained.

(d) Each political subdivision which does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have a liaison officer designated to facilitate the cooperation and protection of that subdivision in the work of disaster prevention, preparedness, response and recovery.

(e) The district administrator, chief magistrate or other principal executive officer of each political subdivision in the Trust Territory shall notify the disaster control office of the manner which the political subdivision is providing or securing disaster planning and emergency services, identify the persons who head the agency from which the service is obtained, and furnish additional information relating thereto as the disaster control office requires.

(f) Each district and local agency shall prepare and keep current a local disaster emergency plan for its area.

(g) The district or local disaster agency, as the case may be, shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local agencies and officials and of the disaster chain of command.

Source

(P.L. No. 7-38, § 7.) 2 TTC § 607.

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§ 5308. Intergovernmental arrangements.

If the High Commissioner finds that a vulnerable area lies only partly within the Trust Territory and includes territory in a foreign jurisdiction and that it would be desirable to establish an interterritorial or international relationship, mutual aid or an area organization for disaster, he shall take steps to that end as desirable consistent with the laws of the Trust Territory.

Source

(P.L. No. 7-38, § 8.) 2 TTC § 608.

§ 5309. Local disaster emergencies.

(a) A local disaster emergency may be declared only by the district administrator or by the principal executive officer of a political subdivision within a district. It shall not be continued for a period in excess of seven (7) days. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the disaster control office and the Office of the Attorney General.

(b) The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable district or local disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

Source

(P.L. No. 7-38, § 9.) 2 TTC § 609.

§ 5310. Disaster prevention.

(a) In addition to disaster prevention measures as included in the Trust Territory, district and local disaster plans, the High Commissioner shall consider, on a continuing basis, steps that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and pursuant to any other authority and competence they have, the Trust Territory agencies, including but not limited to those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of disaster prevention related matters. The High Commissioner, from time to time, shall make recommendations to the Congress of Micronesia, district legislatures, local governments and other appropriate public and private entities as may facilitate measures for prevention

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or reduction of the harmful consequences of disasters.

(b) The appropriate Trust Territory agency, in conjunction with the disaster control office, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood or other catastrophic occurrence. The studies under this subsection shall concentrate on means of reducing or avoiding the danger caused by this occurrence or the consequences thereof.

(c) If the disaster control office believes, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the High Commissioner. If the High Commissioner upon review of the recommendation finds that the changes are essential, he shall so recommend to the agencies or local governments with jurisdiction over the area and subject matter. If no action or insufficient action pursuant to this recommendation is taken within the time specified by the High Commissioner, he shall so inform the Congress of Micronesia and request legislative action appropriate to mitigate the impact of disaster.

Source

(P.L. No. 7-38, § 10.) 2 TTC § 610.

§ 5311. Compensation.

(a) Each person within the Trust Territory shall conduct himself and keep and manage his affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the government and the public successfully to meet disaster emergencies.

(b) No personal services voluntarily rendered for emergency disaster assistance, relief preparedness or response may be compensated by the Trust Territory or any subdivision or agency thereof, except pursuant to statute or local law or ordinance.

(c) Compensation for property shall be only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the High Commissioner or a member of the disaster emergency forces of the Trust

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Territory.

(d) Any person claiming compensation for the use, damage, loss or destruction of property under this chapter shall file a claim therefor within one (1) year after the claim first arose with the Office of the Attorney General in the form and manner that office shall provide.

(e) Unless the amount of compensation on account of property damaged, lost or destroyed is agreed upon between the claimant and the Office of the Attorney General, the amount of compensation shall be calculated according to fair market value as determined by three (3) uninterested assessors to be selected in the following manner: one by the claimant, one by the Attorney General and the third by the first two.

Source

(P.L. No. 7-38, § 11.) 2 TTC § 611, modified.

§ 5312. Communications.

The disaster control office shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The office shall consider the desirability of supplementing these communications resources or of integrating them into comprehensive Trust Territory or Trust Territory-federal telecommunications or other communications systems or network. In studying the character and feasibility of any system or its several parts, the office shall evaluate the possibility of multi-purpose use thereof for general Trust Territory and local governmental purposes. The office shall make recommendations to the High Commissioner as appropriate.

Source

(P.L. No. 7-38, § 12.) 2 TTC § 612.

§ 5313. Mutual aid.

Political subdivisions not participating in interjurisdictional arrangements pursuant to this chapter nevertheless shall be encouraged and assisted by the disaster control office to conclude suitable arrangements for furnishing mutual aid in coping with disasters. The arrangements shall include provision of aid by persons and units in public employ as well as resources.

Source

(P.L. No. 7-38, § 13.) 2 TTC § 613.

T.T. DISASTER RELIEF ACT OF 1977 34 PNCA § 5314

§ 5314. Weather modification.

The disaster control office shall keep continuously apprised of weather conditions which present danger or precipitation or other climatic activity severe enough to constitute a disaster. If the office determines that precipitation which may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall direct the officer or agency empowered to issue permits for weather modification operations to suspend the issuance of the permits. Thereupon, no permits may be issued until the office informs the office or agency that danger has passed.

Source

(P.L. No. 7-38, § 14.) 2 TTC § 614.

34 PNCA § 5401 PUBLIC HEALTH, SAFETY AND WELFARE

Chapter 54 Police First Aid Training

- § 5401. Definitions.
- § 5402. Police First Aid Training and Certification Council; established; powers and duties.
- § 5403. Police first aid training programs.
- § 5404. Police to apply first aid in emergency situation.
- § 5405. Selection and training requirements.
- § 5406. Police training programs; grants under the supervision of the Council.
- § 5407. Acceptance and administration of grants.
- § 5408. Scope.

§ 5401. Definitions.

The following terms have their meaning ascribed thereto unless the context clearly requires otherwise:

- (a) “Law enforcement officer” means any police employee who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic or street laws of Palau.
- (b) “Council” means the Police First Aid Training and Certification Council established in section 5402 of this chapter.
- (c) “Regular working hours” means working during any total of eight (8) hours between the hours of 7:30 a.m. and 4:30 p.m. from Monday through Friday.
- (d) “Irregular hours” means any hour beyond 4:30 p.m. and before 4:30 a.m. from Monday through Friday and any hour during Saturday and Sunday.
- (e) “First Aid” means an assistance given by a public enforcement officer who is certified by the Council herein established to the victim of a sudden illness or injury before medical attention can be secured and, therefore, shall terminate as soon as medical aid is obtained.

Source
RPPL 3-40 § 1, modified.

§ 5402. Police First Aid Training and Certification Council; established; powers and duties.

(a) There is hereby established the Police First Aid Training and Certification Council, hereinafter called “the Council”, with five members as follows: the Director of the Bureau of Public Safety, the Minister of Health and Human Services, the Minister of Justice, the Minister of Human Resources, Culture, Tourism, and Development, and the Attorney General. The Minister of Health and Human Services shall serve as the Chairman of the Council.

(b) Members of the Council shall serve without compensation.

(c) The Council shall hold no less than four (4) regular meetings a year, each to be held starting at the first Tuesday of each fiscal year, and any special meeting the Council may deem necessary. Subject to the requirement of this subsection, the Chairman may fix the time and place of meetings, either on his own motion or upon written request of any of the remaining four (4) members. A quorum of four (4) members shall be present in order to conduct business of the Council.

(d) The Council shall report quarterly, after each regular meeting, to the President of the Republic and the presiding officers of the Olbiil Era Kelulau on the nature and scope of its activities, accomplishments, and goals; the Council may make such other reports as it deems desirable.

(e) In addition to powers and duties conferred upon the Council elsewhere in this chapter, the Council shall have power and duty to:

- (1) Promulgate rules and regulations for the administration of this chapter;
- (2) Require submission of reports and information by police departments involving emergency instructions which require application of first aid skills;
- (3) Establish minimum standards for certification of first aid police officers;
- (4) Consult and cooperate with government agencies, colleges and universities in and outside of Palau, and other institutions concerning the development of first aid training schools and programs or courses of instruction for police;
- (5) Approve institutions and facilities to be used by or for the Council for the

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purpose of training law enforcement officers or recruits for first aid skills;

(6) Make recommendations concerning any matter within its purview pursuant to this chapter; and

(7) Submit recommendations to the Olbiil Era Kelulau regarding appropriations legislation necessary to implement the training program provided for in § 5403 of this chapter.

Source

RPPL 3-40 § 2, modified.

§ 5403. Police first aid training programs.

(a) The Council shall, upon the receipt of sufficient grant funding or the enactment of legislation appropriating funds therefore, establish and conduct instructions and training programs to train and enable law enforcement officers to provide first aid services during emergency situations.

(b) The Council shall establish and maintain police training programs through such agencies and institutions as it may deem appropriate to carry out the intent of this chapter upon the provision of funding.

Source

RPPL 3-40 § 3, modified.

§ 5404. Police to apply first aid in emergency situation.

(a) Upon the lapse of one hundred eighty (180) days from the establishment of the training program established under § 5403 of this chapter, any law enforcement officer who arrives at the scene of an emergency while on duty shall be trained and certified personnel and shall be able to provide first aid services to a patient when required. Such an officer shall be equipped with a first aid kit and shall be able to provide the basic first aid attention needed by a patient at the scene of the emergency. The public enforcement officer's attention ends after a patient is taken to a hospital or after services of a medical doctor or a nurse are obtained; provided, however, such enforcement officer's services may continue when called for by the appropriate medical doctor or nurse or both.

(b) A police officer who is certified by the Council to apply first aid to patients during emergency situations shall not be personally liable for any of his attention provided to a

patient; provided, however, he may be personally liable for all acts committed in excess of his official powers and for any departure from the lawful provisions of any process in his or her hands.

(c) First Aid practice by a police officer who is a certified first aid officer shall not include surgery, changing dressings or any form of after treatment.

Source

RPPL 3-40 § 4, modified.

§ 5405. Selection and training requirements.

(a) No later than October 1, 1994, no person shall serve as a law enforcement officer, except on a temporary or probationary basis, unless such person has satisfactorily completed a preparatory program of first aid training at a school or program approved by the Council. A law enforcement officer who lacks first aid training qualifications required by this chapter shall not have his temporary or probationary employment extended beyond the term of his temporary or probationary employment unless and until such qualifications are obtained.

(b) In addition to the requirements of subsection (a) of this section, the Council, by rules and regulations, shall fix other qualifications as they deem necessary.

(c) The Council shall issue a certificate evidencing satisfaction of the requirements of subsections (a) and (b) of this section any applicant who presents such evidence as may be required pursuant to this chapter. Certification may take place when satisfactory completion of a program or course of instruction in a program or institution is confirmed by the Council to provide police first aid training.

(d) Nothing herein shall be construed to preclude the Bureau of Public Safety and the Ministry of Justice from establishing qualifications and standards for hiring, training, compensating, and or promoting law enforcement officers that exceed those set by the Council.

(e) Law enforcement officers already serving under full-time permanent appointment on the effective date of this chapter shall be required to meet the requirements of subsections (a), (b) and (c) of this section as a condition of tenure or continued employment; failure of any such law enforcement officer to fulfill such requirements shall make him ineligible for any promotional examination for which he is otherwise eligible. Law enforcement

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officers employed prior to the enactment of this chapter may continue their employment and participate in training programs on a voluntary or assigned basis, but failure to meet the standards herein set forth may be grounds for their dismissal or termination of employment.

Source

RPPL 3-40 § 5, modified.

§ 5406. Police training programs; grants under the supervision of the Council.

(a) For the purpose of this chapter, the Council shall cooperate with the Olbiil Era Kelulau, the Office of the President, the Office of the Federal Program Coordinator and any enforcement agency outside of the Republic in establishing and funding financial programs for conducting instruction and training programs necessary for first aid training of law enforcement officers of Palau. Said funds and financial assistance shall be deposited in the Palau National Treasury in a separate account for the Council.

(b) Upon the need for the expenditure of funds, the Council shall submit its annual budget request to the President of the Republic in anticipation for budgetary needs for the following year. Such budget request, when granted, shall be administered by the Council and may be used to reimburse the salary and allowable tuition, living, and travel expenses incurred by the officers in attendance at approved training programs. After October 1, 1994, no funds from the account of the Council shall be expended for the purposes of financing first aid training for public enforcement officers.

Source

RPPL 3-40 § 6, modified.

§ 5407. Acceptance and administration of grants.

(a) In addition to funds appropriated by the Olbiil Era Kelulau, the Council may accept for any of its purposes and functions any grants of money and real and personal property from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any monies received by the Council pursuant to this subsection shall be deposited in the Palau National Treasury to the account of the Council.

(b) The Council, by rules and regulations, shall provide for the administration of the grant programs authorized by this chapter. In promulgating such rules, the Council shall

promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs for the purpose of avoiding duplication.

Source

RPPL 3-40 § 7, modified.

§ 5408. Scope.

Nothing in this chapter shall be construed so as to prohibit public enforcement officers from complying with existing laws of the Republic of Palau, including police proceedings established in existing police rules and regulations, unless specifically provided herein.

Source

RPPL 3-40 § 8, modified.

34 PNCA § 6001 PUBLIC HEALTH, SAFETY AND WELFARE

**DIVISION 7
JUVENILES**

**Chapter 60
Palau Commission on Youth
[Repealed]**

§§ 6001 - 6005. [Repealed]

Source
Repealed by RPPL 4-14 § 1(5).

**Chapter 61
Delinquent Children**

**Subchapter I
General Provisions**

- § 6101. “Delinquent child” defined.
- § 6102. Adoption of flexible procedures by courts.
- § 6103. Proceedings; conduct generally; delinquency not a crime.
- § 6104. Same; where brought.
- § 6105. Orders for persons encouraging, causing or contributing to delinquency.
- § 6106. Appeals; no filing fee required.
- § 6107. Confinement.
- § 6108. Confidentiality of juvenile records.
- § 6109. Sealing juvenile records.

§ 6101. “Delinquent child” defined.

In this chapter, “delinquent child” includes any child:

- (a) who violates any law of the Republic, except that a child who violates any traffic law or regulation shall be designated as a “juvenile traffic offender” and shall not be designated as a delinquent unless it be so ordered by the court after hearing the evidence; or
- (b) who does not subject himself to the reasonable control of his parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient; or
- (c) who is a habitual truant from home or school; or
- (d) who departs himself so as to injure or endanger the morals or health of himself or others.

Source

(Code 1966, § 437.) 15 TTC § 2, modified.

Cross-reference

ROP Const. art. IV, § 13 and 17 PNCA § 106.

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Notes

In re Alleged Juvenile Delinquent, 2021 Palau 39 (Tr. Div.) ¶¶ 1, 4, 5, 12.

In re Kuchad, 1 ROP Intrm. 547EE, 547HH (1988).

In re Alleged Delinquent Minor, 6 TTR 3 (1972).

In re Ichiro, 3 TTR 406 (1968).

§ 6102. Adoption of flexible procedures by courts.

(a) In cases involving offenders under the age of eighteen (18) years, courts shall adopt a flexible procedure based on the accepted practices of juvenile courts of the United States, including, insofar as possible, the following measures:

- (1) report by a welfare or probation officer in advance of trial;
- (2) detention, where necessary, apart from adult offenders;
- (3) hearing informally in closed session;
- (4) interrogation of parents or guardians and release in their custody if appropriate.

(b) An offender sixteen (16) years of age or over may, however, be treated in all respects as an adult if in the opinion of the court his physical and mental maturity so justifies.

Source

(Code 1966, § 495.) 15 TTC § 1, modified.

Notes

In re Kuchad, 1 ROP Intrm. 547EE, 547FF-JJ (1988).

In re Singeo, 1 ROP Intrm. 378, 380 (1987).

In re Alleged Delinquent Minor, 6 TTR 3 (1972).

Santos v. Trust Territory, 5 TTR 607 (1972).

Marbou v. Termeteet, 5 TTR 655 (1971).

Celis v. Trust Territory, 3 TTR 237 (1967).

§ 6103. Proceedings; conduct generally; delinquency not a crime.

Proceedings against a person under eighteen (18) years of age as a delinquent child shall be conducted in accordance with the provisions of this chapter. An adjudication that a person is a delinquent child shall not constitute a criminal conviction.

Source

(Code 1966, § 432.) 15 TTC § 3, modified.

Notes

In re Kuchad, 1 ROP Intrm. 547EE, 547HH (1988).

In re Alleged Delinquent Minor, 6 TTR 3 (1972).

Marbou v. Termeteet, 5 TTR 655 (1971).

§ 6104. Same; where brought.

Proceedings against a person as a delinquent child may be brought in the Trial Division of the Supreme Court or in the Court of Common Pleas, except that if the acts charged may legally constitute murder or rape of which the person is not conclusively presumed to be incapable by law, the proceedings shall be brought only in the Trial Division of the Supreme Court.

Source

(Code 1966, § 432.) 15 TTC § 4, modified.

§ 6105. Orders for persons encouraging, causing or contributing to delinquency.

In any juvenile delinquency proceeding, if it is found by the court that any person is encouraging, causing, or contributing to acts or conditions which result in an adjudication of the delinquency of a child, the court may require such person to be brought before the court and, after hearing, may order such person to do any specific thing which falls within the duty owed by such person to the child, or refrain from doing any specific act inconsistent with that duty. Upon the failure of such person to comply with the order of the court, he may be proceeded against for criminal or civil contempt of court.

Source

(Code 1966, § 438.) 15 TTC § 5(1), modified.

§ 6106. Appeals; no filing fee required.

An adjudication in juvenile delinquency proceedings and all orders in connection with such adjudication shall be subject to appeal as in civil actions, except that no filing fees shall be required.

Source

(Code 1966, § 438.) 15 TTC § 5(2), modified.

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§ 6107. Confinement.

A person adjudged to be a delinquent child may be confined in such place, under such conditions, and for such period as the court deems the best interests of the child require, not exceeding the period for which he might have been confined if he were not treated as a juvenile offender under this chapter.

Source

(Code 1966, § 432.) 15 TTC § 6, modified.

Notes

In re Alleged Juvenile Delinquent, 2021 Palau 39 (Tr. Div.) ¶ 9.

In re Alleged Delinquent Minor, 6 TTR 3 (1972).

§ 6108. Confidentiality of juvenile records.

(a) All court records pertaining to the child, including all related social records, behavioral health screenings, diagnostic evaluations, psychiatric reports, medical reports, social studies reports, records from local detention facilities, client-identifying records from facilities for the care and rehabilitation of delinquent children, pre-parole or supervised release reports and supervision histories are confidential and may not be disclosed directly or indirectly to the public.

(b) The following persons may examine the juvenile's record and obtain copies of written parts of the record without an order of the court:

- (1) The child or the child's attorney;
- (2) The child's parent, guardian, or custodian, or the authorized representative of the child's parent, guardian, or custodian;
- (3) The Attorney General; and
- (4) Probation officers.

Source

RPPL 9-65 § 4, modified.

§ 6109. Sealing juvenile records.

(a) Once a person turns eighteen (18), or when the person has completed any punishment imposed by a court as the result of a proceeding under this chapter, if such punishment continues beyond the person's eighteenth birthday, the court shall seal all records of delinquency proceedings brought against that person.

(b) When a record is sealed the court shall order that all records, including any information or other data concerning any proceedings relating to the offense, including the arrest, taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, be deemed never to have occurred.

(c) The effect of having a record sealed under this section is that thereafter no person may release any information concerning such record, except as provided by this Section. After a record is sealed, the person whose record was sealed can respond to any public inquiry as if the offense resulting in such record never occurred. A government agency and any other public office or agency shall reply to any public inquiry that no information exists regarding a sealed record. An order to seal the record applies to every government agency and any other public office or agency that has a record relating to the offense. If an inquiry is made in any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, whether a person has committed an offense under this chapter, the person may respond as if the offense never occurred.

(d) The Attorney General may petition the court to unseal a record after it has been sealed. When petitioning that a record be unsealed:

- (1) The court must hold a hearing to determine if the record should be unsealed;
- (2) The Attorney General must inform the person whose record is the subject of the petition and that person must have the opportunity to respond to the petition and participate in the hearing;
- (3) The Attorney General must convince the court by clear and convincing evidence that unsealing the record is necessary to protect the safety of the public or an individual;
- (4) The Attorney General may not use the unsealed record for any purpose

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beyond that for which the record was unsealed;

(5) An unsealed record is subject to the confidentiality provisions of section 6108 and must be resealed as soon as the purpose for its unsealing is satisfied.

(e) The court shall unseal a person's record at the request of that person. Such unsealed record is subject to the confidentiality provisions of section 6108(a) and the court must reseat the record at that person's request.

(f) Any person who violates this section may be held in contempt of court.

Source

RPPL 9-65 § 4, modified.

Subchapter II

Liability of Parents for Acts of Delinquent Children

§ 6131. Parent or guardian charged with control over child.

§ 6132. Parent or guardian to enter into recognizance as security against damages.

§ 6131. Parent or guardian charged with control over child.

A parent or guardian having custody of a child is charged with the control of such child and shall have the power to exercise parental control and authority over such child.

Source

(Code 1966, § 439.) 15 TTC § 51, first sentence.

Cross-reference

ROP Const., Art. IV, § 13, states that parents or individuals acting in the capacity of parents shall be legally responsible for the support and for the unlawful conduct of their minor children as prescribed by law.

§ 6132. Parent or guardian to enter into recognizance as security against damages.

(a) In any case where a child is found delinquent and placed on probation, if the court finds at the hearing that the parent or guardian having custody of such child has failed or neglected to subject him to reasonable parental control and authority, and that such failure or neglect is the proximate cause of the act or acts of the child upon which the finding of

delinquency is based, the court may require such parent to enter into a recognizance with sufficient surety, in an amount of not more than one hundred dollars (\$100), conditioned upon the faithful discharge of the conditions of probation of such child.

(b) If the child thereafter commits a second act and is by reason thereof found delinquent, or violates the conditions of probation, and the court finds at the hearing that the failure or neglect of such parent to subject him to reasonable parental control and authority or to faithfully discharge the conditions of probation of such child on the part of such parent is the proximate cause of the act or acts of the child upon which such second finding of delinquency is based, or upon which such child is found to have violated the conditions of his probation, the court may declare that all or a part of the recognizance shall be applied in payment of any damages; otherwise, the proceeds therefrom, or any part remaining after the payment of damages as aforesaid, shall be paid into the National Treasury.

Source

(Code 1966, § 439.) 15 TTC § 51, second and third sentences, modified.

34 PNCA § 7001 PUBLIC HEALTH, SAFETY AND WELFARE

DIVISION 8 HOUSING

Chapter 70 The Palau Housing Authority

- § 7001. Definitions.
- § 7002. Palau Housing Authority.
- § 7003. Powers and duties of the Palau Housing Authority.
- § 7004. Administration of housing programs for low-income families.
- § 7005. Cooperation by state and national government.
- § 7006. Instruments of conveyance.
- § 7007. Exemption of property and funds from execution, liens or taxes; payments in lieu of taxes.
- § 7008. Expenditures; accounting for funds.
- § 7009. Annual report and recommendations.
- § 7010. Republic of Palau Emergency Housing Revolving Loan Fund.
- § 7011. Affordable housing loans; inflation.
- § 7012. Mortgage restructuring for loans financed with Mega Bank Loan No. 025-105003.
- § 7013. Housing Development Loan Project; PHA participation.

§ 7001. Definitions.

In this chapter:

- (a) “Families of low income” or “low income families” means individuals or families who cannot afford to pay enough to cause a private enterprise to build an adequate supply of decent, safe and sanitary housing for their use.
- (b) “Housing project” means any work, or undertaking, or activity to provide decent, safe, and sanitary dwellings, and other living accommodations for families of low income.
- (c) “Overcrowded or blighted areas” means areas in which there is a predominance of buildings or improvements, whether residential or nonresidential, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, inadequate street layout, accessibility or usefulness, or the existence of any condition

which endangers life or property by fire or other means, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(d) “Real property” or “land,” unless restricted meaning is clearly indicated, means all lands, including improvements and fixtures thereon, and appurtenances thereto, or used in connection therewith, and every estate, interest, right, and use, legal or equitable therein, including terms for years, and liens by way of mortgage, pledge, attachment, judgment, or otherwise.

Source

RPPL 9-29 § 3[7001], modified. Former § 7001 was repealed by RPPL 9-29 § 2.

Notes

RPPL 9-29 § 2 read: “Section 2. Repealer. Sections [7001 thru 7014] of Title 34 Palau National Code are repealed in their entirety.” Sections repealed should be “§§ 7001 thru 7015” as per Code Commission.

§ 7002. Palau Housing Authority.

(a) There is a Palau Housing Authority within the executive branch of the national government.

(b) Board of Directors. The powers of the Palau Housing Authority shall be vested in a board of directors, which shall consist of five (5) members, all of whom shall serve four (4) year terms, appointed by the President with the advice and consent of the Senate. Any member of the Palau Housing Authority may be removed from the board by the President for cause. In the event of any vacancy on the membership of the board, such vacancy shall be filled in the same manner as the original appointments; provided, however, that an appointment to fill the vacancy on the board shall be made for the unexpired term of the member who vacated the seat. The board shall elect from among its members a chairman, a vice-chairman, and a secretary/treasurer.

(c) Compensation. Directors shall be entitled to administrative leave and all necessary travel expenses and per diem at standard Republic of Palau rates for travel necessitated by the business of the board. Directors shall be paid, in addition to any other compensation, fifty dollars (\$50) per day while on the business of the Board.

(d) Executive Director. The board shall appoint an executive director, who shall be an ex-officio member of the board. The executive director shall submit to the board an annual budget for its approval, which budget shall include provisions for the expenditure

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of all salaries and logistical support incurred by the Palau Housing Authority during the fiscal year to which the budget applies. The executive director shall, subject to the approval of the board, have the power to hire and fire all employees of the Palau Housing Authority.

Source

RPPL 9-29 § 3[7002]. Former § 7002 was repealed by RPPL 9-29 § 2.

§ 7003. Powers and duties of the Palau Housing Authority.

The powers and duties of the Palau Housing Authority shall include, but not be limited to, the following:

- (a) to administer the Republic of Palau low-cost housing loan program.
- (b) to have perpetual succession; to sue and be sued in its own name; to be represented by the Attorney General in such suits; and to have a seal and modify it.
- (c)
 - (1) To make loans or guarantee loans to individuals, groups, or associations to assist in the construction of low-cost housing in the Republic. Such loans shall bear interest at such rate as may be established by regulation, but at no time shall such rate be more than four and one-half percent (4.5%) a year on loans made from international or local grant, loan or subsidy funds, nor more than the prevailing prime interest rate on loans made from funds borrowed by the Palau Housing Authority from commercial financial institutions, nor shall loans be guaranteed which bear interest at a rate greater than one percent (1%) a year below the prime interest rate offered by commercial financial institutions that may issue such loans, nor shall any loan be granted or guaranteed in excess of such amount as may be approved by the board of directors.
 - (2) Loans made by the Palau Housing Authority shall be subject to the prior approval of the board of directors, and shall be made in the form and shall be secured as provided in the regulations issued under the provisions of this chapter; provided, however, that the Palau Housing Authority shall by regulation establish a loan ceiling at a level to ensure the maximum number of low income families may receive loans; and provided further, that the Palau Housing Authority shall by regulation establish income limits, adjusted by household size, beyond which no loan may be granted, such limits to be devised to insure maximum participation in

the housing program by low-income families; and provided further, that no loan shall be granted or guaranteed for the construction of any housing unit in excess of ninety percent (90%) of the value of the land and buildings involved; and provided further, that loans shall not be granted to pay or repay prior indebtedness on lands and buildings; and provided further, that applicants for loans may contribute their equity in the form of land, building material, cash, or labor.

(d) to be exempt from all licensing requirements and taxation.

(e) to enter into and execute contracts and instruments of every kind and nature, necessary or convenient to the exercise of its powers and functions.

(f) to make, and from time to time, modify and repeal, bylaws and regulations, not inconsistent with this chapter, providing for the internal organization and management for the administration of its affairs and operations, and for carrying out the powers and duties granted and imposed by law.

(g) to borrow money from public and private sources, and give such security as may be required.

(h) to apply for and accept advances, loans, grants, contributions, gifts, donations, appropriations of funds and any other form of financial assistance and enter into and carry out contracts.

(i) to deposit funds into banking institutions.

(j) to invest funds in property or securities.

(k) to acquire any real or personal property, or any interest or estate therein, by lease, option, purchase, gift, grant, donation, bequest or devise, and own, hold, improve, clear, to prepare for development any such property.

(l) to sell, lease, exchange, transfer, assign, mortgage, pledge, or otherwise dispose of, or encumber, any real or personal property, or any interest or estate in such.

(m) to build, construct, manage, operate and maintain housing projects for low-income families, and install, construct, and reconstruct streets, utilities, parks, playgrounds and other public improvements.

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(n) to insure, or provide for the insurance, in any stock or mutual company or any public or private insurance facility, of any real or personal property or operations, against any risks and hazards.

(o) to undertake and carry out studies, analyses, research, and investigations of living and housing conditions; determine where overcrowded and blighted conditions exist, where there is a shortage of affordable, safe, decent, and sanitary dwellings for low-income families; make findings, determinations, and recommendations as to means and methods of dealing with such matters; carry into effect such findings, determinations, and recommendations; make available to the public the results of such studies and information.

(p) to make or have made all plans necessary to the carrying out of the purposes of this chapter and include in such plans, without limitations:

(1) plans for construction of housing for low-income families;

(2) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements; and

(3) plans for the enforcement of local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and other improvements and to the repair, rehabilitation, demolition, or removal of buildings.

(q) to develop, test, and report methods and techniques, and carry out demonstrations and other activities for the prevention and elimination of overcrowded areas and community blight.

(r) to lease any dwellings, accommodations, land, structures, or facilities embraced in any project.

(s) to clear or prepare any property owned by it for conservation or rehabilitation.

(t) to establish from time to time standards of eligibility, rules, regulations and conditions for admission to, and occupancy of, housing accommodations for low-income families in dwellings and facilities, including rents and charges therefor, in the manner which is or may be provided by the adoption of rules and regulations.

(u) to make such expenditures, subject to the provisions of this chapter or any other

applicable law, regulation or restriction, as may be necessary for the activities and operations to carry out the purposes of this chapter.

(v) to conduct examinations and investigations on any matters material to the functions or operations of the housing program.

Source

RPPL 9-29 § 3[7003], modified. Former § 7003 is repealed by RPPL 9-29 § 2.

§ 7004. Administration of housing programs for low-income families.

(a) The Palau Housing Authority in carrying out a program of housing for low-income families shall construct, manage, and operate housing projects established for low-income families in the most economical and efficient manner, consistent with applicable requirements, so as to enable the Palau Housing Authority to fix rentals or charges for dwelling accommodations at low rents, in consonance with the purpose of providing safe, decent, and sanitary housing for families and individuals of low income, and shall not operate such housing projects for profit or as a source of revenue to the Palau Housing Authority or the government of the Republic. To this end, the Palau Housing Authority shall fix the rentals or charges for dwellings in such housing projects at rates no higher than those it shall determine to be necessary to produce revenues, which together with all other available moneys, revenues, incomes and receipts of the Palau Housing Authority from all sources, including any financial assistance provided to maintain the low-rent character of the housing accommodations, will be sufficient to:

- (1) pay, as they become due, the principal and interest on loans and obligations of the Palau Housing Authority issued to finance the housing program;
- (2) establish and maintain such reserves as may be required to assure the payment of such principal and interest as they become due;
- (3) meet the cost of, and to provide for, the maintenance and operation of the housing projects, including necessary reserves, and for costs of insurance protection, as well as the administrative expenses of the Palau Housing Authority; and
- (4) make payments in lieu of taxes as provided for in this chapter. Rentals and charges for dwellings shall be established, and the housing projects shall be administered, to the greatest degree possible, so as to ensure that any financial

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assistance required shall be in the minimum amounts and periods necessary to maintain the low-rent character of the projects.

(b) Subject to the requirements of this chapter, the Palau Housing Authority, in the operation and management of a low-rent housing program shall rent or lease the dwelling accommodations only to families or individuals who lack the amount of income deemed necessary by the Palau Housing Authority to enable them, without financial assistance, to secure decent, affordable, safe and sanitary dwellings. The Palau Housing Authority shall establish rentals which it determines to be within the financial reach of such families or individuals.

Source

RPPL 9-29 § 3[7004]. Former § 7004 is repealed by RPPL 9-29 § 2.

§ 7005. Cooperation by state and national government.

(a) For the purpose of aiding and cooperating with the Palau Housing Authority in the planning, undertaking, carrying out, developing, constructing and operating of housing projects, the National Government, any public agency, public body, or any state government of the Republic, with or without consideration, upon such terms as it may determine, and acting through appropriate agencies and officials, may do any, all, or any combination of the following:

- (1) enter into contracts and agreements, which may extend over any period, with any other public agency or body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds by loan, grant, contribution, appropriation or otherwise, or other assistance in connection with any project.
- (2) dedicate, sell, convey, lease, or otherwise transfer any of its interests in any property, or grant easements, licenses, or any other rights or privileges therein to any other public agency concerned in any project pertaining to this chapter.
- (3) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewage, or drainage facilities, illumination, or any other works or facilities which it is otherwise empowered to undertake or furnish, to be furnished to or in connection with any project.
- (4) close, vacate, furnish, install, grade, regrade, pave, plan or replan, highways,

streets, roads, alleys, sidewalks, ways or other places.

(5) plan or replan, zone or rezone any part of any community, or locality, and make exceptions and grant waivers from any building codes, regulations or rules in areas where no duly authorized planning commission exists.

(6) cause administrative and other services to be furnished.

(7) incur all or any part of the expense of any public improvement necessary for the purposes of this chapter.

(8) lend, grant, appropriate, or contribute funds for the purposes of this chapter.

(9) exercise powers relating to the repair, improvement, vacating, closing, demolition, or removal of unsafe, insanitary, or unfit buildings and structures.

(10) do any and all other things reasonably necessary or convenient to aid and cooperate in the planning, or carrying out, or operating of projects toward achieving the purposes of this chapter.

(b) All agencies and public officials of the national government and state governments shall cooperate to the extent necessary to facilitate the exercise by the Palau Housing Authority of their powers, duties, and functions under this chapter and in carrying out the purposes of this chapter.

(c) Any sale, conveyance, lease, transfer, or agreement authorized by this section may be made without appraisal, public notice, advertisement, or public bidding.

(d) All projects shall comply with the planning, zoning, sanitary, and building laws or codes, or other regulatory measures applicable to the community in which the project is situated.

(e) The National Government may levy taxes, appropriate funds, incur indebtedness and issue bonds for the purposes of procuring funds to be loaned, appropriated, contributed, or granted, to the Palau Housing Authority for carrying out its powers, functions and duties under this chapter, for the provision of public improvements and other forms of local governmental cooperation, and for use in connection with any project of the Palau Housing Authority, or otherwise to carry out the purposes of this chapter. Bonds which are issued by such government pursuant to the provisions of this subsection shall be

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issued in the manner and within the limitations which are or may be prescribed by law for the issuance and authorization of bonds generally.

Source

RPPL 9-29 § 3[7005], modified. Former § 7005 is repealed by RPPL 9-29 § 2.

§ 7006. Instruments of conveyance.

An instrument executed by the Palau Housing Authority, or by the National Government, conveying any right, title or interest in any property under this chapter, shall be conclusively presumed to have been executed in compliance with this chapter insofar as the title or other interest of any bona fide purchaser, lessee, or transferee of the property is concerned, and shall be entitled to recordation in the appropriate records of the clerk of courts or registrar of titles, as may be appropriate, so as to afford actual or constructive notice thereof.

Source

RPPL 9-29 § 3[7006]. Former § 7006 is repealed by RPPL 9-29 § 2.

§ 7007. Exemption of property and funds from execution, liens or taxes; payments in lieu of taxes.

(a) All property, including funds, of the Palau Housing Authority shall be exempt from judicial process of every kind, including, without limitation, attachment, levy, execution, and sale by virtue of an execution, and no judgment shall be a lien or charge upon its property or funds.

(b) The property acquired or held for the purposes of this chapter is declared to be public property used for essential public and governmental purposes, and such property shall be exempt from all taxes and special assessments of the National Government or any political subdivision thereof.

(c) The Palau Housing Authority may agree to make payment in lieu of taxes on its housing projects to the National Government or any political subdivision thereof, or instrumentality thereof as may be designated by the National Government, as it finds consistent, from time to time, with the maintenance of the low-rent character of housing projects.

Source

RPPL 9-29 § 3[7007]. Former § 7007 is repealed by RPPL 9-29 § 2.

§ 7008. Expenditures; accounting for funds.

The Palau Housing Authority shall make administrative, maintenance, and operating expenditures in accordance with an annual budget, and shall account to the President and the Olbiil Era Kelulau in accordance with applicable law, for any funds that may have been furnished to it or appropriated for its use.

Source

RPPL 9-29 § 3[7008]. Former § 7008 is repealed by RPPL 9-29 § 2.

§ 7009. Annual report and recommendations.

Not later than January 31 of each year, the Palau Housing Authority shall file with the President and the Olbiil Era Kelulau a report of its activities for the preceding year, and shall make recommendations with reference to such additional legislation or other action as it deems necessary or desirable in order to carry out the purpose of this chapter.

Source

RPPL 9-29 § 3[7009]. Former § 7009 is repealed by RPPL 9-29 § 2.

§ 7010. Republic of Palau Emergency Housing Revolving Loan Fund.

(a) There is herein established a revolving emergency loan fund to be administered by the Palau Housing Authority. Use of funds in the Emergency Revolving Housing Loan Fund shall be limited to loans to private homeowners whose homes have been destroyed or otherwise rendered uninhabitable as a result of damage done by natural disaster or fire. The Palau Housing Authority shall create rules and procedures for:

- (1) the application process for loans by aggrieved homeowners;
- (2) proper disbursement of loans from the revolving loan fund;
- (3) the specific terms and conditions for such loans; and
- (4) the requirements for verification of repair expenditures made by homeowners.

The amount available to any borrower shall not exceed the amount necessary needed to make specific repairs, and priority shall be given to low income families. The Palau Housing Authority shall charge an interest rate of one percent (1%) on funds disbursed

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through this program. Funds advanced under this program may only be used to make repairs on or reconstruct a borrower's primary residence.

(b) Funds appropriated by the national government for use in emergency situations for residential new construction or repairs shall be administered and managed by Palau Housing Authority through the Palau Emergency Housing Revolving Loan Fund. Where necessary or prudent, Palau Housing Authority shall work in conjunction with other government agencies such as the National Emergency Management Office for such endeavors.

(c) All prior appropriations for National Emergency housing replacement or repair will establish the Emergency Housing Fund and must be used solely for this purpose.

Source

RPPL 9-29 § 3[7010], modified. Former § 7010 is repealed by RPPL 9-29 § 2.

Notes

Subsections (1) to (4) in section (a) read [i to iv] in the original legislation and were renumbered 1 to 4 to conform with the Code format.

§ 7011. Affordable housing loans; inflation.

(a) The maximum loan available from the Palau Housing Authority for the construction of a new home and home improvements for low income families may increase annually at a rate sufficient to mitigate the impact of inflation on the price of goods and services, and set at an amount that the Palau Housing Authority can continue affordable housing programs while ensuring that the housing needs of low income families are met.

(b) The Palau Housing Authority may set a maximum loan amount that the Palau Housing Authority will guarantee and that amount may be a higher amount than the maximum loan amount available under subsection (a).

Source

RPPL 9-29 § 3[7011]. Former § 7011 is repealed by RPPL 9-29 § 2.

§ 7012. Mortgage restructuring for loans financed with Mega Bank Loan No. 025-105003.

(a) Upon the effective date of this Act, the Palau Housing Authority may offer recipients of loans funded from the proceeds of Mega International Commercial Bank, Co., Ltd. Loan No. 025-105003 ("Mega Bank Loan No. 025-105003"), who had qualified for such

loans as either first-time homeowners or displaced persons, the opportunity to restructure the remaining balance of their mortgages. Any such restructuring shall be done utilizing the remaining proceeds of Mega Bank Loan No. 025-105003, and to one of the following interest rates:

- (1) one percent (1%); or
- (2) three percent (3%) with a ten thousand United States dollars (\$10,000) subsidy.

(b) As of the effective date of this Act, the Palau Housing Authority may use the remaining proceeds from Mega Bank Loan No. 025-105003 to finance home extensions and the renovation of existing structures at standard interest rates.

(c) The Palau Housing Authority shall enter into a subsidiary agreement with the Ministry of Finance wherein the Republic of Palau shall be responsible for all payments to Mega International Commercial Bank Co., Ltd., including principal, interest, and all other costs triggered by use of the principal from Mega Bank Loan No. 025-105003.

(d) The Palau Housing Authority shall account for all costs, expenses, and loss of interest income from this use of proceeds from Mega Bank Loan No. 025-105003 in its required audits and shall provide quarterly reports to the President of the Republic of Palau and Olbiil Era Kelulau on the status of the proceeds of Mega Bank Loan No. 025-105003. Loss of interest income will be the interest earnings lost from loans provided at less than four point five percent (4.5%). The Olbiil Era Kelulau will appropriate funds, on an as-needed basis, to reimburse the Palau Housing Authority for losses incurred in the administration of the proceeds of Mega Bank Loan No. 025-105003 after the effective date of this Act.

Source

RPPL 10-36 § 4, modified.

§ 7013. Housing Development Loan Project; PHA participation.

(a) The Palau Housing Authority shall participate in the Housing Development Loan Project established in chapter 72 of this Title (“HDLP”) using proceeds from Loan No. 025-107001 agreed to between the Republic of Palau and Mega International Commercial Bank Co., Ltd. (“Loan No. 025-107001”). The Palau Housing Authority shall prioritize providing loans to displaced residents and first-time homeowners.

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(b) The sum of seventy five thousand dollars (\$75,000) shall be appropriated annually, from local revenues, to the Palau Housing Authority for administrative costs related to the HDLP. This sum shall be appropriated in addition to any sum appropriated for general operations unrelated to the HDLP.

(c) The Palau Housing Authority shall enter into a subsidiary agreement with the Republic of Palau wherein the Republic of Palau shall be responsible for all payments to Mega International Commercial Bank Co., Ltd., including principal, interest, and all other costs triggered by use of the principal from Loan No. 025-107001. The relevant rules, standards, and conditions for loan terms, applications, agreements, disbursements, and repayments established in section 7202 of Title 34 shall be incorporated into this subsidiary agreement.

(d) The Palau Housing Authority shall account for all costs, expenses, and loss of interest income from the HDLP in its required audits and shall provide quarterly reports to the President of the Republic of Palau and Olbiil Era Kelulau on the status of the HDLP. Loss of interest income will be the interest earnings lost from loans provided at less than four point five percent (4.5%). The Olbiil Era Kelulau will appropriate funds, on an as-needed basis, to reimburse the Palau Housing Authority for losses incurred in the administration of the HDLP.

Source
RPPL 10-36 § 4, modified.

NATIONAL HOUSING COMMISSION 34 PNCA § 7102

Chapter 71 National Housing Commission

- § 7101. Definitions.
- § 7102. Establishment of the National Housing Commission.
- § 7103. National Housing Commission: policy authority and statement of purpose.
- § 7104. Urban planning.
- § 7105. Subdivisions.
- § 7106. Utilization of national government agencies and entities.
- § 7107. Expediting of permit systems for earthmoving or other construction activities.
- § 7108. Procurement of septic tanks.

§ 7101. Definitions.

In this Title:

- (a) “National Housing Commission” or “NHC” means the National Housing Commission, established pursuant to this chapter.
- (b) “NDBP” means the National Development Bank of Palau established in chapter 1 of Title 26 of the Palau National Code.
- (c) “PHA” means the Palau Housing Authority established in chapter 70 of Title 34 of the Palau National Code.

Source
RPPL 10-36 § 2, modified.

§ 7102. Establishment of the National Housing Commission.

- (a) The National Housing Commission (“NHC”) is hereby created.
- (b) The NHC is deemed to be exercising essential government functions and is subject to the general direction of the President of the Republic of Palau.
- (c) The NHC shall receive administrative and technical support from the Ministry of Public Infrastructure and Industries.

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(d) There shall be seven (7) members of the NHC.

(1) The Chairman of the NHC shall be the Minister of Public Infrastructure and Industries.

(2) The remaining six positions shall be filled, through Presidential appointment, by government or quasi-government officials with responsibility for, or expertise in, national government budgeting, public land management, environmental protection, public utilities, public infrastructure, and historical preservation.

(e) The NHC shall coordinate services between the PHA, the NDBP, individual state governments, all other relevant national and state agencies, and citizens. The NHC shall work with all stakeholders to implement the National Housing Policy.

Source

RPPL 10-36 § 2. Amended by RPPL 11-7 § 17.

§ 7103. National Housing Commission: policy authority and statement of purpose.

(a) The NHC will adopt a National Housing Policy.

(1) The National Housing Policy will consider global sustainable development goals in the areas of social development, environmental protection, and economic growth.

(2) The National Housing Policy will ensure that affordable housing contributes to social well-being, economic growth, and the development of healthy communities.

(3) The National Housing Policy will be developed in cooperation and consultation with relevant stakeholders, including the PHA, the NDBP, individual state governments, and citizens.

(b) The purpose of the NHC shall be to work with relevant stakeholders to:

(1) find a solution to housing problems by making homes available at an affordable price and increasing the supply of housing;

(2) coordinate the development of green communities, revival of old villages, and establishment of new housing subdivisions;

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- (3) support the construction of affordable multi-family dwellings to provide temporary housing for short-term periods; and
- (4) provide access to affordable housing for citizens in need, prioritizing displaced citizens and first-time homeowners.

Source
RPPL 10-36 § 2, modified.

§ 7104. Urban planning.

The NHC shall work with relevant stakeholders to develop an urban and suburban plan with infrastructure for the Republic.

Source
RPPL 10-36 § 2, modified.

§ 7105. Subdivisions.

The NHC shall work to develop plans for housing subdivisions within the Republic. These plans should be coordinated with state governments and other relevant stakeholders, with goals that include reviving abandoned villages, creating new green communities, and building affordable housing, including, as appropriate, temporary multi-family dwellings.

Source
RPPL 10-36 § 2.

§ 7106. Utilization of national government agencies and entities.

The NHC may utilize the available services and facilities of agencies and instrumentalities of the Government of Palau. The NHC shall not engage in any activity which substantially duplicates an undertaking previously initiated and being carried out by other agencies or entities.

Source
RPPL 10-36 § 2, modified.

§ 7107. Expediting of permit systems for earthmoving or other construction activities.

- (a) The Environmental Quality Protection Board, in cooperation with the NHC, shall

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develop and implement a process to expedite the permit system for earthmoving or other construction activities of the Housing Development Loan Project as defined under section 7201 of this chapter.

(b) Where a permit for a septic tank system to be installed pursuant to the Housing Development Loan Project as defined under section 7201 of this chapter is denied, the Environmental Quality Protection Board, in cooperation with the NHC and other relevant entities, shall advise on and recommend necessary remedial action for immediate permit approval.

Source

RPPL 10-36 § 2, modified.

§ 7108. Procurement of septic tanks.

(a) The Environmental Quality Protection Board, Palau Public Utility Corporation, and NHC shall, jointly, develop a schedule of approved septic tank system designs available for housing construction under the Housing Development Loan Project as defined under section 7201 of this chapter. This schedule shall be updated annually to include newer, more technically advanced, and affordable septic tank system designs.

(b) The NHC shall develop a program through which the cost of septic tank systems approved under this section and installed for homes constructed under the Housing Development Loan Project as defined under section 7201 of this chapter may be borne by the Republic, contingent upon the availability of funds.

Source

RPPL 10-36 § 2, modified.

**Chapter 72
Housing Development Loan Project**

- § 7201. Housing Development Loan Project; general.
- § 7202. Housing Development Loan Project; minimum terms of PHA administered loans.
- § 7203. Housing Development Loan Project; minimum terms of NDBP administered loans.

§ 7201. Housing Development Loan Project; General.

(a) Definitions: For the purposes of all sections labeled “Housing Development Loan Project” within this chapter, “Housing Development Loan Project” or “HDLP” means the project administered by the National Housing Commission, and financed by Mega International Commercial Bank Co., Ltd., pursuant to the Republic’s National Housing Policy. The term “Loan Agreement” refers to Loan No. 025-107001 executed between the Republic of Palau and Mega International Commercial Bank Co., Ltd.

(b) The National Housing Commission will administer the Housing Development Loan Project, using the proceeds of the Loan Agreement, to promote affordable housing, with priority given to displaced citizens and first-time homeowners.

(c) The National Housing Commission shall promulgate rules, regulations, standards, and procedures for the draw-down of Loan Agreement funds, and for the disbursement of Loan Agreement funds to further the Housing Development Loan Project. The relevant rules, standards, and conditions for loan terms, applications, agreements, disbursements, and-repayments established in sections 7202 and 7203 of this chapter shall be incorporated into subsidiary agreements with the National Development Bank of Palau and Palau Housing Authority. The National Housing Commission shall be exempt from the Administrative Procedures Act of Title 6 of the Palau National Code in performance of its obligations under the HDLP.

(d) Loan Agreement proceeds may be used to fund subsidized home loan programs administered by the National Development Bank of Palau and Palau Housing Authority, to fund subdivision and other housing infrastructure development programs initiated by the National Housing Commission, or for other actions intended to increase the stock and affordability of housing consistent with this chapter. Loan Agreement proceeds may be used for leveraging arrangements or similar funding partnerships that increase the total availability of funding for affordable housing in the Republic.

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(e) The Ministry of Finance shall draw down funds from the Loan Agreement only at the written direction of the National Housing Commission. The National Treasury shall disburse funds that originated from the Loan Agreement only at the written direction of the National Housing Commission.

Source

RPPL 10-36 § 3, modified.

§ 7202. Housing Development Loan Project; minimum terms of PHA administered loans.

(a) The Palau Housing Authority will lend no more than sixty thousand dollars (\$60,000) per loan under the HDLP. Loan amounts, including subsidies, shall not exceed sixty thousand dollars (\$60,000).

(b) HDLP loans administered by the Palau Housing Authority shall bear one of the following interest rates:

(1) one percent (1%); or

(2) three percent (3%) with a ten thousand dollars (\$10,000) subsidy used for the upfront reduction of the loan principal.

(c) Any substantial payments to the principal of HDLP loans shall avail loan restructuring rights for borrowers and such loan restructuring shall ease the burden on families and improve the debt to income ratio.

(d) Loan repayment terms may be set up to thirty (30) years, depending on the applicant's ability to pay, in order to maximize the number of citizens who can qualify for the HDLP.

(e) The debt to income ratio and all terms and conditions shall be set at affordable levels and with the objective of maximizing the number of citizens who can qualify for the HDLP.

(f) The Palau Housing Authority shall not charge any loan fees under the HDLP. Any additional operating expenses shall be appropriated by the Olbiil Era Kelulau to support the payment of any costs incurred due to lending operations commenced by the Palau Housing Authority under the HDLP.

Source

RPPL 10-36 § 3, modified.

HOUSING DEV. LOAN PROJECT 34 PNCA § 7203

§ 7203. Housing Development Loan Project; minimum terms of NDBP administered loans.

- (a) The NDBP will lend no more than one hundred thousand dollars (\$100,000) per loan under the HDLP. Total loan amounts, including subsidies, shall not exceed one hundred thousand dollars (\$100,000).
- (b) HDLP loans administered by the NDBP shall bear one of the following interest rates:
 - (1) one percent (1%);
 - (2) three percent (3%) with a ten thousand dollars (\$10,000) subsidy used for the upfront reduction of the loan principal; or
 - (3) six percent (6%) with a ten thousand dollars (\$10,000) subsidy used for the upfront reduction of the loan principal, and debt consolidation.
- (c) Any substantial payments to the principal of HDLP loans shall avail loan restructuring rights for borrowers and such loan restructuring shall ease the burden on families and improve the debt to income ratio.
- (d) The NDBP is authorized to make HDLP loans for the purchase of existing homes, for the construction of new homes, to refinance existing loans, or to port mortgages, but shall give priority in all cases to displaced residents or first-time homeowners.

Source
RPPL 10-36 § 3, modified.

34 PNCA § 8001 PUBLIC HEALTH, SAFETY AND WELFARE

**DIVISION 9
PARKS AND RECREATION**

**Chapter 80
Palau Recreation and Parks Board
[Repealed]**

§§ 8001 - 8003. [Repealed]

Source
Repealed by RPPL 4-14 § 1(6).

Chapter 81
Athletic Facilities

§ 8101. Public policy.

§ 8102. Tax credit incentive.

§ 8101. Public Policy.

The development of the athletic skills and physical fitness of the Palauan people is an important national priority. At the present time, the Republic lacks adequate facilities to achieve these objectives, as well as to properly train athletes for participation in regional and international competitions. Therefore, it shall be the policy of this government to promote the following projects to the maximum practicable extent:

- (a) the construction of a public multi-sport gymnasium;
- (b) the construction of a public tennis court;
- (c) the construction of a weight training room;
- (d) the construction of a track and field; and
- (e) the construction of an Olympic-sized swimming pool.

Source

RPPL 3-32 § 1, modified.

§ 8102. Tax credit incentive.

Any person or entity that builds or donates the financing for the construction of any of the above described sports facility components, shall, with the approval and authorization of the President and the Olbiil Era Kelulau by Joint Resolution receive a tax credit of one hundred twenty-five percent (125%) of the cost of such construction. Any person or entities seeking such a tax credit shall submit a construction proposal to the President and the Olbiil Era Kelulau for their review and approval. If the President and the Olbiil Era Kelulau both approve the construction proposal, the person or entity shall, in ninety (90) days submit a request for tax credit accompanied by the approved construction proposal to the President and the Olbiil Era Kelulau for their final review and approval.

34 PNCA § 8102 PUBLIC HEALTH, SAFETY AND WELFARE

Source
RPPL 3-32 § 3, modified.

Chapter 82
Palau Sports Commission

- § 8201. Legislative findings.
- § 8202. Creation of Commission.
- § 8203. Organization.
- § 8204. Meetings and compensation.
- § 8205. Duties and responsibilities.
- § 8206. Implementation.
- § 8207. Report.
- § 8208. Authorization.
- § 8209. Sports Facility Trust Fund.

§ 8201. Legislative findings.

- (a) With increasing frequency, Palau Youth Athletes are invited to join various sports activities and game tournaments within the Pacific region.
- (b) The Olbiil Era Kelulau realizes the importance of preparing our young athletes not only for the benefit of good health, both physical and mental, but also for developing community spirit, teamwork and discipline. The Olbiil Era Kelulau also sees that it is advantageous for our developing Republic to develop athletics by establishing and increasing sports activities to occupy our youth and to provide structure to their day.
- (c) The Olbiil Era Kelulau now finds it necessary to establish the Palau Sports Commission to oversee and coordinate all sports activity in the Republic of Palau as well as to plan and maintain sports facilities.

Source
RPPL 4-29 § 1.

§ 8202. Creation of Commission.

There is hereby created a Palau Sports Commission as follows:

- (a) The Commission shall consist of seven (7) members, two (2) members of which shall be the Minister of Finance and the Minister of Human Resources, Culture, Tourism, and Development of the Republic or their designees; and five (5) members of which shall be

34 PNCA § 8202 PUBLIC HEALTH, SAFETY AND WELFARE

appointed by the President of the Republic of Palau with the advice and consent of the Senate of the Olbiil Era Kelulau, provided each member shall represent an existing sports activity. Each Minister shall serve at the President's discretion for a term not to exceed four (4) years but in no case shall the term of a Minister exceed his current term as Minister. The five (5) members appointed by the President of the Republic of Palau shall serve the following terms: two (2) members shall serve for one (1) year, two (2) members shall serve for two (2) years, and one (1) member shall serve for three (3) years.

(b) A vacancy on the Commission shall be filled in accordance with Section 8202(b) of this chapter. Members appointed to fill a vacancy shall serve only for the duration of the unexpired term. As used in this Section the term "vacancy" includes a vacancy resulting from:

- (1) death;
- (2) resignation; or
- (3) incapacity to serve by reason of illness.

Source

RPPL 4-29 § 2, modified.

§ 8203. Organization.

The Commission shall first be convened within five (5) working days after appointment and confirmation of all members. All initial appointments shall be made thirty (30) calendar days after the effective date of this chapter. The Commission shall elect a Chairman by majority vote.

Source

RPPL 4-29 § 3, modified.

§ 8204. Meetings and compensation.

The Commission shall meet as often and at such places and times as may be designated by the Chairman or by the majority of the Commission itself. A majority of the Commission shall constitute a quorum of the Commission for all purposes. All members of the Commission are entitled to necessary travel expenses and per diem at standard national government rates while on business of the Commission. Commission members who are neither employees nor officials of the national government or state government shall be paid thirty-five dollars (\$35) per day while

on business of the Commission. A member of the Commission who is an employee or official of the national government or state government shall be granted paid administrative leave while on business of the Commission.

Source

RPPL 4-29 § 4, modified.

§ 8205. Duties and responsibilities.

- (a) The Commission shall coordinate a year-round plan of sports activities for all ages throughout the Republic of Palau.
- (b) The Commission shall make recommendations to the President of the Republic of Palau about the needs related to sports throughout Palau, including upgrading and maintaining existing sports facilities and construction of new facilities.
- (c) The Commission may contract or otherwise engage the services of such professional, technical, and clerical staff as it deems necessary to carry out its duties and responsibilities.
- (d) The Commission may request technical, financial or other assistance from foreign organizations or governments as may be necessary or advisable to prepare for and conduct sports programs throughout the Republic of Palau.

Source

RPPL 4-29 § 5, modified.

§ 8206. Implementation.

The Division of Parks and Recreation shall implement the programs and policies recommended by the Commission. State governments may provide assistance to the Commission in carrying out its duties and responsibilities.

Source

RPPL 4-29 § 6.

§ 8207. Report.

The Commission shall submit a semi-annual written report to the President and the Olbiil Era

34 PNCA § 8207 PUBLIC HEALTH, SAFETY AND WELFARE

Kelulau detailing sports activities and facilities development in the Republic of Palau.

Source
RPPL 4-29 § 7.

§ 8208. Authorization.

There is hereby authorized to be appropriated annually from the National Treasury of the Republic of Palau such sums as may be necessary for the purposes of carrying out the provisions of this Chapter. The sums herein authorized shall be administered by the Chairman of the Commission.

Source
RPPL 4-29 § 8, modified.

§ 8209. Sports Facilities Trust Fund.

(a) There is hereby established within the National Treasury a special fund to be identified as “The Sports Facilities Trust Fund” which shall be segregated from other funds of the National Government. This Trust Fund shall ensure compliance of the Ministry of Human Resources, Culture, Tourism, and Development with its duty to collect fees for use of government sports facilities. Into this Trust Fund shall be deposited all revenues collected as fees for use of government sports facilities. All monies received pursuant to this section shall be used at the direction of the Minister exclusively for the purpose of paying for utilities and maintenance of the facilities.

(b) The Ministry of Human Resources, Culture, Tourism, and Development shall submit quarterly revenue and expenditure reports for the Sports Facilities Trust Fund to the President and the Olbiil Era Kelulau.

Source
RPPL 6-37 § 20, modified.

**SEVERELY DISABLED ASSISTANCE FUND 34 PNCA § 8502
AND CHILD RAISING SUBSIDY**

**DIVISION 10
SEVERELY DISABLED**

**Chapter 85
Severely Disabled Assistance Fund and Child Raising Subsidy**

- § 8501. Administration of fund.
- § 8502. Rules and regulations.
- § 8503. Monthly stipend.
- § 8504. Funding.
- § 8505. Ineligible individuals.
- § 8506. Child raising subsidy for Palauan citizens.

§ 8501. Administration of fund.

The Minister of Health and Human Services shall administer the Severely Disabled Assistance Fund and Child Raising Subsidy.

Source

RPPL 6-26 § 15(b). Amended by RPPL 11-2 § 13, modified.

Notes

Former title of this chapter entitled “Severely Disabled Assistance Fund” is amended to read “Severely Disabled Assistance Fund and Child Raising Subsidy” by RPPL 11-11 § 19.

All references in Title 34 of the Palau National Code to the Bureau of Health Services are hereby amended to reference the Bureau of Public Health by RPPL 8-13 § 3.

RPPL 6-26 § 15(a) reads: “The First National Disabilities Convention has determined that there are approximately 325 Palauan citizens who have severe disabilities which prevent them from being fully employed. For this reason, it has been determined that it is necessary to establish a Palau Severely Disabled Assistance Fund for the purpose of providing monthly assistance to individuals in the Republic of Palau who are homebound, wheelchair bound and/or blind.”

§ 8502. Rules and regulations.

The Minister of Health and Human Services shall be responsible to update and maintain rules and regulations for the administration of the Severely Disabled Assistance Fund and Child Raising Subsidy. These rules and regulations shall include criteria for eligibility and penalties for fraud, and provide for bi-annual reporting to the President and the Olbiil Era Kelulau

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regarding the use of the Fund.

Source

RPPL 6-26 § 15(c), modified. Amended by RPPL 11-2 § 14, modified.

Notes

RPPL 6-26 became effective September 30, 2002.

§ 8503. Monthly stipend.

Those individuals who are determined by the Ministry to be homebound and need twenty-four (24) hour per day care will be eligible to receive a monthly stipend of two hundred dollars (\$200) per month. Those individuals who are determined by the Ministry to be wheelchair-bound and/or blind, shall be eligible to receive a monthly stipend of one hundred fifty dollars (\$150) per month. The Minister may expand eligibility for either of these categories by regulation, in order to include individuals who are unable to access employment or are without income due to other physical or mental disabilities. The Minister may restrict eligibility for either of these categories by regulation by implementing a means test. The Minister may increase the monthly stipends if it is determined that there are available funds in the fund.

Source

RPPL 6-26 § 15(d). Amended by RPPL 7-25 § 26(a). Amended by RPPL 9-55 § 2. Amended by RPPL 11-2 § 15.

§ 8504. Funding.

Annual funding for the Severely Disabled Assistance Fund and Child Raising Subsidy shall come from funds annually derived from the Virtual Pachinko Business as provided for in 40 PNCA § 411, or from other sources.

Source

RPPL 6-26 § 15(e). Amended by RPPL 11-2 § 16, modified.

Notes

Funds derived from Virtual Pachinko Businesses directed to the Severely Disabled Assistance Fund pursuant to RPPL 5-45 have been subsequently amended to be directed to different recipients. The Code Commission respectfully requests the Olbiil Era Kelulau to consider this inconsistency.

§ 8505. Ineligible individuals.

Individuals receiving pension or social security benefits from the National Government are not

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AND CHILD RAISING SUBSIDY**

eligible to receive benefits, including assistance and monthly stipends, under the Palau Severely Disabled Assistance Fund and Child Raising Subsidy.

Source

RPPL 7-13 § 27, modified.

§ 8506. Child raising subsidy for Palauan citizens.

A citizen whose total income does not exceed fifteen thousand dollars (\$15,000) in a tax year shall be entitled, upon application to the Ministry of Health and Human Services, to a one hundred dollar (\$100) subsidy payment for each child who is a Palauan citizen, has a Palau Social Security number, is under the age of eighteen (18), of whom the applicant citizen has legal custody, and who resides full-time with the applicant citizen in the Republic for at least six (6) months of the year. This child raising subsidy payment is intended to help parents and legal guardians with the expenses of raising a child in the Republic and shall be used by recipients accordingly. Only one citizen shall be entitled to receive this child raising subsidy for each child who meets the requirements of this section. The Minister of Health and Human Services shall promulgate regulations governing all relevant aspects of the implementation of this child raising subsidy, including but not limited to, annual application deadlines, required documentation to demonstrate that the citizen applicant does not exceed the income threshold, safeguards to ensure that only one citizen receives the subsidy for each citizen child, and measures to prevent misuse of subsidy funds by recipients. Funding for the child raising subsidy shall come from the Social Assistance Fund established pursuant to 40 PNC § 2655(g).

Source

RPPL 11-11 § 19.

Notes

RPPL 11-29 section 8 [§36] reads: Child Raising Subsidy. The amount of \$400,000 is authorized for appropriation and is hereby appropriated for expenditure or obligation for Fiscal Year 2023 for the purpose of a contribution toward the Child Raising Subsidy Program in accordance with RPPL No. 11-11 Section 19. The entire amount authorized to be appropriated and appropriated in this section shall come from the Cyclical Reserve Fund and shall not lapse at fiscal year-end.

RPPL 11-11 § 21: Effective date - January 1, 2023

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**DIVISION 11
CHILD NUTRITION**

**Chapter 86
Promotion of Optimal Infant and Young Child Nutrition**

**Subchapter I
Definitions**

§ 8601. Definitions.

§ 8601. Definitions.

For purposes of this chapter:

- (a) “advertise” means to make any representation by any means whatsoever for the purpose of promoting the sale or use of a designated product, including, but not limited to:
- (1) written publication, television, radio, film, electronic transmission, including the internet, video, or telephone;
 - (2) display of signs, billboards, or notices; or
 - (3) exhibition of pictures or models.
- (b) “Advisory Board” means a board set up under section 8616 of this chapter.
- (c) “brand name” means a name given by the manufacturer to a product or range of products;
- (d) “complementary food” means any food suitable, or represented as suitable, as an addition to breastmilk, infant formula, or follow-up formula.
- (e) “container” means any form of packaging of a designated product for sale as a retail unit, including wrappers.
- (f) “designated product” means:

**PROMOTION OF OPTIMAL INFANT AND 34 PNCA § 8601
YOUNG CHILD NUTRITION**

- (1) infant formula;
- (2) any other product marketed or otherwise represented as suitable for feeding infants;
- (3) follow-up formula;
- (4) feeding bottles, teats, pacifiers; and
- (5) such other product as the Minister of Health and Human Services may declare to be a “designated product” for purposes of this chapter.

(g) “distributor” means a person, corporation, or other entity engaged in the business, whether wholesale or retail, of marketing any designated product.

(h) “follow-up formula” means a milk, or milk-like product, of animal or vegetable origin formulated industrially and marketed, or otherwise represented, as suitable for feeding infants and young children older than six months of age.

(i) “healthcare facility” means a public or private institution or organization, or private practitioner, engaged, directly or indirectly, in the provision of healthcare or in healthcare education. It also includes day-care centers, nurseries, or other infant-care facilities.

(j) “health professional” means a health worker with a professional degree, certificate, diploma, or license, such as a medical practitioner, certain registered nurses and midwives, licensed practical nurses, or such other person as may be specified by the Minister of Health and Human Services.

(k) “health worker” means a person providing or in training to provide healthcare services in a healthcare facility, whether professional or nonprofessional, including voluntary unpaid workers.

(l) “infant” means a child from birth up to the age of twelve (12) months.

(m) “infant formula” means a milk, or milk-like product, of animal or vegetable origin formulated industrially to satisfy, by itself, the nutritional requirements of infants from birth and/or during the first six (6) months and intended to satisfy, by itself, the nutritional requirements of infants from birth and/or during the first six (6) months, and includes those that continue to meet a part of an infant’s nutritional requirements after the

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first six (6) months.

(n) “Inspector” means an inspector appointed under section 8620 of this chapter.

(o) “label” means a tag, mark, pictorial, or other descriptive matter, written, printed, stenciled, marked, embossed, attached, or otherwise appearing on a container of a designated product.

(p) “logo” means an emblem, picture, or symbol by means of which a company is identified.

(q) “manufacturer” means a person, corporation, or other entity engaged in the business of manufacturing a designated product, whether directly, through an agent, or through a person controlled by, or under, an agreement with it.

(r) “market” means to promote, distribute, sell, or advertise a designated product, and includes public relations and information services.

(s) “Minister” means the Minister of Health and Human Services of the Republic of Palau.

(t) “pacifier” means an artificial teat for babies to suck, also referred to as a “dummy”.

(u) “prescribed” or “as prescribed” means prescribed or as prescribed by rules or written decision made pursuant to this chapter.

(v) “promote” means to employ any method of directly or indirectly encouraging a person to purchase or use a designated product.

(w) “sample” means a single or small quantity of a designated product provided without cost.

(x) “young child” means a child from the age of twelve (12) months up to the age of three years (36 months).

Source

RPPL 7-23 § 1(2), modified.

Notes

Subchapters I to VI in this Chapter replaced [Chapters I - VI] in RPPL 7-23 to conform with the standard format used in the PNCA Code.

PROMOTION OF OPTIMAL INFANT AND YOUNG CHILD NUTRITION 34 PNCA § 8603

RPPL 7-23 § 1 reads: Amendment. A new Chapter to the Palau National Code is hereby enacted for the purpose of ensuring safe and adequate nutrition for infants as follows:

“CHAPTER I

Section 1. Short title and commencement.

- (a) This Act may be called the “Promotion of Optimal Infant and Young Child Nutrition Act of 2006”;
- (b) This Act shall come into effect 60 days after the date of enactment; and
- (c) It extends to the whole of the Republic of Palau.

Subchapter II Prohibitions

- § 8602. Sale of a designated product.
- § 8603. Promotion.
- § 8604. Prohibitions related to labels of designated products.
- § 8605. Prohibition related to labels or infant formula and follow-up formula.
- § 8606. Prohibitions related to labels of skimmed or condensed milk.
- § 8607. Prohibitions related to labels of low-fat or standard milk.
- § 8608. Prohibitions related to labels of feeding bottles and pacifiers.
- § 8609. Prohibitions related to labels of pacifiers.

§ 8602. Sale of a designated product.

(a) A person shall not distribute for sale, sell, stock, or exhibit for sale any designated product that:

- (1) is not registered according to section 8619 of this chapter, or is not in accordance with the conditions of its registration; or
- (2) has reached its expiration date.

Source

RPPL 7-23 § 3, modified.

§ 8603. Promotion.

(a) A manufacturer or distributor shall not him or herself, or by any other person on his or her behalf, promote any designated product. Prohibited promotional practices include, but are not limited to:

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- (1) advertising;
- (2) sales devices, such as special displays, discount coupons, premiums, rebates, special sales, loss-leaders, tie-in sales, prizes, or gifts;
- (3) giving of one or more samples of a designated product to any person;
- (4) the donation or distribution of informational or educational material referring to infant or young child feeding, or performance of educational functions related to infant or young child feeding, except as provided in section 8613 of this chapter.

(b) A manufacturer or distributor shall not him or herself, or by any other person on his or her behalf:

- (1) donate, or provide at lower than the published wholesale price where one exists, and in its absence, lower than eighty percent (80%) of the retail price, any quantity of a designated product to a health worker or healthcare facility.
- (2) donate to, or distribute within, a healthcare facility: equipment, services, or materials such as pens, calendars, posters, note pads, growth charts, and toys, which refer to or may promote the use of a designated product;
- (3) offer or give any gift, contribution, or benefit to a health worker or to associations of health workers engaged in maternal and child health, including, but not limited to, fellowships, research grants, or funding for meetings, seminars, continuing education courses, or conferences;
- (4) sponsor events, contests, telephone counseling lines, or campaigns related to reproductive health, pregnancy, childbirth, infant or young child feeding, or related topics; or
- (5) include the volume of sales of designated products when calculating employee remuneration or bonuses, nor set quotas for sales of designated products.

(c) A health worker engaged in maternal and child health shall not:

- (1) accept any gift, contribution, or benefit, financial or otherwise, of whatever value, from a manufacturer or distributor, or any person on his or her behalf;

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(2) accept, or give, samples of designated products to any person; or

(3) demonstrate the use of infant formula, except to individual mothers or member of their families in very special cases of need, and in such cases, shall give a clear explanation of the risks of the use of infant formula, as well as the other information required by subchapter IV of this chapter.

Source

RPPL 7-23 § 4, modified.

§ 8604. Prohibitions related to labels of designated products.

(a) A manufacturer or distributor shall not offer for sale, or sell, a designated product if the container or label affixed thereto includes a photograph, drawing, or other graphic representation, other than for illustrating methods of preparation.

(b) A manufacturer or distributor shall not offer for sale, or sell, a designated product, other than a feeding bottle or pacifier, unless the container or label affixed thereto indicates, in a clear, conspicuous, and easily readable manner, in English, the following particulars:

(1) instructions for appropriate preparation and use in words, and in easily understood graphics;

(2) the age after which the product is recommended, in numeric figures;

(3) a warning about the health risks of improper preparation and of introducing the product prior to the recommended age;

(4) the ingredients used;

(5) the composition and nutritional analysis;

(6) the required storage conditions for both before and after opening, taking into account climatic conditions;

(7) the batch number, date of manufacture, and date before which the product is to be consumed, taking into account climatic and storage conditions;

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(8) the name and national address of the manufacturer or distributor; and

(9) such other particulars as may be prescribed.

(c) A manufacturer or distributor shall not offer for sale, or sell, a designated product if the container or label affixed thereto contains any representation that states or suggests that a relationship exists between the product or constituent thereof and health, including the physiological role of a nutrient in growth, development, or normal functions of the body.

Source
RPPL 7-23 § 5.

§ 8605. Prohibition related to labels [of] infant formula and follow-up formula.

(a) A manufacturer or distributor shall not offer for sale, or sell, infant formula or follow-up formula, unless the container or label affixed thereto, in addition to the requirements of section 8604 of this chapter, conforms to the following:

(1) contains the words “important notice” in capital letters and indicated thereunder, the statement “Breastfeeding is the best. Breastmilk is the ideal food for the healthy growth and development of infants and young children. It protects against diarrhoea and other illnesses.”, in characters no less than one-third (1/3) the size of the characters in the product name, and in no case less than five (5)mm in height;

(2) contains the word “warning” and indicated thereunder, the statement “Before deciding to supplement or replace breastfeeding with this product, seek the advise of a health professional. It is important for your baby’s health that you follow all preparation instructions carefully. If you use a feeding bottle, your baby may refuse to feed from the breast. It is more hygienic to feed from a cup.”, in characters no less than one-third (1/3) the size of the characters in the product name, and in no case less than five (5)mm in height;

(3) includes a feeding chart in the preparation instructions, and states that leftover formula should be discarded;

(4) does not use the terms “maternalized”, “humanized”, or terms similar thereto, nor any comparison with breastmilk;

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- (5) does not use text that may tend to discourage breastfeeding;
- (6) specifies the source of the protein; and
- (7) in the case of follow-up formula, states that the product shall not be used for infants less than six (6) months old.

Source

RPPL 7-23 § 6, modified.

Notes

The bracketed [of] in the title of this section replaced “or” in the original legislation per code commission.

§ 8606. Prohibitions related to labels of skimmed or condensed milk.

A manufacturer or distributor shall not offer for sale, or sell, skimmed milk or condensed milk, in powder or liquid form, unless the container or label affixed thereto contains the words “This product should not be used as an infant’s sole source of nourishment.”, in characters no less than one-third (1/3) the size of the characters in the product name, and in no case less than five (5)mm in height.

Source

RPPL 7-23 § 7, modified.

§ 8607. Prohibitions related to labels of low-fat or standard milk.

A manufacturer or distributor shall not offer for sale low-fat or standard milk in powder or liquid form, unless the container or label affixed thereto contains the words “This product should not be used as an infant’s sole source of nourishment.”, in characters no less than one-third (1/3) the size of the characters in the product name, and in no case less than five (5)mm in height.

Source

RPPL 7-23 § 8, modified.

§ 8608. Prohibitions related to labels of feeding bottles and pacifiers.

- (a) A manufacturer or distributor shall not offer for sale, or sell, a feeding bottle or pacifier, unless the package or label affixed thereto, in addition to the requirements of section 8604(b)(1) of this chapter, indicates in a clear, conspicuous, and easily readable

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manner, in English, the following particulars:

- (1) the words “important notice” in capital letters and indicated thereunder, the statement “Breastfeeding is best. Breastmilk is the ideal food for the healthy growth and development of infants and young children. It protects against diarrhoea and other illnesses.”, in characters no less than one-third $\frac{1}{3}$ the size of the characters in the product name, and in no case less than five (5)mm in height;
- (2) the statement “Warning: It is important for your baby’s health that you follow the cleaning and sterilization instructions very carefully. If you use a feeding bottle, your baby may no longer want to feed from the breast.”, in characters no less than one-third ($\frac{1}{3}$) the size of the characters in the product name, and in no case less than five (5)mm in height;
- (3) instructions for cleaning and sterilization, in words and graphics;
- (4) a statement explaining that feeding with a cup is more hygienic than bottle feeding;
- (5) a warning that children should not be left to self-feed for long periods of time because extended contact with sweetened liquids, including infant formula, may cause severe tooth decay; and
- (6) the name and national address of the manufacturer or the distributor.

Source

RPPL 7-23 § 9, modified.

§ 8609. Prohibitions related to labels of pacifiers.

A manufacturer or distributor shall not offer for sale, or sell, a pacifier unless, in addition to the requirements of section 8604(b)(1), it is labeled with the words “Warning: use of a pacifier can interfere with breastfeeding.”, in characters no less than one-third ($\frac{1}{3}$) the size of the characters in the product name, and in no case less than five (5)mm in height.

Source

RPPL 7-23 § 10, modified.

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Subchapter III
Health Worker Responsibilities

§ 8610. Health worker responsibilities.

§ 8610. Health worker responsibilities.

- (a) Heads of healthcare facilities, and national and local health authorities, shall take measures to encourage and protect breastfeeding and to promote this chapter, and shall give information and advice to health workers regarding their responsibilities, and particularly ensure that health workers are familiar with all of the information specified in subchapter IV of this chapter.
- (b) Health workers shall encourage, support, and protect breastfeeding. They are expected to know the provisions of this chapter, particularly the information specified in subchapter IV of this chapter.
- (c) Health workers shall work to eliminate practices that directly or indirectly retard the initiation and continuation of breastfeeding, such as prelacteal feeds.
- (d) Health workers shall make, in writing, a report to the head of his or her work place, who shall make, in writing, a report to the Advisory Board, of any offer he or she receives for a sample or gift, or other benefit from a manufacturer or distributor, or any other contravention of the provisions of this chapter.

Source
RPPL 7-23 § 11, modified.

**Subchapter IV
Information and Education**

- § 8611. Informational and educational materials about infant feeding.
- § 8612. Informational and educational materials about infant formula, follow-up formula, or feeding bottles.
- § 8613. Product information for health professionals.
- § 8614. Submission of material to Advisory Board.

§ 8611. Informational and educational materials about infant feeding.

Informational or educational materials, whether written, audio, or visual, which refer to infant feeding, shall:

- (a) contain only correct and current information, and shall not use any pictures or text that encourage bottle feeding or discourage breastfeeding;
- (b) be written in English;
- (c) not give an impression or create a belief that a designated product is equivalent to, comparable with, or superior to breastmilk or to breastfeeding;
- (d) not contain the brand name or logo of any designated product, nor of any manufacturer or distributor of a designated product, provided that this clause shall not be applicable to information about designated products provided to health professionals as authorized by section 8613 of this chapter; and
- (e) clearly and conspicuously explain each of the following points:
 - (1) the benefits and superiority of breastfeeding;
 - (2) the value of exclusive breastfeeding for six (6) months, followed by sustained breastfeeding for two (2) years or beyond;
 - (3) how to initiate and maintain exclusive and sustained breastfeeding;
 - (4) why it is difficult to reverse a decision not to breastfeed;

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- (5) the importance of introducing complementary foods from the age of six (6) months;
- (6) how and why any introduction of bottle feeding, or the early introduction of complementary foods, negatively affects breastfeeding; and
- (7) that complementary foods can easily be prepared at home using local ingredients.

Source
RPPL 7-23 § 12, modified.

§ 8612. Informational and educational materials about infant formula, follow-up formula, or feeding bottles.

If the material referred to in section 8611 includes the topic of bottle feeding, it must also include the following points:

- (a) instructions for the proper preparation and use of the product, including cleaning and sterilization of feeding utensils;
- (b) how to feed infants with a cup;
- (c) the health risks of bottle feeding and improper preparation of the product; and
- (d) the approximate financial cost of feeding an infant with such a product in the recommended quantities.

Source
RPPL 7-23 § 13, modified.

§ 8613. Product information for health professionals.

Manufacturers and distributors may give informational materials about designated products to health professionals if such materials:

- (a) are restricted to scientific and factual matters regarding the technical aspects and methods of use of the product;

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(b) provide references to published studies to support any representation that states, or suggests, that a relationship exists between the product or constituent thereof and health, growth, or development; and

(c) are otherwise in accordance with sections 8611 and 8612 of this chapter.

Source

RPPL 7-23 § 14, modified.

§ 8614. Submission of material to Advisory Board.

Any person who produces or distributes any materials referred to in this chapter shall submit copies to the Advisory Board according to procedures as shall be prescribed.

Source

RPPL 7-23 § 15, modified.

Subchapter V Administration

§ 8615. Implementation.

§ 8616. National Advisory Board for the promotion and protection of breastfeeding.

§ 8617. Administration of the Advisory Board.

§ 8618. Powers and functions of the Advisory Board.

§ 8619. Registration of designated products.

§ 8620. Inspectors.

§ 8621. Powers of inspectors.

§ 8622. Procedure for inspectors.

§ 8615. Implementation.

(a) The Ministry of Health and Human Services is principally responsible for the implementation of this chapter.

(b) The Minister of Health and Human Services shall, when necessary, call upon other ministries to ensure the implementation of this chapter.

(c) For the purpose of implementing this chapter, the Minister of Health and Human

PROMOTION OF OPTIMAL INFANT AND YOUNG CHILD NUTRITION **34 PNCA § 8616**

Services has the following powers and functions:

- (1) to promulgate such rules and regulations that are necessary or proper for the implementation of this chapter and the accomplishment of its purposes and objectives, as prescribed under the Administrative Procedures Act, in 6 PNC chapter 1.
- (2) to call for consultations with government agencies and other interested parties to ensure implementation and strict compliance with the provisions of this chapter and the rules and regulations promulgated hereunder.
- (3) to cause the enforcement of this chapter; and
- (4) to exercise such other powers and functions that may be necessary for, or incidental to, the attainment of the purposes and objectives of this chapter.

Source
RPPL 7-23 § 16, modified.

§ 8616. National Advisory Board for the promotion and protection of breastfeeding.

There shall be a National Advisory Board for the promotion and protection of breastfeeding, to be composed of the following inter-disciplinary members, a representative from the:

- (a) Ministry of Health and Human Services.
- (b) Ministry of Education.
- (c) Ministry of Human Resources, Culture, Tourism, and Development.
- (d) Belau Medical Association.
- (e) Belau Nursing Association.
- (f) Mechesil Belau.
- (g) Breastfeeding support group.
- (h) Such other persons as the Minister may appoint as members of the Advisory Board.

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Provided that no person shall be appointed who has any direct or indirect financial interest in any designated product.

- (i) The Minister of Health and Human Services, or his representative, shall be its ex officio Chairman;
- (j) The Minister shall appoint the members of the Advisory Board within ninety (90) days after the effective date of this chapter.
- (k) The members of the Advisory Board shall hold office for a term of three (3) years, and shall be eligible for renomination.
- (l) Any member of the Advisory Board may, at any time, resign his or her office by writing to the Minister, or shall vacate his or her office if the Minister so directs. A vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.
- (m) The Advisory Board may invite national or foreign experts to take part in the meetings as observers, and may constitute committees, or appoint experts, for the purpose of detailed study of any matter set before it.
- (n) The Minister may change the size and composition of the Advisory Board.

Source
RPPL 7-23 § 17, modified.

§ 8617. Administration of the Advisory Board.

- (a) The Minister shall appoint the Secretary of the Advisory Board and such other officers as he or she deems necessary to carry out the purposes of this chapter.
- (b) The Advisory Board shall hire permanent staff necessary to carry out its functions, subject to the budgetary approval of the Minister.
- (c) The Advisory Board shall meet as often as it deems necessary, but not less than once every month, at such time and place as the Secretary shall indicate.
- (d) The Secretary shall call meetings at the direction of the Chairman, shall maintain minutes of the meeting, and shall perform such other duties as may be directed by the

PROMOTION OF OPTIMAL INFANT AND YOUNG CHILD NUTRITION **34 PNCA § 8618**

Advisory Board.

- (e) Two-thirds (2/3) of the members of the Advisory Board shall constitute a quorum for a meeting.
- (f) A majority vote of the members present shall be sufficient to approve any business presented in a meeting of the Advisory Board.
- (g) Decisions of the Advisory Board shall be certified by the Secretary.
- (h) The Advisory Board may make such other administrative rules as may be required for its proper functioning.

Source
RPPL 7-23 § 18, modified.

§ 8618. Powers and functions of the Advisory Board.

- (a) The Advisory Board has the following powers and functions:
 - (1) to advise the President and the Minister on national policy for the promotion and protection of breastfeeding;
 - (2) to create regional committees to carry out the functions of the Advisory Board at the regional level, as may be prescribed;
 - (3) to advise the Minister on designing a National strategy for developing communication and public education programs for the promotion of breastfeeding; informational and educational materials on the topics of infant and young child feeding; continuing education for health workers on lactation management and the requirements of this chapter; curricula for students in the health professions that include lactation management; and to ensure widespread distribution of and publicity concerning this chapter, in a method as may be prescribed;
 - (4) to review reports of violations or other matters concerning this chapter;
 - (5) to issue instructions to inspectors as to actions to be taken, or take such other actions as the case may be, against any person found to be violating the provisions

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of this chapter or the rules and regulations promulgated pursuant thereto;

(6) to scrutinize materials submitted in accordance with section 8613 of this chapter, and recommend appropriate actions to be taken in the case of a violation of subchapter IV of this chapter; and

(7) such other powers and functions, including the powers of an Inspector, as are conferred on him or her by the provisions of this chapter, and as may be prescribed.

Source

RPPL 7-23 § 19, modified.

§ 8619. Registration of designated products.

(a) The Minister of Health and Human Services shall cause all designated products to be registered in accordance with such conditions and procedures as may be prescribed.

(b) The Minister of Health and Human Services shall, by notice in the newspaper, fix the date after which no designated product that is not registered may be imported, manufactured, or sold.

(c) A person applying for registration of a designated product shall furnish such information and samples as may be prescribed.

(d) Once the registration of a designated product has been approved, a Certificate of Registration shall be issued.

(e) No Certificate of Registration will be granted unless the designated product is in accordance with, and has a label which is in accordance with the requirements contained in, subchapter II of this chapter.

Source

RPPL 7-23 § 20, modified.

§ 8620. Inspectors.

The Minister shall appoint such persons as he or she sees fit, having the prescribed qualifications to be Inspectors for purposes of this chapter, within such local limits as he or she may assign to

**PROMOTION OF OPTIMAL INFANT AND 34 PNCA § 8622
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them, respectively, provided that no person who has any direct or indirect financial interest in any designated product shall be so appointed.

Source
RPPL 7-23 § 21, modified.

§ 8621. Powers of inspectors.

- (a) An Inspector may, within the local limits for which he or she is appointed:
- (1) inspect any premises where any designated product is imported, manufactured, sold, stocked, exhibited for sale, advertised, or otherwise promoted, and all relevant records;
 - (2) institute prosecution with respect to violations of this chapter and the rules and regulations made pursuant thereto; and
 - (3) exercise such other powers as may be prescribed.

Source
RPPL 7-23 § 22, modified.

§ 8622. Procedure for inspectors.

- (a) Inspectors shall inspect, not less than the number of times as may be prescribed, the premises as may be prescribed.
- (b) After each inspection, the inspector shall submit a report including any finding of a violation of this chapter and the rules and regulations made pursuant thereto, to the Advisory Board, and seek instructions as to the action to be taken in respect of such contravention.

Source
RPPL 7-23 § 23, modified.

34 PNCA § 8623 PUBLIC HEALTH, SAFETY AND WELFARE

Subchapter VI Penalties, Procedures

- § 8623. Penalties.
- § 8624. Cease and desist orders, etc.
- § 8625. Certificate of registration may be suspended or revoked.
- § 8626. Professional license may be suspended or revoked.
- § 8627. Appeal.
- § 8628. Strict liability for officers, directors, etc.
- § 8629. Institution of prosecution.
- § 8630. Public enforcement.
- § 8631. Power to make rules and regulations.

§ 8623. Penalties.

- (a) Any person who violates section 8602 or section 8603 of this chapter shall, upon conviction, be punished with imprisonment for a term which shall not be less than six (6) months, or by a fine that shall not be less than one thousand dollars (\$1,000), or both.
- (b) Any person having been convicted of a violation of section 8602 or section 8603 of this chapter and who is again convicted of a violation of section 8602 or section 8603 of this chapter, shall be punished with imprisonment for a term which shall not be less than one (1) year, or by a fine that shall not be less than five thousand dollars (\$5,000).
- (c) Any person who violates any other provision of this chapter or the rules and regulations made pursuant thereto may be subject to a fine of up to one thousand dollars (\$1,000), or a period of imprisonment of up to six (6) months.

Source
RPPL 7-23 § 24, modified.

§ 8624. Cease and desist orders, etc.

The Minister shall have the power to make cease and desist orders upon receiving a report from an Inspector or the Advisory Board of a violation of the provisions of this chapter or the rules and regulations promulgated pursuant thereto.

Source
RPPL 7-23 § 25, modified.

PROMOTION OF OPTIMAL INFANT AND YOUNG CHILD NUTRITION 34 PNCA § 8628

§ 8625. Certificate of registration may be suspended or revoked.

Where any person has been found to have violated any of the provisions of this chapter, or the rules and regulations pursuant thereto, the Minister, upon written recommendation of the Advisory Board, and after notice and an opportunity to be heard has been given, may suspend or revoke any Certificate of Registration that has been issued to that person pursuant to this chapter.

Source
RPPL 7-23 § 26, modified.

§ 8626. Professional license may be suspended or revoked.

Where any health professional has been found to have contravened any provision of this chapter, or the rules and regulations pursuant thereto, the Minister may recommend to the relevant authority the suspension or revocation of any license for the practice of that person's profession.

Source
RPPL 7-23 § 27, modified.

§ 8627. Appeal.

There shall be a right of appeal to the Court of Appeals within thirty-five (35) days of the any judgment made under this chapter.

Source
RPPL 7-23 § 28, modified.

§ 8628. Strict liability for officers, directors, etc.

When the person guilty of a violation of this chapter is a corporation, company, partnership, firm, or other association, the officer and directors of the board shall also be liable for that violation, unless he or she proves that the violation was committed without his or her knowledge or consent.

Source
RPPL 7-23 § 29, modified.

34 PNCA § 8629 PUBLIC HEALTH, SAFETY AND WELFARE

§ 8629. Institution of prosecution.

Prosecution under this chapter may be instituted only by:

- (a) an Inspector appointed pursuant to section 8620;
- (b) a member of the Advisory Board; or
- (c) a representative of such voluntary organization engaged in the field of child welfare and development or child nutrition, as the Minister, by notification in the Official Gazette, may authorize in this behalf.

Source

RPPL 7-23 § 30, modified.

§ 8630. Public enforcement.

- (a) Any person has the right to lodge a formal complaint to the Advisory Board, which may recommend that proceedings be instituted against any person relating to a violation of any provision that constitutes an offence under this chapter or rules and regulations made pursuant thereto.
- (b) Any person has the right to commence an action for damages, in a court of law, against any manufacturer or distributor, or other person, for any harm suffered as a result of a violation of any provision that constitutes an offence under this chapter or rules and regulations made pursuant thereto.

Source

RPPL 7-23 § 31, modified.

§ 8631. Power to make rules and regulations.

- (a) The Ministry of Health and Human Services may, under the Administrative Procedures Act, in 6 PNC chapter 1, make rules and regulations for carrying out the purposes of this chapter.
- (b) In particular, but notwithstanding the generality of the foregoing provision, such rules and regulations may prescribe:
 - (1) the functions of the Advisory Board;

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- (2) conditions and procedures for the registration of designated products;
- (3) qualifications and powers of and procedures for Inspectors appointed pursuant to the chapter; and
- (4) procedures for submitting educational or informational materials to the Advisory Board.

Source
RPPL 7-23 § 32, modified.

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