Title 63.

Public Health, Safety and Welfare.

Chap. 1. Public Health, §§ 1 to 103.
2. Health Services Personnel, §§ 151 to 156.
4. Controlled Substances, §§ 251 to 299.
5. Mental Illnesses, §§ 401 to 406.
7. Air, Land and Water Pollution, §§ 501 to 510.

CHAPTER 1.

PUBLIC HEALTH.

Subchapter I.

General Provisions.

Sec.
1. [Repealed.]
2. Duties of director of health services generally.
3. Promulgation of health regulations by director of health services.

Subchapter II.

Vital Statistics; Autopsies.

51. Birth and death records.

Subchapter III.

Miscellaneous Regulations.

101. Isolation and quarantine of contagious diseases.
102. Importation of psittacine birds.
103. Penalties for violation of chapter.
(1) 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 respective districts of the Territory, and on board any vessel;
(2) Adulteration and misbranding of food, drugs, or milk;
(3) Location, air space, ventilation, sanitation, drainage, sewage disposal and other health conditions of buildings, construction projects, excavations, pools, water courses, areas and alleys;
(4) Privy vaults and cesspools and other means of human excreta disposal;
(5) Fish and fishing;
(6) Interments and dead bodies;
(7) 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;
(8) Cemeteries and burying grounds;
(9) Laundries, and the laundering and sterilization of all articles of linen and uniforms used by or in the following businesses and professions: barber shops, manicure shops, beauty parlors, restaurants, soda fountains, hotels, rooming and boarding houses, bakeries, butcher shops, public bathhouses, midwives, masseurs, and others in similar calling, public or private hospitals, and canneries and bottling works where food or beverages are canned or bottled for public consumption or sale; provided, that nothing contained in this section 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;
(10) Hospitals, maternity homes, convalescent homes, children's boarding homes and old folks' homes;
(11) Hotels, rooming houses, lodginghouses, apartment houses and tenements;
(12) Laboratories;
(13) Quarantine of communicable disease and inspection;
(14) Poisons, air-conditioning and ventilating; fumigation;
(15) Places of business, industry, employment, commerce, and processes, materials, tools, machinery, and methods of work done therein, and places of public gathering, recreation or entertainment;
(16) 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;
(17) 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;
(18) Devices, including their components, parts and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man, or (b) to affect the structure or any function of the body of man;
(19) Sources of ionizing radiation, radiation protection;
(20) Medical examination, vaccination, revaccination, and immunization of school children;
(21) Disinsectization of aircraft entering or within the Trust Territory 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.

The director of health services may require such certificates, permits or licenses as he may deem necessary adequately to regulate the conditions or
§ 51. Birth and death records. — (1) The department of health services shall be responsible for:
   (a) The prompt collection of vital statistical information concerning all births and deaths occurring in the Trust Territory;
   (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 of the district in which the birth or death occurred; and
   (d) Compiling, analyzing and publishing vital statistics concerning births and deaths, and such other general welfare of the inhabitants of the Trust Territory.

   (2) Other departments, as designated by the High Commissioner, shall cooperate with and assist the department of health services in performing these functions.

   (3) The clerk of courts in each district shall register births and deaths by recording and indexing each birth and death certificate filed in his office in accordance with the regulations provided in this subchapter. (Code 1966, § 624; Code 1970, tit. 63, § 51.)

§ 52. Autopsies. — Autopsies and post-mortem examinations may be performed by a physician as a means of revealing or clarifying the cause of death, provided each examination does not violate local custom, and provided written consent is secured from the nearest responsible relative. In the case of a death under conditions suggesting poisoning, violence, 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 district director of health services or the district attorney and approved by the district administrator. (Code 1966, § 623; Code 1970, tit. 63, § 52.)

Subchapter III.

Miscellaneous Regulations.

§ 101. Isolation and quarantine of contagious diseases. — Persons suffering from contagious disease, and persons who have been exposed to such diseases, may be isolated and quarantined in accordance with regulations issued pursuant to this title. (Code 1966, § 621; Code 1970, tit. 63, § 101.)

§ 102. Importation of psittacine birds. — No birds of the psittacine family, parrots, parakeets, love birds, etc., shall be imported into the Trust Territory without specific approval in each case by the director of health services. Birds kept in violation of this section may be ordered exported or destroyed by the district director of health services. (Code 1966, § 620; Code 1970, tit. 63, § 102.)
§ 103. 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, or imprisoned for not more than one year, or both. (Code 1966, § 625; Code 1970, tit. 63, § 103.)
 § 151. Training. — The department of health services, in cooperation with the department of education, shall conduct or supervise continuing educational programs in the field of public health including pre-service and in-service training. (Code 1966, § 616; Code 1970, tit. 63, § 151.)

§ 152. Licensing; standards; required. — The director of health services shall establish standards for licensing persons to practice medicine, surgery, dentistry, nursing and other related services. All persons are prohibited from practicing medicine, dentistry or other healing arts, except the practice of native traditional healing arts and except in an apprentice capacity under approved supervision, unless duly licensed or certified by the High Commissioner, in accordance with standards established pursuant to this section. No public health regulation shall be promulgated nor any standard adopted which shall deprive any person duly licensed under this section from practicing medicine, surgery, dentistry, nursing and other related services except for cause under the provisions of section 154 of this chapter. (Code 1966, § 613; Code 1970, tit. 63, § 152.)

§ 153. Same; records. — A permanent record of each license, issued in accordance with the provisions of section 152 of this chapter shall be maintained by the department of health services. (Code 1966, § 614; Code 1970, tit. 63, § 153.)

§ 154. Same; revocation or suspension. — Any license issued pursuant to this chapter may be revoked or suspended for cause by the director of health services after due notice to the licensee, in writing, of the charge or charges that have been made, and the time and place where evidence in support of the same will be heard; provided, that the licensee shall have had the opportunity to present evidence and be heard in his own defense. (Code 1966, § 615; Code 1970, tit. 63, § 154.)

§ 155. Payment of fees for services. — Individual or group fees shall be paid for all medical and dental services provided by the government of the Trust Territory in accordance with schedules and regulations recommended by the director of health services and approved by the High Commissioner, except for such services as the High Commissioner determines shall be free in order to best serve the public interest; provided, that no one in need of medical care shall be denied such care because of inability to pay all or any part of any fee established, and provided further, that there shall be no distinction in treatment or care based upon nonpayment or the amount of payment. (Code 1966, § 617; Code 1970, tit. 63, § 155.)

§ 156. 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, or imprisoned for not more than one year, or both. (Code 1966, § 625; Code 1970, tit. 63, § 156.)
CHAPTER 3.

SANITATION

§ 201. Latrines and toilets; disposal of human excreta generally. — Latrines or toilets conforming to standards established by public health regulations shall be constructed and maintained in connection with each inhabited dwelling in the Trust Territory. Depositions of human intestinal excreta in the vicinity of a dwelling or in or within five hundred yards of any village in a place other than an approved latrine or toilet is prohibited. (Code 1966, § 618(a); Code 1970, tit. 63, § 201.)

Public nuisance resulting from violation of sanitation law. — Every violation of Trust Territory law regarding sanitation does not necessarily create a public nuisance. Public nuisance involved in violation of Trust Territory law regarding sanitation would have to arise from condition created by accused's failure to comply with sanitarian's notice. Zakios v. Trust Territory, 2 TTR 102 (1959).

Nuisance must be shown for nuisance action brought under sanitation law. — In order for violations of Trust Territory law regarding sanitation to create public nuisance and to warrant conviction of maintaining a nuisance, nuisance itself must be proved. Zakios v. Trust Territory, 2 TTR 102 (1959).

§ 202. Accumulation of rubbish, refuse, etc. — The accumulation of rubbish, garbage, cans, coconut shells and other refuse attractive to animal and insect life is prohibited. 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 department of health services shall be deemed to have violated this section. (Code 1966, § 618(b); Code 1970, tit. 63, § 202.)

§ 203. Standards for and inspection of service establishments. — The director of health services 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 department of health services for the purpose of determining whether such standards are being maintained. Failure to correct any substandard conditions after due notice thereof in writing by such representative shall be deemed a violation of this section. (Code 1966, § 618(c); Code 1970, tit. 63, § 203.)

§ 204. Standards for and inspection of food. — All food offered for public sale shall be subject to inspection by duly authorized representatives of the department of health services. Food for human consumption which is adjudged by him to be unsanitary or of questionable sanitary condition because of contamination, spoilage, animal or insect infestation or adulteration shall, as directed by him, either be destroyed, used as animal food, or labeled to describe its true condition. (Code 1966, § 618(d); Code 1970, tit. 63, § 204.)
§ 205. Standards for and inspection of schools. — All schools shall be subject to inspection by duly authorized representatives of the department of health services. They shall maintain minimum acceptable standards of health and sanitation. After due warning and advice, failure of a nonpublic school to maintain acceptable standards may result in revocation of its charter. (Code 1966, § 618(e); Code 1970, tit. 63, § 205.)

§ 206. 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, or imprisoned for not more than one year, or both. (Code 1966, § 625; Code 1970, tit. 63, § 206.)

Sanitary violations constitute independent crimes. — Since violations of Trust Territory law regarding sanitation constitute independent crimes, there is no need to bring such offenses under any of the crimes set forth in chapter six (now title 11) of the code. Zakios v. Trust Territory, 2 TTR 102 (1959).

Government must prove violation in criminal prosecution. — Where criminal prosecution is brought at request of district sanitarian, government must prove beyond reasonable doubt all essential elements of the crime. Sanitarian's belief that there was violation of statute does not do away with need for proof of violation by accused in criminal case. Zakios v. Trust Territory, 2 TTR 102 (1959).

Nature of proof. — In order to show violation of the Trust Territory law regarding sanitation, government must show that failure to comply with notice from sanitarian left condition for which accused was responsible, and which violated provisions of law. Zakios v. Trust Territory, 2 TTR 102 (1959).

Rights of accused when charged with violation of sanitation law. — Where government relies on violation of the Trust Territory law regarding sanitation, accused is entitled to notice of charge, to require proof of charge, and reasonable chance to defend against it or show mitigating circumstances. Zakios v. Trust Territory, 2 TTR 102 (1959).
CHAPTER 4.

CONTROLLED SUBSTANCES.

Subchapter I.

General Provisions.

Sec. 251. Short title.

Sec. 252. Definitions.

Subchapter II.

Standards and Schedules.

Sec. 256. Reports and recommendations by director to congress; amendment of schedule by congress.

Sec. 257. Nomenclature.

Sec. 258. Schedule I; criteria for classification.

Sec. 259. Same; schedule I.

Sec. 260. Schedule II; criteria for classification.

Sec. 261. Same; schedule II.

Sec. 262. Schedule III; criteria for classification.

Sec. 263. Same; schedule III.

Sec. 264. Schedule IV; criteria for classification.

Sec. 265. Same; schedule IV.

Sec. 266. Schedule V; criteria for classification.

Sec. 267. Same; schedule V.

Sec. 268. Annual revision and republication of schedules.

Subchapter III.

Manufacture, Distribution and Dispensing.

Sec. 271. Authority of director to promulgate rules and regulations.

Subchapter IV.

Offenses and Penalties.

Sec. 272. Registration; required; exceptions.

Sec. 273. Same; criteria for granting; effect; compliance with federal law.

Sec. 274. Same; revocation or suspension; grounds; limitation of effect; sealing of substances; notice to bureau.

Sec. 275. Same; same; notice and hearing.

Sec. 276. Same; records.

Sec. 277. Order forms for substances on schedules I or II.

Sec. 278. Prescriptions.

Subchapter I.

General Provisions.

§ 251. Short title. — This chapter may be cited as the "Trust Territory Controlled Substances Act." (P.L. No. 5-110.)

§ 252. Definitions. — As used in this chapter:

(1) "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:
   (a) A practitioner (or, in his presence, by his authorized agent), or
   (b) The patient or research subject at the direction and in the presence of the practitioner.

(2) "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.

(3) "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V of subchapter II of this chapter.

(4) "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, 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.

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

(6) "Director" means the director of the department of health services of the government of the Trust Territory.

(7) "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.

(8) "Dispenser" is a practitioner who dispenses.

(9) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(10) "Distributor" means a person who distributes.

(11) "Drug" means (a) substances recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them, and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals, and (d) substances intended for use as a component of any article specified in clause (a), (b), or (c) of this paragraph, but does not include devices or their components, parts, or accessories.

(12) "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.

(13) "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, except that this 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:

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

(14) "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, but shall 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.
(15) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

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

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

(c) Opium poppy and poppy straw.

(d) 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 ephedrine.

(16) "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 256 of this title, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(17) "Opium poppy" means the plant of the species papaver somniferum L., except the seeds thereof.

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

(19) "Poppy straw" means all parts, except the seeds of the opium poppy, after mowing.

(20) "Practitioner" means:

(a) 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 this territory.

(b) 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 Trust Territory.

(21) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(22) "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.

(23) "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.

(24) "Federal law" means a law enacted by the Congress of the United States. (P.L. No. 5-110.)
§ 256. Reports and recommendations by director to congress; amendment of schedule by congress. — (1) Annually, upon the convening of each annual session of the Congress of Micronesia, the director shall report to the Congress of Micronesia the effects of the implementation of this chapter in relation to the problems of drug abuse in the Trust Territory, and shall recommend to the Congress of Micronesia any additions, deletions or revisions in the schedules of substances enumerated in sections 259, 261, 263, 265 and 267 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:

(a) The actual or probable abuse of the substance including:
   (i) Its history and current pattern of abuse;
   (ii) The scope, duration and significance of abuse; and
   (iii) A judgment of the degree of actual or probable detriment which may result from the abuse of the substance.

(b) The biomedical hazard of the substance including:
   (i) Its pharmacology: the effects and modifiers of effects of the substance;
   (ii) Its toxicology: the acute and chronic toxicity, interaction with other substances whether controlled or not and liability to psychic or physiological dependence;
   (iii) Risk to public health and particular susceptibility of segments of the population; and
   (iv) Existence of therapeutic alternatives for substances which are or may be used for medical purposes.

(c) A judgment of the probable physical and social impact of widespread abuse of the substance.

(d) Whether the substance is an immediate precursor of a substance already controlled under this part.

(e) The current state of scientific knowledge regarding the substance.

(2) After considering the factors enumerated above, the director shall make a recommendation to the Congress of Micronesia, 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 Congress of Micronesia prior to the submission of its annual report in which case the director shall publish and give notice to the public of such recommendation.

(3) The Congress of Micronesia has the sole authority to add, delete, or reschedule all substances enumerated in the schedules in sections 259, 261, 263, 265 and 267 of this title.

(4) If the Congress of Micronesia 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.

(5) 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 Trust Territory law be made by the Congress of Micronesia, 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 Congress of Micronesia in writing of the change in federal law or regulations and of the director's recommendations. (P.L. No. 5-110.)

§ 257. Nomenclature. — The following schedules include the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name or trade name designated. (P.L. No. 5-110.)

§ 258. Schedule I; criteria for classification. — The director in his recommendation shall place a substance in schedule I if he finds that the substance:

(1) Has a high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States, or lacks accepted safety for use in treatment under medical supervision. (P.L. No. 5-110.)

§ 259. Same; schedule I. — The controlled substances listed in this section are included in schedule I:

(1) 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. Allynorpine.
3. Alphacetlymethadol.
5. Alphamethadol.
8. Betameprodine.
11. Clonitazene.
12. Dextromoramide.
15. Diethylambutene.
17. Dimepheptanol.
18. Dimethylthiambutene.
19. Dioxaphetylbutyrate.
20. Dipipanone.
22. Etonitazene.
23. Etoxeridine.
24. Furethidine.
25. Hydroxphethidine.
27. Lavomoramid.
28. Levophenacylmorphan.
29. Morpheridine.
30. Noracymethadol.
32. Normethadone.
33. Norpipanone.
34. Phenadoxone.
35. Phenampromide.
36. Phenomorphan.
37. Phenoperidine.
38. Piritramide.
40. Properidine.
41. Propiram.
42. Racemoramide.
43. Trimeperidine.

(2) 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.
   5. Codeine-N-Oxide.
   6. Cyprenorphine.
   7. Desorphine.
   8. Dihydromorphine.
  10. Etorphine (Except hydrochloride salt).
  11. Heroin.
  15. Morphine methylbromide.
  17. Morphine-N-Oxide.
  18. Myrophine.
  22. Phoclodier.
  23. Thebacon.

(3) 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.
   7. 4-methoxyamphetamine (PMA).
   8. Diethyltryptamine.
   9. Dimethyltryptamine.
  10. 4-methyl-2,5-dimethoxylamphetamine.
  11. Ibogaine.
  12. Lysergic acid diethylamide.
15. Peyote.
17. N-methyl-3-piperidyl benzilate.
18. Psilocyn.
19. Psilocybin.
20. Tetrahydrocannabinol. (P.L. No. 5-110.)

§ 260. Schedule II; criteria for classification. — The director in his recommendation shall place a substance in schedule II if he finds that:
(1) the substance has a high potential for abuse;
(2) the substance has currently accepted medical use with severe restrictions; and
(3) abuse of the substance may lead to severe psychic or physical dependence. (P.L. No. 5-110.)

§ 261. Same; schedule II. — The controlled substances listed in this section are included in schedule II:
(1) 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:
   (a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;
   (b) Any salt, compound, isomers, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in (a), above, but not including the isoquinoline alkaloids of opium;
   (c) Opium poppy and poppy straw;
   (d) 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.
   (2) Any of the following opiates, including their immediate isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically expected, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:
   1. Alphaprodine.
   2. Anileridine.
   3. Apomorphine.
   5. Dihydrocodeine.
   6. Diphenoxylate.
   7. Fentanyl.
   8. Isomethadone.
   9. Levomethorphan.
   10. Levorphanol.
   11. Metazocine.
   12. Methadone.
   17. Pethidine — Intermediate — A, 4-cyano-1-methyl-4-phenylpiperidine.
18. Pethidine — Intermediate — B, ethyl-4-phenylpiperidine; 4-carboxylic acid.
20. Phenazocine.
22. Racemethorphan.
23. Racemorphine.

(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) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
   (b) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
   (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) Phenmetrazine and its salts.
      (2) Methylphenidate. (P.L. No. 5-110.)

§ 262. Schedule III; criteria for classification. — The director in his recommendation shall place a substance in schedule III if he finds that:
   (1) The substance has a potential for abuse less than the substances listed in schedules I and II;
   (2) The substance has currently accepted medical use in treatment in the United States; and
   (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. (P.L. No. 5-110.)

§ 263. Same; schedule III. — The controlled substances listed in this section are included in schedule III:
   (1) 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:
      (a) 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.
      (b) Benzphetamine.
      (c) Chlorhexadol.
      (d) Chlorphentermine.
      (e) Clortermine.
      (f) Clutethimide.
      (g) Diethylpropion.
      (h) Lysergic acid.
      (i) Lysergic acid amide.
      (j) Mazindol.
      (k) Methyproylon.
      (l) Phencyclidine.
      (m) Phendimetrazine.
      (n) Phentermine.
      (o) Sulfondiethylmethane.
      (p) Sulfonethylmethane.
      (q) Sulfonmethane.
      (2) Nalorphine.
      (3) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:
(a) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(c) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(f) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

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

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

(4) The director may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (2) and (3) of this schedule above from the application of all or any part of this chapter 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. (P.L. No. 5-110.)

§ 264. Schedule IV; criteria for classification. — The director in his recommendation shall place a substance in schedule IV if he finds that:

1. The substance has a low potential for abuse relative to substances in schedule III;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in schedule III. (P.L. No. 5-110.)

§ 265. Same; schedule IV. — The controlled substances listed in this section are included in schedule IV:

1. Barbital.
2. Chloral betaine.
3. Chloral hydrate.
4. Diethylpropion.
5. Ethchlorvynol.
7. Fenfluramine.
8. Methohexital.
10. Methylphenobarbital.
11. Paraldehyde.
13. Phenobarbital.

(2) The director may except by rule any compound, mixture, or preparation containing any depressant substance listed in paragraph (1) from the application of all or any part of this chapter 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. (P.L. No. 5-110.)

§ 266. Schedule V; criteria for classification. — The director in his recommendation shall place a substance in schedule V if he finds that:

(1) The substance has a low potential for abuse relative to the controlled substances listed in schedule IV;
(2) The substance has currently accepted medical use in treatment in the United States; and
(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule IV. (P.L. No. 5-110.)

§ 267. Same; schedule V. — The controlled substances listed in this section are included in schedule V:

(1) 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 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams.
   (b) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams.
   (c) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams.
   (d) Not more than 2.5 milligrams of dephenoxylate, and not less than 25 micrograms of atropine sulfate per dosage unit.
   (e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit. (P.L. No. 5-110.)

§ 268. 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. (P.L. No. 5-110.)
control of the manufacture, distribution, and dispensing of controlled substances within the Trust Territory. (P.L. No. 5-110.)

§ 272. Registration; required; exceptions. — (1) Every person who manufactures, distributes, or dispenses any controlled substance within the Trust Territory or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within the Trust Territory shall obtain annually a registration issued by the director in accordance with the rules made by him.

(2) 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 subchapter.

(3) The following persons need not register and may lawfully possess controlled substances under the provision of this chapter:

(a) 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.

(b) 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.

(4) 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.

(5) A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(6) The director or his designee may inspect the establishment of a registrant or applicant for registration in accordance with the rules promulgated by him. (P.L. No. 5-110.)

§ 273. Same; criteria for granting; effect; compliance with federal law. — (1) The director shall register an applicant to manufacture or distribute controlled substances included in schedules I through V of subchapter II of this chapter 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:

(a) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(b) Compliance with applicable law;

(c) Prior conviction record of applicant under federal, state and local laws relating to controlled substances;

(d) Past experience in the manufacture or distribution of controlled substances, and the existence in the establishment of effective controls against diversion;

(e) Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

(f) Suspension or revocation of the applicant’s federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(g) Any other factors relevant to and consistent with the public health and safety.

(2) Registration granted under paragraph (1) 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.
(3) 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 law of the Trust Territory. The director need not require separate registration under this subchapter for practitioners engaging in research with non-narcotic controlled substances in schedules II through V where the registrant is already registered under this subchapter in another capacity. Practitioners registered under federal law to conduct research with schedule I substances may conduct research with schedule I substances within the Trust Territory upon furnishing evidence of that federal registration.

(4) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) shall be deemed compliance with this section. (P.L. No. 5-110.)

§ 274. Same; revocation or suspension; grounds; limitation of effect; sealing of substances; notice to bureau. — (1) A registration pursuant to section 273 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:

(a) Has materially falsified any application filed pursuant to this chapter or required by this chapter;

(b) Has been convicted of any violation under this chapter or any law of the United States, or of any state or territory, relating to any substance defined herein as a controlled substance; or

(c) 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

(d) Has violated any regulation promulgated by the director relating to subchapter III of this chapter;

(e) 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.

(2) The director may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(3) In the event the director suspends or revokes a registration granted under section 273 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.

(4) The bureau shall promptly be notified of all orders suspending or revoking registration and all forfeitures of controlled substances. (P.L. No. 5-110.)

§ 275. Same; same; notice and hearing. — (1) 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 17 of this Code notice to show cause why registration should not be 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 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 days before the expiration of the registration. These proceedings shall be conducted in accordance with chapter 1 of title 17 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.

(2) The director may suspend, without a notice to show cause, any registration simultaneously with the institution of proceedings under section 274 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. (P.L. No. 5-110.)

§ 276. Same; records. — Persons registered to manufacture, distribute, or dispense controlled substances under this chapter 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 chapter. (P.L. No. 5-110.)

§ 277. 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. (P.L. No. 5-110.)

§ 278. Prescriptions. — (1) 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.

(2) 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 276 of this title. No prescription for a schedule II substance may be refilled.

(3) 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 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

(4) A controlled substance included in schedule V shall not be distributed or dispensed other than for a medical purpose.

(5) No prescription for a controlled substance shall be filled or refilled with more than a thirty day supply, based upon the dosage units contained in the prescription. (P.L. No. 5-110.)

Subchapter IV.

Offenses and Penalties.

§ 291. Trafficking. — (1) Except as authorized by this chapter, it shall be unlawful for any person knowingly or intentionally:
§ 292. Possession. — (1) 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 chapter.

(2) Any person who violates paragraph (1) with respect to any controlled substance except marihuana shall be sentenced to a term of imprisonment for not more than one year, a fine of not more than one thousand dollars, or both.

(3) Any person who violates paragraph (1) with respect to marihuana shall be penalized as follows:
   (a) Any person who possesses one ounce or less shall be fined not more than fifty dollars;
   (b) Any person possessing more than one ounce but less than two and two-tenths pounds shall be sentenced to a term of imprisonment of not more than three months, a fine of not more than five hundred dollars, or both;
   (c) Any person possessing two and two-tenths pounds or more of marihuana shall be sentenced to a term of not more than one year, a fine of not more than one thousand dollars, or both. The possession of two and two-tenths pounds or more of marihuana by any person shall constitute a rebuttable presumption of the crime of trafficking under paragraph (b) of subsection (2) of section 291 of this title. (P.L. No. 5-110.)

§ 293. Commercial offenses. — (1) It shall be unlawful for any person who is subject to the requirements of subchapter III of this chapter:
   (a) To distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
   (b) To manufacture, distribute, or dispense a controlled substance not authorized by his registration to another registrant or other authorized person;
   (c) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;
   (d) To refuse an entry into any premises for any inspection authorized by this chapter; or
   (e) 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 chapter.

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§ 294. Fraudulent practices. — (1) It shall be unlawful for any person knowingly or intentionally:
   (a) 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 277 of this title;
   (b) 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;
   (c) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;
   (d) 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 chapter, or any record required to be kept by this chapter;
   (e) 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.
   (2) Any person who violates this section is punishable by imprisonment for not more than five years, a fine of not more than one thousand dollars, or both. (P.L. No. 5-110).

§ 295. Attempts and conspiracies. — Any person who attempts, endeavors or conspires to commit any offense defined in this chapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt, endeavor or conspiracy. (P.L. No. 5-110.)

§ 296. Penalties for violation of chapter to be in addition to civil or administrative penalties. — Any penalty imposed for violation of this chapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law. (P.L. No. 5-110.)

§ 297. Distribution to persons under eighteen. — Any person who is at least eighteen years of age who violates subparagraph (a) of subsection (1) of section 291 of this title by distributing a substance listed in schedules I or II which is a narcotic drug to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment of up to twice that authorized by subparagraph (a) of subsection (1) of section 291 of this title, by the fine authorized by subparagraph (a) of subsection (1) of section 291 of this title, or both. Any person who is at least eighteen years of age who violates subparagraph (a) of subsection (1) of section 291 of this title by distributing any other controlled substance listed in schedules I, II, III and IV to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment up to twice that authorized in subparagraphs (b) or (c) of subsection (2) of section 291 of this title, by the fine authorized by subparagraphs (b) or (c) of subsection (2) of section 291 of this title, or both. (P.L. No. 5-110.)

§ 298. Conditional discharge for first offense possession. — (1) Whenever any person who has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state or
territory 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 paragraph (1) of section 292 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 299 of this title. Discharge and dismissal under this section may occur only once with respect to any person.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) 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. (P.L. No. 5-110.)

§ 299. Conviction by another jurisdiction not bar to prosecution. — If a violation of this chapter is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is not a bar to prosecution in the Trust Territory. (P.L. No. 5-110.)
§ 401. Execution of diagnosis, treatment and care generally. — 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 health services or his designated representative. When commitment for insanity is indicated, persons may be committed pursuant to the provisions of section 402 of this chapter. Feeble-minded or mentally ill persons shall not be confined in jails or penal institutions, except temporarily in case of emergency. (Code 1966, § 622; Code 1970, tit. 63, § 401.)

§ 402. Commitment of incompetents; authorized; prerequisites; orders. — The trial division of the high court, or any district court, may, after hearing, commit an insane person within its jurisdiction to any hospital for the care and keeping of the insane in the Trust Territory, 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. Such commitment of an insane person shall be made only on the testimony of two or more witnesses who personally testify in open court and at least one of whom is a doctor of medicine or medical practitioner authorized to practice medicine in the Trust Territory. 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. 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, such 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. In making such 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. (Code 1966, § 330; Code 1970, tit. 63, § 402.)

§ 403. Same; temporary commitments. — (1) The trial division of the high court, any district court, or any community court, may, after hearing, commit for observation of possible mental illness any person within its jurisdiction. Such commitment 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 Trust Territory, or from a nurse, health aide, or nurse’s aide, who has 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; provided, that the court shall, whenever practicable, endeavor to secure the testimony of a doctor or medical practitioner.

(2) Such 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 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
§ 404. Same; transfers. — Any person committed under this chapter may be transferred to any institution deemed suitable for his care by order of the director of health services for the Trust Territory or, within any one district, by the district director of health services. (Code 1966, § 332; Code 1970, tit. 63, § 404.)

§ 405. Same; release. — (1) By the court. The husband, wife, parent or child or any of the next of kin as determined by local custom of any person committed for observation or as insane under this chapter may at any time petition the trial division of the high court or the district court of the district where the patient is detained, requesting that the commitment be terminated or the patient paroled, and the court may, after notice to the district director of health services 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.

(2) By medical authorities. The doctor in charge of any hospital for the insane in the Trust Territory 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 a criminal offense, as follows:

(a) Upon filing with the clerk of courts in the district in which the hospital is located a written certificate by the doctor in charge that such patient is considered to be recovered, and airmailing a copy of this certificate, postage prepaid, to the clerk of courts of the district from which the patient was committed, if he was committed in another district.

(b) Upon filing with the clerk of courts of the district in which the hospital is located 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, and airmailing a copy of this certificate, postage prepaid, to the clerk of courts of the district from which the patient was committed, if he was committed in another district.

(c) Upon transfer of such patient to an institution for care of mental cases outside of the Trust Territory.

(3) Temporary leave of absence. The doctor in charge of any hospital for the insane in the Trust Territory 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 in charge of the hospital for the insane from which a patient is absent on leave 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.

(4) By person in charge of one committed for observation. The person to whom or the person in charge of the institution to which a person has been temporarily committed for observation under this Code may release such a patient whenever the person to whom or the person in charge of the institution to which the patient has been temporarily committed, deems such release is safe. (Code 1966, § 333; Code 1970, tit. 63, § 405.)
§ 406. Same; apprehension of absentees or escapees. — Any patient who has been committed under this chapter 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 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. (Code 1966, § 334; Code 1970, tit. 63, § 406.)
§ 451. Fires to clear land; permission required. — 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 district administrator or his authorized representative. 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. (Code 1966, § 765; Code 1970, tit. 63, § 451.)

§ 452. Same; penalties. — (1) A person who, without proper and valid authorization sets any fire in violation of the provisions of section 451 of this chapter shall be guilty of a misdemeanor, and liable to be fined up to one hundred dollars, or imprisoned not more than one month, or both.

(2) A person who, without proper and valid authorization, (a) wilfully, 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 (b) wilfully, 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 (c) accidentally sets or causes to be set any fire on land not owned, leased or controlled by him whereby any property of another is injured or destroyed, 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 hundred dollars, or imprisoned for a period of not more than six months, or both.

(3) Setting such fires or causing or permitting them to be set or allowing them to escape shall be prima facie proof of wilfulness, malice, or negligence under this section; provided, that nothing herein contained shall apply to a person who in good faith sets a backfire to check a fire already burning; provided further, that 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. (Code 1966, § 766; Code 1970, tit. 63, § 452; P.L. No. 4C-16, § 1.)
### CHAPTER 7.

### Air, Land and Water Pollution.

#### Subchapter I.

**Environmental Quality Protection Act.**

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#### Subchapter I.

**Environmental Quality Protection Act.**

**§ 501. Short title.** — This subchapter may be cited as the "Trust Territory Environmental Quality Protection Act." (P.L. No. 4C-78, § 1.)

**§ 502. Public policy.** — The people, plants and animals of the Trust Territory are dependent upon the air, land and water resources of the islands for public and private drinking water systems, for agricultural, industrial and recreational uses, and as a basis for tourism. Therefore, it is declared to be the public policy of the Trust Territory, and the purpose of this subchapter, to achieve, maintain and restore such levels of air, land and water quality as will protect human health, welfare and safety and to the greatest degree practicable prevent injury to plant and animal life and property, and as will foster the comfort and convenience of its people and their enjoyment of the environment, health, life and property, and as will promote the economic and social development of the Trust Territory and facilitate enjoyment of its attractions. (P.L. No. 4C-78, § 2; P.L. No. 7-19, § 1; P.L. No. 7-64, § 1; P.L. No. 7-90, § 1.)

**§ 503. Definitions.** — The following words, for the purposes of this subchapter, shall have the following meanings:

1. "Director of health services" or "director" shall mean the director personally or his duly authorized representative.
2. "Board" shall mean the Trust Territory environmental protection board.
3. "Person" shall mean the Trust Territory, a district, municipality, political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Trust Territory or any state or country, lessee or other occupant of property, or individual, acting singly or as a group.
4. "Administrator" shall mean the administrator of the United States environmental protection agency.
5. "Federal acts" or "Federal act" shall mean the safe drinking water act, public law 93-523; the federal environmental pesticide control act of 1972, public law 92-516; and the federal water pollution control act, as amended, public law 92-500.
6. "Primary drinking water regulation" shall mean a regulation which:
(a) Applies to public water systems;
(b) Specifies contaminants which, in the judgment of the director, may have any adverse effect on the health of persons; and
(c) Specifies for each such contaminant either:
   (i) A maximum contaminant level, if, in the judgment of the director, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or
   (ii) If, in the judgment of the director, it is not economically or technologically possible to so ascertain the level of such contaminant, each treatment technique known to the director which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 1412 of the safe drinking water act, U.S. public law 93-523; and
(d) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to:
   (i) The minimum quality of water which may be taken into the system; and
   (ii) Siting for new facilities for public water systems.

(7) "Public water system" shall mean a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. Such term includes:
   (a) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system; and
   (b) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(8) "State plan" shall mean an individual plan for:
   (a) The certification of applicators of pesticides under section 4 of federal insecticide, fungicide, and rodenticide act (FIFRA), as amended; or
   (b) Issuance of pesticide product registrations to meet special local needs as defined under section 24(a) of FIFRA as amended; or
   (c) Issuance of experimental uses permits under section 5CD of FIFRA, as amended.

(9) The term "secondary regulation" shall mean a regulation which applies to public water systems and which specifies the maximum contaminant levels which in the judgment of the director are requisite to protect the public welfare. Such regulations may apply to any contaminant in drinking water (a) which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of persons served by the public water system providing such water to discontinue its use, or (b) which may otherwise adversely affect the public welfare. Such regulations may vary according to geographic and other circumstances. (P.L. No. 4C-78, § 3; P.L. No. 7-19, § 2; P.L. No. 7-64, § 2.)

Editor's note. — The Safe Drinking Water Act, referred to in subdivision (6)(c)(ii) above, may be found generally in 42 U.S.C. §§ 300f-300j-10. The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subdivisions (8)(a)-(8)(c), above, may be found in 7 U.S.C. §§ 136-136g.

§ 504. Trust Territory environmental protection board; created; membership; terms; vacancies; chairman; qualifications; compensation; cooperation of other agencies; meeting of board; quorum; secretary. — (1) There is hereby established in the office of the High Commissioner a board to be known as the Trust Territory environmental protection board to be
composed of nine members as follows: the director of health services, director of public works, director of resources and development, and six citizens of the Trust Territory, to be appointed by the High Commissioner with the advice and consent of the Congress of Micronesia; provided, that such appointments shall include one representative from each of the six administrative districts. The initial appointments of appointed members shall be made as follows: two for a period of one year; two for a period of two years; and two for a period of three years. Successors to the first appointees hereunder shall be appointed for terms of three years each. Vacancies other than by expiration of term shall be filled by the High Commissioner by appointment, in the same manner as the original appointment was made, for the unexpired term. The chairman shall be the director of health services.

(2) The High Commissioner in his appointments shall select persons who are citizens and residents of the Trust Territory for their ability, and all appointments shall be of such nature as to aid the work of the board to inspire the highest degree of cooperation and confidence in carrying out the policy and purpose of this subchapter.

(3) Members of the board shall serve without compensation as such, but shall be entitled to receive travel costs and per diem at standard Trust Territory rates when engaged in the performance of the duties of the board. Any employee of the Trust Territory government shall be granted leave with pay while engaged in the performance of the duties of the board.

(4) The board may call upon any Trust Territory department or agency for technical assistance. All departments or agencies of the Trust Territory shall, upon request, assist the board in the performance of its duties. Immediate staff for the board shall be drawn from both the district and the headquarters divisions of environmental health within the health services department.

(5) The board shall meet at least once every three months. Meetings may be held at any time or place to be determined by the board upon the call of the chairman or upon written request of any three members. All meetings shall be open to the public, and public notice of the time and place of such meetings shall be posted in public places and shall be announced on the radio throughout the Trust Territory.

(6) Five members of the board shall constitute a quorum for the transaction of business.

(7) The board shall designate a secretary who shall keep all records of, and actions taken by, the board. These records shall be open to the public for public inspection.

(8) The Attorney General shall, upon request of the chairman, act as legal advisor to the board.

(9) The board shall designate a full-time salaried executive officer who shall administer the functions of the board and shall have such duties and responsibilities as may be delegated to him by the board.

(10) The board shall submit to the High Commissioner and to the Congress of Micronesia, not later than September 1 of each year, a report detailing its activities during the previous fiscal year. (P.L. No. 4C-78, § 4; P.L. No. 7-19, § 3.)

§ 505. Same; powers and duties. — The board shall have the power and duty to protect the environment, human health, welfare and safety, to abate, control and prohibit pollution or contamination of air, land and water in accordance with this subchapter and the regulations adopted and promulgated pursuant to this subchapter. The board shall balance the needs of economic and social development against those of environmental quality and shall adopt regulations and pursue policies which, to the maximum extent possible, promote these twin needs, any other provision of this subchapter notwithstanding. For these purposes the board is authorized and empowered to:
(1) Adopt, approve, amend, revise, promulgate and repeal regulations, in the manner which is or may be provided by law, to effect the purposes of this subchapter, and enforce such regulations which shall have the force and effect of law;

(2) Adopt, approve, amend, revise, promulgate and repeal primary and secondary drinking water regulations, including the establishment of an underground injection control program, which program shall conform to all requirements of the safe drinking water act (U.S. public law no. 93-523) and any applicable regulations promulgated thereunder, and enforce such regulations which shall have the force and effect of law;

(3) Accept appropriations, loans and grants from the United States government or any agency thereof and other sources, public or private, which loans, grants and appropriations shall not be expended for other than the purposes of this subchapter;

(4) Adopt and provide for the continuing administration of a Trust Territory-wide program for the protection of the environment, human health, welfare and safety, and for the prevention, control and abatement of pollution of the air, land and water, including programs for the abatement or prevention of the contamination of drinking water systems of the Trust Territory, and from time to time review and modify such programs as necessary;

(5) Establish criteria for classifying air, land and water in accordance with present and future uses;

(6) Adopt and implement plans for the certification of applicators of pesticides, for the issuance of experimental use permits for pesticides and a plan to meet special local needs, and such other measures as may be necessary to carry out the purposes of the federal insecticide, fungicide, and rodenticide act (U.S. public law no. 92-516);

(7) Establish and provide for the continuing administration of a permit system whereby a permit shall be required for the discharge by any person of any pollutant in the air, land or water, or for the conduct by any person of any activity, including but not limited to the operation, construction, expansion or alteration of any installation, which results in or may result in the discharge of any pollutant in the air, land or water, provide for the issuance, modification, suspension, revocation and termination of such permits, and for the posting of an appropriate bond;

(8) Collect information and establish record keeping, monitoring and reporting requirements as necessary and appropriate to carry out the purposes of this subchapter. (P.L. No. 4C-78, § 5; P.L. No. 7-19, § 4; P.L. No. 7-64, § 3; P.L. No. 7-90, § 2.)

§ 506. Right of entry. — Whenever it is necessary for the purposes of this subchapter, the board, or any member, agent or employee when duly authorized by the board or by court order may, at reasonable times, enter any establishment or upon any property, public or private, for the purpose of obtaining information, making inspections, obtaining samples, inspecting or copying records required to be maintained by the provisions of this subchapter and any regulations promulgated thereunder, or conducting surveys or investigations for the purpose of carrying out the purpose and policy of this subchapter. (P.L. No. 4C-78, § 6.)

§ 507. Enforcement and implementation. — (1) Any person who violates any provision of this subchapter, shall be subject to enforcement action by the board. Such enforcement action may include, but is not limited to, issuance of an order to cease and desist from such violation, imposition of a civil penalty up to ten thousand dollars for each day of such violation, or commencement of a civil action to enjoin such violation.
(2) Whenever the board finds that a discharge of waste is taking place or threatening to take place within a district that violates or will violate requirements prescribed by the board or that the waste collection treatment or disposal facilities of a discharger are approaching capacity, the board shall require the discharger to submit for approval of the board, with such modifications as it may deem reasonably necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

(3) When the board finds that discharge of waste is taking place or threatening to take place within its jurisdiction in violation of requirements of discharge prohibitions prescribed by the board, the board shall issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.

(4) A public hearing to determine the authenticity of the facts upon which the cease and desist order was issued shall be conducted by the board, adequate notice of which and opportunity to appear and be heard at which shall be afforded to all interested persons.

(5) Cease and desist orders of the board shall become effective upon issuance, and final as to the said board upon issuing findings after a public hearing. Copies shall be served forthwith by registered mail upon the person being charged with the violation of the requirements and upon other affected persons who appeared at the hearing and requested a copy.

(6) Any person who discharges any pollutant into the water, air, or on the land, of the Trust Territory in violation of any discharge permit, requirement or other order issued by the board or who intentionally or negligently causes or permits any pollutant to be deposited where it is discharged into the water, air, or land of the Trust Territory shall, upon order of the board, clean up such pollutant or abate the effects thereof. Upon failure of any person to comply with such clean-up or abatement order, the Attorney General or his designated representative, at the request of the board, shall petition the trial division of the high court for that district for the issuance of an injunction, mandamus or other appropriate remedy requiring such person to comply therewith.

(7) The provisions of this section and of section 508 of this title shall be interpreted consistently with the provisions of any law concerning administrative procedure which is or may hereafter become Trust Territory law. In the event of conflict between the two, the provisions of the latter shall supersede and be controlling. (P.L. No. 4C-78, § 7; P.L. No. 5-20, § 1; P.L. No. 7-64, § 4.)

§ 508. Review by high court. — Any person who may be adversely affected by the enforcement of any standard policy, regulation, permit or order of the board and who alleges its invalidity may file a petition for a declaratory judgment thereon addressed to the trial division of the high court in the district where the petitioner is a resident. The court shall declare the standard, policy, regulation, permit or order invalid if it finds that it exceeds the statutory authority of the board, or is arbitrary and capricious. An appeal may be had from the decision of the court to the appellate division of the high court as provided by law. (P.L. No. 4C-78, § 8.)
§ 509. Prohibited acts; fines, penalties and damages. — (1) Any person who violates any provisions of this subchapter, or of any permit, regulation, standard or order issued or promulgated hereunder, shall be subject to a civil penalty not to exceed ten thousand dollars per day of such violation. Such sums shall be paid to the treasurer of the Trust Territory for credit to the general fund of the Congress of Micronesia.

(2) The Attorney General or his designated representative, upon request of the board, shall petition the trial division of the high court for a judgment assessing damages. In determining such damages, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, taken by the discharger.

(3) Any person who wilfully or negligently (a) discharges pollutants in violation of section 505 of this title or in violation of any condition or limitation included in a permit issued under section 505 of this title; or (b) violates the requirements of section 505 of this title; or (c) with respect to introduction of pollutants into publicly owned treatment works violates a pretreatment standard or toxic effluent standard shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than two thousand five hundred dollars nor more than twenty five thousand dollars per day of violation. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than fifty thousand dollars per day of violation.

(4) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this subchapter, or by any permit, regulation or order issued under this subchapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this subchapter or by any permit, regulation, or any order issued under this subchapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months, or by both.

(P.L. No. 4C-78, § 9; P.L. No. 5-20, §§ 2 to 4.)

§ 510. District environmental protection advisory boards. — (1) There is hereby created in each district of the Trust Territory an advisory board of perpetual duration to be designated as a district environmental protection advisory board. The district board shall be deemed for all purposes an agency of the Trust Territory environmental protection board; provided, that the district board shall not be delegated with the powers and duties of the Trust Territory environmental protection board as enumerated in section 505.

(2) The powers of the district board shall be vested in a board of directors, which shall consist of seven members, one of which will be the environmental protection board member for the district, the other six shall serve four-year terms, and be appointed by the district administrator with the advice and consent of the district legislature, which shall be required to act within thirty days from the date of each respective appointment. Appointments made while a district legislature is not in session may be made with the advice and consent of a committee of the legislature authorized to approve appointments; provided, that the first appointments made under the provisions of this section shall be made as follows:

(a) One member for a period of five years;
(b) Two members for a period of four years;
(c) One member for a period of three years;
(d) One member for a period of two years; and
(e) One member for a period of one year.

All appointments made thereafter shall be for a period of four years. The district planning officer shall be an ex officio, non-voting member of the district board. Any member of the district board may be removed from the board by the district administrator for inefficiency, neglect of duty or misconduct in office. In the event of any vacancy in the membership of the board, such vacancy shall be filled in the same manner as the original appointments; provided, that appointments to fill vacancies on the district board shall be made for the unexpired term of the member who vacated the seat.

(3) The district board shall elect from among its members a chairman, a vice-chairman, and a secretary. The district administrator shall designate a member to serve as temporary chairman of the board until such time as the board shall elect a chairman. The district planning officer shall act as a technical adviser to the board.

(4) Directors shall receive no compensation for their services, but shall be entitled to per diem at standard Trust Territory rates and reimbursement for travel costs when engaged in the business of the district board.

(5) The board shall meet not less than once each calendar quarter, and may hold such additional meetings as it deems necessary and appropriate.

(6) The district government shall provide such office space as may be required by the district board and shall provide such logistical and administrative support as may be required by the district board within the limits of availability.

(7) The powers and duties of the district environmental protection board shall include, but not be limited to the following:

(a) Collecting data and any information relative to identifying the local needs with respect to controlling, protecting, and enhancing the environmental quality of the district and the Trust Territory islands;

(b) Act as an agent of the Trust Territory environmental board in implementing its programs at the district level;

(c) Conduct investigations, make studies, review local grievances, and make recommendations as needed to the Trust Territory environmental protection board for constructive action;

(d) Conduct its activities as a committee for the Trust Territory environmental board under appropriate circumstances; and

(e) Perform any other related activities within the jurisdiction of the Trust Territory environmental protection board. (P.L. No. 7-19, § 5; P.L. No. 7-90, § 3.)
CHAPTER 8.

WEAPONS.

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Sec. 568. Manufacturers and wholesalers.

§ 551. Short title. — This chapter is known and may be cited as the “Trust Territory Weapons Control Act.” (P.L. No. 4C-13, § 1.)

§ 552. Manufacture, sale or possession of firearms and dangerous devices. — No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided. (P.L. No. 4C-13, § 2.)

§ 553. Exemptions from provisions of chapter. — This chapter shall not apply to:
(1) Law enforcement officers while engaged in official duty except to the extent that particular provisions of this subchapter are expressly made applicable to them.
(2) Firearms which are in unserviceable condition and which are incapable of being fired or discharged and which are kept as curios, ornaments or for their historical significance or value.
(3) Weapons or other dangerous devices which are not firearms and which are kept as ornaments, curios, or objects of historical or archeological interest; provided, that the article or articles referred to herein are kept or displayed only in private homes, museums, or in connection with public exhibitions.
(4) Persons in the armed forces of the United States, whenever such persons are engaged on official duty except to the extent that particular provisions of this chapter are expressly made applicable to them.
(5) Persons designated by the Attorney General as crocodile hunters; provided, however, that not more than one person shall be so designated at any one time; and provided further that the Attorney General shall by regulation limit the size and type of weapons which may be used by such crocodile hunter. (P.L. No. 4C-13, § 3; P.L. No. 4C-10, § 3; P.L. No. 4C-40.)

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§ 554. Definitions. — (1) "Firearm" means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns, except a device designed or redesigned for use solely as a signaling, linethrowing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air.

(2) "Dangerous device" means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or gravity blade knife, blackjack, sandbag, metal, wooden or shark's tooth knuckles, dagger, any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose.

(3) "Handgun" means a pistol or revolver with an overall length of less than twenty-six inches.

(4) "Long gun" means a rifle with one or more barrels more than eighteen inches in length.

(5) "Gun" means a handgun or long gun.

(6) "Transfer" means sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another.

(7) "Carry" means having on one's person or in a motor vehicle or other conveyance.

(8) "Automatic weapon" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle, by one continued movement of the trigger or firing mechanism.

(9) "Semi-automatic weapon" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle by a like number of movements of the trigger or firing mechanism without recocking or resetting the trigger or firing mechanism.

(10) "Person" means any natural person, corporation, partnership, or other business entity. (P.L. 4C-13, § 4; P.L. 4C-40, § 2; P.L. No. 5-61, § 1.)

§ 555. Identification cards. — (1) No person shall acquire or possess any firearm, dangerous device or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition.

(2) Identification cards shall be issued only by the office of the Attorney General pursuant to regulations made by the office of the Attorney General in the manner which is or may be provided by law. The identification card shall have on its face all of the following:

(a) The name and address of the holder.

(b) The sex, height and weight of the holder.

(c) The birth date of the holder.

(d) The date of expiration for the card which shall be two years from the date of issue.

(e) A photograph of the holder taken within ten days prior to issuance.

(f) An endorsement setting forth the extent of the holder's eligibility to possess, use and carry firearms, dangerous devices, or ammunition.

(g) The number of the identification card.

(3) An applicant for an identification card shall make application therefor on a form approved by the office of the Attorney General and shall supply such
information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this chapter to possess and use, or carry, firearms, dangerous devices, or ammunition, as the case may be.

(4) No identification card shall issue until fifteen days after application therefor, and unless the issuing agency is satisfied that the applicant may lawfully possess and use, or carry firearms, dangerous devices, or ammunition of the type or types enumerated on the identification card. Unless the application for use and possession is denied, the identification card shall issue within sixty days from the date of application.

(5) No person shall be issued an identification card if he has been:
   (a) Acquitted of any criminal charge by reason of insanity.
   (b) Adjudicated mentally incompetent.
   (c) Treated in a hospital for mental illness, drug addiction or alcoholism.
   (d) Convicted of a crime of which actual or attempted personal injury or death is an element.
   (e) Convicted of a crime in connection with which firearms or dangerous devices were used or found in his possession.
   (f) Convicted of a crime of which the use, possession or sale of narcotics or dangerous drugs is an element.

(6) No person shall be issued an identification card if he has a physical condition or impairment which makes him unable to use a firearm or dangerous device with proper control.

(7) Any person suffering from a physical or mental defect, condition, illness or impairment which would make him ineligible for an identification card pursuant to this section may submit the certificate of a physician licensed to practice in the Trust Territory to the issuing agency or officer. If the certificate states that it is the subscribing physician's best opinion that the defect, condition, illness or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. But no such card shall be valid for a period longer than six months.

(8) Any person who is ineligible for an identification card by reason of conviction of crime may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a firearm or dangerous device, as the case may be, are not likely to constitute a special danger to the public safety.

(9) The holder of an identification card shall have it on or about his person at all times when he is carrying or using a firearm or dangerous device and shall display the card upon the request of any law enforcement official.

(10) A duplicate identification card may be issued to the holder of a lost, destroyed or defaced identification card upon proof of such loss, destruction or defacement as the office of the Attorney General may require, upon payment of the fee required by section 580 of this title and upon surrender of any remaining portion of the original card. Notice shall be given the office of the Attorney General by the holder within forty-eight hours of his discovery of such loss, defacement or destruction. The holder shall notify the office of the Attorney General of any change of name or address from those appearing upon the identification card within forty-eight hours of such change.

(11) A person who is neither a citizen nor resident of the Trust Territory shall not be eligible for an identification card, except upon receiving special permission from the Attorney General. (P.L. No. 4C-13, § 5.)
§ 556. Identification card prerequisite to purchase, possession and use; prima facie evidence of possession. — (1) No person shall purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this chapter evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device or ammunition. Such person shall be at least twenty-one years of age.

(2) Where a firearm, dangerous device, or ammunition is found in a vehicle or vessel, it shall be prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant if there is but one. If there is more than one occupant, it shall be prima facie evidence that it is in the possession of all, except under the following circumstances:

(a) Where it is found upon the person of one of the occupants;

(b) Where the vehicle or vessel is not a stolen one and the firearm, dangerous device, or ammunition is out of view in a glove compartment, automobile trunk, or other enclosed customary depository, in which case it is prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant or occupants who own or have authority to operate the vehicle or vessel;

(c) Where, in the case of a taxicab, the firearm, dangerous device, or ammunition is found in the passengers' portion of the vehicle, it shall be prima facie evidence that it is in the possession of all the passengers, if there are any, and, if not, that it is in the possession of the driver. (P.L. No. 4C-13, § 6; P.L. No. 5-61, § 2.)

§ 557. Carrying firearms. — No person shall carry a firearm unless he has in his immediate possession a valid identification card, and is carrying the firearm unloaded in a closed case or other securely wrapped or closed package or container, or locked in the trunk of his vehicle while en route to or from a target range, or area where he hunts, or takes part in other sports involving firearms, or carries the firearm in plain sight on his person while actively engaged in hunting or sports involving the use of firearms. (P.L. No. 4C-13, § 7.)

§ 558. New residents, temporary residents and visitors of the Trust Territory. — Visitors, new residents, and temporary residents in the Trust Territory shall not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the Trust Territory without an identification card issued pursuant to this chapter. Any person who possesses any firearms, dangerous devices, or ammunition shall, before or immediately upon his entrance into the Trust Territory, turn it in to the Attorney General's office or the chief of police of any district of the Trust Territory. Such firearm, dangerous device or ammunition shall be returned to such person upon his being issued an identification card pursuant to the provisions of this chapter or upon his departure from the Trust Territory. (P.L. No. 4C-13, § 8.)

§ 559. Law enforcement officers. — (1) Possession, use and carriage of firearms, ammunition and dangerous devices by law enforcement officers derives from the laws governing the powers, functions and organization of the police and other organized forces of peace officers. Eligibility of law enforcement officers to possess, use and carry firearms, ammunition or dangerous devices while on duty is not subject to the holding of identification cards or any other qualifications prescribed in this chapter or in regulations pursuant thereto.

(2) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in subsection (1) of this section, be subject to the provisions of this chapter and regulations made pursuant thereto.
§ 560. Licenses for transfer; required. — (1) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefor as provided in this section.

(2) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer's license. The application shall be on a form approved by the office of the Attorney General and shall contain the following information:

(a) The name and address of the applicant, including the address of each separate location within the Trust Territory at which the applicant proposes to do business pursuant to the license; and

(b) If the applicant is a partnership or association, the names and addresses of the partners or associates, or if the applicant is a corporation, the names and addresses of the officers and directors; and

(c) Such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the office of the Attorney General may require. (P.L. No. 4C-13, § 10.)

§ 561. Same; issuance and renewal of dealer's license. — (1) Upon receipt of a proper application and payment of the prescribed fee, the office of the Attorney General shall within sixty days issue a dealer's license to an applicant, if he is found to be eligible therefor pursuant to this chapter and any applicable regulations of the Attorney General. Such regulations shall place a reasonable limit on number of dealers. The license shall list the types of firearms, ammunition, and dangerous devices which the dealer has been authorized to offer for sale.

(2) A license issued pursuant to this section shall be valid for one year from the date of its issuance, unless sooner cancelled, suspended or revoked. A license shall bear the expiration date thereof on its face.

(3) A license issued pursuant to this section may be renewed annually upon application by the holder made on a form approved by the office of the Attorney General. Eligibility for renewal shall be on the same terms and conditions as for an original license, except that renewal also may be denied on account of violation of this chapter or regulations of the office of the Attorney General made pursuant thereto or for any conduct in the operation of the applicant's business which gives the office of the Attorney General grounds to believe that the applicant will no longer operate in a manner consonant with the public safety. (P.L. No. 4C-13, § 11.)

§ 562. Same; display; conduct of dealer's business. — The holder of a dealer's license shall:

(1) Display his license in a conspicuous place at all times at the establishment described in the license. If a dealer has more than one place of business at which he sells firearms, dangerous devices and ammunition or any of them, he shall display in the same manner a certified copy of his license at each such additional place of business.
(2) Keep the records and file the reports required by this chapter and regulations made pursuant thereto.

(3) Display no firearms, dangerous devices or ammunition in any place where they can be seen from outside the premises.

(4) Keep all firearms, dangerous devices and ammunition in a securely locked place at all times except when they are actually being shown to a customer or prospective customer or when actually being repaired or otherwise worked on.

(5) Permit only employees who are holders of identification cards making them eligible to purchase, possess and use firearms, ammunition or dangerous devices, to have access to firearms, dangerous devices or ammunition. (P.L. No. 4C-13, § 12.)

§ 563. Records and reports by dealers. — (1) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the office of the Attorney General and his duly designated representatives. Such records shall be retained at least five years.

(2) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within twenty-four hours of the transfer, supply the following information to the office of the Attorney General on a form approved by it:

(a) The name, address and license number of the dealer.

(b) The manufacturer, type and serial number of firearm or dangerous device transferred. No firearm shall be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.

(c) The name, address and identification card number of the transferee. (P.L. No. 4C-13, § 13.)

§ 564. Repair of firearms. — (1) No person, other than a dealer or manufacturer licensed pursuant to this chapter shall repair firearms or accept the same for repair.

(2) No person shall accept any firearms for repair unless he is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to returning any such firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to section 563 of this title, and shall maintain such record for at least one year.

(3) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof. (P.L. No. 4C-13, § 14.)

§ 565. Transfer or sale of ammunition. — (1) No person may transfer ammunition, unless he is a manufacturer, wholesaler or dealer licensed pursuant to this chapter. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferee has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the ammunition is suited. Upon transfer the transferor shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the transferee's identification card.
§ 566. Private sales or transfers. — No person other than a manufacturer, wholesaler or dealer licensed pursuant to this subchapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this subchapter. Prior to any such transfer, the transferor shall furnish to the office of the Attorney General in person or by registered or certified mail, return receipt requested, a properly completed form approved by the office of the Attorney General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device. (P.L. No. 4C-13, § 16.)

§ 567. Receipt or use as security. — (1) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner as security.

(2) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly (a) the date of receipt, (b) the full description of the item or items received, including the manufacturer, type and serial number or numbers, if any, (c) the name and address of the person making the pledge, pawn, or other deposit as security, and (d) the number of said person's identification card. No dealer shall accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.

(3) Upon the return or other disposition of the firearm in his possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved. (P.L. No. 4C-13, § 17.)

§ 568. Manufacturers and wholesalers. — (1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:

(a) He is the holder of a dealer's license issued pursuant to section 561 of this title; or

(b) He is the holder of a license issued pursuant to this section.

(2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, which person is not the holder of a dealer's license, shall make application for a manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license and any additional information required by the Attorney General as may be appropriate to administer this subchapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the Trust Territory except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Trust Territory or, subject to applicable laws of the Trust Territory, for export.

(3) The office of the Attorney General shall issue, renew, cancel, deny, suspend or revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.

(4) Every manufacturer shall assign a unique serial number to each firearm manufactured by him and shall inscribe such number in or on the firearm in
such manner as will resist removal, alteration, defacement or obliteration. The office of the Attorney General may make regulations for the style of such serial numbers and for the manner of their inscription. (P.L. No. 4C-13, § 18.)

§ 569. Registry of firearms and ammunition. — (1) The office of the Attorney General shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(2) Records kept in the registry shall include all records required to be filed with the office of the Attorney General pursuant to this subchapter, copies of all records filed with an agency or officer of local government pursuant to this subchapter, and any records deposited with the office of the Attorney General pursuant to subsection (3) of this section.

(3) Any dealer, manufacturer or wholesaler licensed pursuant to this subchapter, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this subchapter to the office of the Attorney General.

(4) Records relating to the repair of firearms shall be kept by the office of the Attorney General for a period of at least five years after transmittal.

(5) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the Trust Territory or its subdivisions, or at the discretion of the office of the Attorney General, to law enforcement officers and agencies of foreign governments. (P.L. No. 4C-13, § 19.)

§ 570. Cancellation, denial, suspension and revocation of licenses. — (1) Any license issued pursuant to this subchapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder’s discontinuing the manufacturing, selling, acquisition for sale or repair of firearms and the sale of ammunition.

(2) The issuing officer or agency may deny, suspend or revoke an identification card or a license issued pursuant to this subchapter for failure of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefor, or for any violation of this subchapter or regulations in force pursuant thereto.

(3) The office of the Attorney General by regulation shall make classifications of offenses and other violations of this subchapter or regulations in force thereunder. Regulations made pursuant to this subsection shall set forth those offenses and violations for which identification cards and licenses may be suspended or revoked, and those for which the penalty must be revocation. Such regulations shall be of general application.

(4) Any person who, by reason of the suspension or revocation of his identification card, is no longer eligible to continue in possession of a firearm, dangerous device or ammunition shall surrender any and all firearms, dangerous devices and ammunition to a district chief of police, or shall dispose of the firearms, dangerous devices and ammunition forthwith under the direction and supervision of a district chief of police. In the case of suspension of an identification card, the owner of the firearm, dangerous device or ammunition may request that the constabulary keep same during the period of suspension and, except as herein provided, the firearm, dangerous device or ammunition shall be restored to the owner when he again becomes eligible to possess same and requests return. Any firearm, dangerous device or ammunition in the possession of a district chief of police pursuant to this subsection may be disposed of, without compensation to the owner, upon revocation of the suspended identification card or at the end of sixty days after receipt or the date of termination of the suspension, whichever is later. However, if proceedings in connection with the suspension or revocation are
§ 571. Shipment and delivery of firearms, dangerous devices and ammunition. — (1) No person shall ship, transport or deliver any firearm, dangerous device or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer or person who possesses a valid identification card.

(2) Any person who ships, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(3) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition of each type in the shipment.

(4) If shipment is by common carrier, a copy of the invoice required by subsections (2) and (3) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the district chief of police who will verify the accuracy of the shipment, and compliance with this subchapter, before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(5) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(6) No person shall ship, transport, or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition. (P.L. No. 4C-13, § 21.)

§ 572. Loss, destruction or theft of firearms or dangerous devices. — Whoever owns or possesses a firearm or dangerous device shall, within twenty-four hours of discovery, notify the office of the Attorney General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof. (P.L. No. 4C-13, § 22.)

§ 573. Prohibited acts. — No person shall:

(1) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm.

(2) Knowingly deface, alter or destroy an identification card.

(3) Acquire, possess or use any firearm silencer or muffler.

(4) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.
(5) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon, rifle larger than .22 caliber, shotgun larger than .410 gauge, or any other firearm.

(6) Board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his luggage. Such firearm, dangerous device or ammunition shall be turned in prior to departure to an appropriate official or to the pilot of the airline or aircraft concerned, who shall keep a record of the name of the person turning in such firearm, dangerous device, or ammunition, and the type and quantity turned in. Upon completion of such person's travel, the official of the airline or pilot of the aircraft shall personally deliver the article or articles turned in to the police chief of the district in which such completion took place, or to his delegate. Such person may reobtain the article or articles turned in upon either:

(a) Presentation of a valid identification card or license for such article or articles to the police officer having custody thereof, or

(b) departure from the district.

(7) Use or attempt to use any firearm, dangerous device, or ammunition in connection with or in aid of the commission of any crime against the laws of the Trust Territory, except those set forth under other provisions of this subchapter. (P. L. No. 4C-13, § 23; P.L. No. 4C-40, § 1.)

§ 574. Forfeiture of unlawful item. — All firearms, dangerous devices or ammunition unlawfully possessed, carried, used, shipped, transported or delivered into the Trust Territory are declared to be inimical to the public safety and are forfeited to the Trust Territory. When such forfeited articles are taken from any person, they shall be surrendered to the office of the Attorney General. (P. L. No. 4C-13, § 24.)

§ 575. Closing of establishments during emergencies. — In case of emergency concerning the public safety declared by the High Commissioner or any district administrator, all establishments dealing in guns, dangerous devices or ammunition may be ordered closed by such official and required to remain closed during the continuance of the emergency. During any such closure, any and all guns, dangerous devices and ammunition belonging to or in the keeping of a closed establishment may be impounded. (P.L. No. 4C-13, § 25.)

§ 576. Registration of weapons possessed on effective date of chapter. — (1) Any person having in his possession a firearm or dangerous device on the effective date of this subchapter shall, within ninety days of such effective date, furnish on a form approved by the office of the Attorney General to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this subchapter, equivalent information concerning any firearm or dangerous device in his possession.

(2) If, prior to the expiration of the ninety-day period provided in subsection (1), the firearm is transferred, the transferor shall comply with the provisions of this subchapter for furnishing of information on transfer and need not comply with subsection (1) of this section. (P.L. No. 4C-13, § 26.)

§ 577. Surrender of and compensation for weapons held on effective date by ineligible persons. — Any person who possessed any firearm or dangerous device in the Trust Territory prior to the effective date of this subchapter, and who is determined to be ineligible to possess or is prohibited from possessing such firearm or dangerous device under this subchapter, shall tender such firearm or dangerous device to the office of the Attorney General.
or his delegate within ninety days of the effective date of this subchapter and be reasonably compensated therefor. (P.L. No. 4C-13, § 27.)

§ 578. Local laws. — Nothing in this subchapter shall be deemed to prevent any district or municipality from further restricting, by local law or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This subchapter shall supersede all district laws and municipal ordinances in conflict with this subchapter. (P.L. No. 4C-13, § 28.)

§ 579. Authority of Attorney General to promulgate regulations. — The office of the Attorney General shall have power to issue, amend and repeal regulations implementing this subchapter in the manner which is or may be provided by law, as may be required by the public interest, safety and welfare. (P.L. No. 4C-13, § 29.)

§ 580. Fees for licenses and identification cards. — The fees for issuance and renewal of licenses and identification cards as required by this subchapter shall be as follows:

1. For an identification card, twenty dollars.
2. For a dealer’s license, one hundred fifty dollars.
3. For a manufacturer’s license, five hundred dollars.
4. For a wholesaler’s license, five hundred dollars.
5. For replacement of lost, destroyed, or defaced identification card, five dollars.

Fees collected pursuant to the provisions of this subchapter shall be paid to the treasurer of the Trust Territory and become part of the general fund of the Congress of Micronesia as local revenue realization available for appropriation by the Congress of Micronesia. (P.L. No. 4C-13, § 30.)

§ 581. Penalties for violation of chapter. — (1) Any person who, being the holder of a valid identification card, fails to comply with section 557 of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both.

2. Any person who violates any other provisions of this subchapter or any regulations issued pursuant thereto shall be guilty of a felony, and upon conviction thereof shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both, and shall be subject to confiscation of any firearm, dangerous device, or ammunition, without compensation, involved in a violation of this subchapter. The holder of any dealer’s license, or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this subchapter by his employee or agent committed in the course of the dealer’s business, to the same extent as such employee or agent. (P.L. No. 4C-13, § 31; P.L. No. 6-100, § 1.)
CHAPTER 9.

HEALTH CARE CERTIFICATE OF NEED.

Sec. 601. Short title. — This chapter may be cited as the "Trust Territory Health Care Certificate of Need Act." (P.L. No. 7-33, § 1.)

Sec. 602. Public policy. — The people of the Trust Territory are dependent upon the existence of an efficient, effective, and well coordinated program of health care services and disease prevention activities. In order to achieve the necessary level of efficiency, effectiveness, and coordination there is a continuous compelling need for a rational program for the determination of allocations of scarce health resources. In addition, the impending termination of the trusteeship agreement and the probable change in resources available for the delivery of health care and environmental protection require a careful analysis of the proposed allocation of funds and resources to be used to provide health care, related services and environmental health protection services to insure that those funds and resources shall be utilized in accordance with the needs of the people of the Trust Territory. Therefore, it is declared to be the public policy of the Trust Territory and the purpose of this chapter to develop and operate a program which will identify the health needs of the residents of the Trust Territory and insure that resources which are proposed for health programs or services meet those needs in the most efficient and effective manner possible. It is not the intent of this chapter to prohibit or in any way curtail the development of private practice of medicine in the Trust Territory. (P.L. No. 7-33, § 2.)

Sec. 603. Definitions. — As used in this chapter unless the context otherwise requires:

1. "Certificate of need" means an authorization, when required under this act, to construct, expand, alter, or convert a health care facility or to initiate, expand, or modify a health care service or organization.

2. "Director" means the director of health services in his capacity as the director of the Micronesia health planning and development agency.


4. "Agency" means the department of health services in its designated capacity as the Micronesia health planning and development agency which was created by designation agreement between the High Commissioner and the United States Secretary of Health, Education, and Welfare as the Trust Territory's designated agency to administer territorial health planning and development functions.

5. The "territorial health plan" is that comprehensive five-year health plan prepared and established by the Micronesia health coordinating council which shall be based upon district health plans from the several districts of the Trust Territory and shall include a medical facilities plan with appropriate consideration given to the development of facilities and services in the private sector, and an environmental health section.
(6) "Institutional health services" means health services provided in or through health care facilities or health maintenance organizations and includes the entities in or through which such services are provided.

(7) "Health care facilities" means hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, kidney disease treatment centers including free-standing hemodialysis units, intermediate care facilities, ambulatory surgical facilities and such other facilities as the agency by regulation shall so designate; provided, that "health service facilities" shall not include recognized Christian Science sanatoriums. (P.L. No. 7-33, § 3.)

§ 604. Establishment of program. — There is established the Trust Territory certificate of need program which shall prescribe the means, procedures, and requirements for health care providers to apply for and obtain certificates of need prior to undertaking construction, expansion, alteration, or conversion of health care facilities or initiation, expansion, or modification of certain health care services including acquisition of equipment. (P.L. No. 7-33, § 4.)

§ 605. When required; applications; issuance. — (1) Commencing on January 1, 1978, no person, corporation, association, political subdivision, or agency, whether public or private, shall make capital expenditures for activities enumerated in subsection (2) of this section without first obtaining a certificate of need as required under this chapter.

(2) A certificate of need shall be required prior to:

(a) The development of all new institutional health services including, but not limited to, the construction, development, or other establishment of any new health facility;

(b) Any capital expenditure by or on behalf of a health care facility in excess of one hundred thousand dollars, excluding expenditures for site acquisitions and acquisitions of existing health care facilities;

(c) The offering by a health care facility of health services which were not offered on a regular basis in or through such health care facility within the twelve-month period next preceding the time such services would be offered;

(d) A substantial change in the bed capacity of a health care facility which increases, decreases, or redistributes more than twenty-five percent of its beds among various categories, or relocates more than twenty-five percent of its beds from one physical facility or site to another for a proposed period in excess of twelve months; and

(e) Predevelopment activity expenditures in excess of twenty thousand dollars for the offering of new institutional health services including, but not limited to, expenditures for preliminary plans, studies, surveys, site acquisitions, architectural designs, plans, working drawings, and specifications; provided, that any certificate of need issued under this subparagraph shall be for predevelopment activities only and shall not authorize the offering or development of the new institutional health service for which such predevelopment activities are proposed; and

(f) No arrangement or commitment for financing the offering or development of a new institutional health service shall be made by any person, unless a certificate of need for such services or activities has been granted by the agency.

(3) Applications for certificates of need shall be filed with the agency on application forms provided by the agency and shall contain such information and be in such form as the director may require.

(4) The agency shall issue a certificate of need to an applicant if the agency has determined that the proposed health facility, service, or organization is in the interest of public health, safety, and welfare, that such facility or service is needed in the location it is proposed to be offered, that such facility or service
§ 606. Dissemination and publication of program. — Upon enactment of this chapter or amendments thereto and regulations promulgated pursuant thereto, the agency shall disseminate to all health care facilities or health care programs within the Trust Territory and shall publish in at least two newspapers of general circulation the requirements of the certificate of need program under this chapter and regulations. (P.L. No. 7-33, § 6.)

§ 607. Review criteria for application. — (1) The agency shall adopt regulations under this chapter which shall prescribe specific criteria for the reviewing of certificate of need applications; provided, that criteria adopted for review may vary according to the purpose for which a particular review is being conducted or the type of health service reviewed. The criteria shall include at least the following general considerations:
   (a) The relationship of the health services being reviewed to the territorial health plan;
   (b) The relationship of services rendered to the long-range development plan, if any, of the person providing or proposing such services;
   (c) The need that the population served or to be served by such services has for such services;
   (d) The availability of less costly or more effective alternative methods of providing such services;
   (e) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the costs of and charges for providing health services by the person proposing the new institutional health service; and
   (f) The relationship of the services proposed to be provided to the existing health care system of the area in which such services are proposed to be provided and the probable impact of the proposal of the economic and social development of Micronesia.

(2) Prior to the adoption of review criteria the agency shall:
   (a) Give interested persons an opportunity to offer written comments on the proposed review criteria; and
   (b) Distribute copies of its proposed review criteria to the Micronesia health coordinating council, government health agencies, private health organizations, the High Commissioner, the district administrators, and to such other persons as shall request them.

(c) The agency shall distribute copies of its adopted review criteria and any revisions thereof to the agencies and organizations specified in paragraph (b) of this section to the High Commissioner, the Micronesia health coordinating council, district administrators, and to the Congress of Micronesia, and shall provide such copies to other persons upon request. (P.L. No. 7-33, § 7.)
§ 608. Review process. — The agency shall adopt regulations under this chapter which shall prescribe a review process for certificate of need applications. Prior to the adoption of regulations prescribing a review process, the agency shall:

(1) Give all interested parties a reasonable opportunity to offer written comments on the procedures and criteria or any revisions thereof which it proposes to adopt;
(2) Distribute copies of its proposal review procedures to health organizations, the Micronesia health coordinating council, the district administrator, the High Commissioner, and other interested persons upon request; and

(3) Publish the proposed review procedures in at least two newspapers of general circulation in the Trust Territory at least sixty days prior to their adoption. (P.L. No. 7-33, § 8.)

§ 609. Suspension of certificates. — (1) The agency may suspend certificates of need if:

(a) The applications contain false or misleading information or intentionally omit material facts; or
(b) Circumstances based upon which the certificates of need were issued have changed or new circumstances have developed which alter the need for the projects, provided that said changed or new circumstances occur prior to the commencement of construction or substantial expenditure or obligation of funds.

(2) Any holder of a certificate of need shall be entitled to an administrative hearing prior to the suspension of its certificate of need. (P.L. No. 7-33, § 9.)

§ 610. Revocation of certificates. — (1) The agency may revoke a certificate if:

(a) The application contains false or misleading information or intentionally omits material facts; or
(b) If the holder of the certificate of need has not demonstrated continuing progress towards commencement of construction or project implementation.

(2) Any holder of a certificate of need shall be entitled to an administrative hearing prior to the revocation of its certificate of need. (P.L. No. 7-33, § 10.)

§ 611. Transfer of certificates. — A certificate of need issued under this chapter is not transferable without the prior written approval of the agency. (P.L. No. 7-33, § 11.)

§ 612. Civil penalties. — Any person violating any of the provisions of section 605 of this chapter shall be subject to the imposition of a civil fine in the amount of five hundred dollars for each violation; provided, that for the purposes of determining the amount of fine to be imposed under this act, violations shall be deemed recurring, with each week or fractional part thereof that a violation continues being construed as a separate violation. (P.L. No. 7-33, § 12.)

§ 613. Annual reports. — The director shall submit an annual report to the Congress of Micronesia on or before January 10 of each year on all activities of the agency and all funds received by the agency pursuant to, or by virtue of, this chapter. (P.L. No. 7-33, § 13.)