

## MIKRONESIEN

### **FSMC, TITLE 22. AGRICULTURE & LIVESTOCK**

(FSMC, Titel 22. Land- und Viehwirtschaft)

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(Konsolidierung und redaktionelle Bearbeitung, Julius Kühn-Institut, Bundesforschungsinstitut für Kulturpflanzen, Institut für nationale und internationale Angelegenheiten der Pflanzengesundheit, 20.01.2021)

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#### **Chapter 4: Quarantines**

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#### **§ 401. Purpose.**

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

**Source:** TT Code 1966 § 730; TT Code 1970, 25 TTC 1; TT Code 1980, 25 TTC 1; PL 1-68 § 1(1).

#### **§ 402. Plant and animal quarantines - National regulations.**

(1) With the prior approval of the President of the Federated States of Micronesia, the Secretary of Resources and Development shall issue plant and animal quarantines and regulations relating to the administration and enforcement of the controls established by this chapter.

(2) Letters and memoranda may be issued from time to time by the Secretary of Resources and Development relating to the administration and enforcement of such controls, quarantines, and regulations.

**Source:** TT Code 1966 § 731; TT Code 1970, 25 TTC 2(1); COM PL 4C-32 § 1; TT Code 1980, 25 TTC 2(1); PL 1-68 § 1(2).

#### **§ 403. Plant and animal quarantines - Emergency State orders.**

Emergency State orders relating to domestic quarantine may be issued from time to time by the different Governors, providing such orders are not in conflict with the controls, quarantines, and regulations issued pursuant to section 402 of this chapter.

**Source:** TT Code 1966 § 731; TT Code 1970, 25 TTC 2(2); TT Code 1980, 25 TTC 2(2); PL 1-68 § 1(2).

#### **§ 404. Plant and animal quarantines - Translations.**

The plant and animal quarantines and regulations issued pursuant to this chapter shall be translated in whole or in summary from English to the predominant native language of each local government area, and shall be published by posting in each local-government office and filing with each clerk of courts a copy of such translation and a copy of the English language version.

**Source:** TT Code 1966 § 731; TT Code 1970, 25 TTC 2(3); TT Code 1980, 25 TTC 2(3); PL 1-68 § 1(3).

#### **§ 405. Administration and enforcement.**

The Secretary of Resources and Development shall administer the provisions of the plant and animal quarantine controls, quarantines, and regulations.

**Source:** TT Code 1966 § 732; TT Code 1970, 25 TTC 3(1); COM PL 4C-32 § 2(1); TT Code 1980, 25 TTC 3(1); PL 1-68 § 1(3)(1).

#### **§ 406. Agricultural quarantine inspectors - General appointments.**

Agricultural quarantine inspectors may be appointed by the Secretary of Resources and Development and shall enforce the provisions of the plant and animal quarantine controls, quarantines, and regulations.

**Source:** TT Code 1966 § 732; TT Code 1970, 25 TTC 3(2); COM PL 4C-32 § 2; TT Code 1980, 25 TTC 3(2); PL 1-68 § 1(3)(2).

#### **§ 407. Agricultural quarantine inspectors - Special appointments.**

The Secretary of Resources and Development, if he deems it advisable and necessary, may appoint as agricultural quarantine inspectors the same officials empowered to make customs and immigration inspections in the Federated States of Micronesia, who, upon appointment, shall make

agricultural quarantine inspections and shall enforce the provisions of the plant and animal quarantine controls, quarantines, and regulations.

**Source:** TT Code 1966 § 732; TT Code 1970, 25 TTC 3(2); COM PL 4C-32 § 2; TT Code 1980, 25 TTC 3(2); PL 1-68 § 1(3)(2).

#### **§ 408. Agricultural quarantine inspectors - Governors' appointees.**

Nothing in this chapter shall be deemed to prohibit continuation of performance of the agricultural quarantine inspection function within each State of the Federated States of Micronesia by State inspectors appointed for that purpose by the Governor of each State.

**Source:** TT Code 1966 § 732; TT Code 1970, 25 TTC 3(2); COM PL 4C-32 § 2; TT Code 1980, 25 TTC 3(2); PL 1-68 § 1(3)(2).

#### **§ 409. Emergency measures authorized.**

(1) Upon the discovery of a situation not covered by the controls, quarantines, or regulations issued under this chapter, or any other situation warranting immediate action, emergency quarantine measures may be made at any time by an agricultural quarantine inspector or the Secretary of Resources and Development.

(2) Such emergency quarantine measures must be reviewed by the President of the Federated States of Micronesia and either incorporated into existing regulations in the manner which is or may be provided by law, or rescinded as soon as practicable after issuance, and in no case shall such action be taken later than 30 days after the measure is taken.

**Source:** TT Code 1966 § 733; TT Code 1970, 25 TTC 4; COM PL 4C-32 § 3; TT Code 1980, 25 TTC 4; PL 1-68 § 1(4).

#### **§ 410. Inspection.**

(1) All animals and plants or parts thereof, including seeds, fruits, vegetables, cuttings, etc., entering or transported within the Federated States of Micronesia are subject to inspection by agricultural quarantine inspectors and may be refused entry into or movement within the Federated States of Micronesia if they are known to be, or are suspected of being, infected or infested with disease or pests.

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

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

**Source:** TT Code 1966 § 734; TT Code 1970, 25 TTC 5; TT Code 1980, 25 TTC 5; PL 1-68 § 1(5).

**Editor's note:** The term "existent" in subsection (2) was changed to "existing" in the 1982 codification.

**Cross-reference:** The statutory provisions on Ports of Entry are found in title 18, chapter 2 of this code.

#### **§ 411. Manifests and movements information.**

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

**Source:** TT Code 1966 § 735; TT Code 1970, 25 TTC 6; TT Code 1980, 25 TTC 6; PL 1-68 § 1(6).

**Cross-reference:** The statutory provisions on Regulation of Foreign Vessels are found in title 18, chapter 3 of this code.

#### **§ 412. In-transit material to be kept on board.**

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

**Source:** TT Code 1966 § 736; TT Code 1970, 25 TTC 7; TT Code 1980, 25 TTC 7; PL 1-68 § 1(7).

#### **§ 413. Contraband material.**

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

**Source:** TT Code 1966 § 737; TT Code 1970, 25 TTC 8; TT Code 1980, 25 TTC 8; PL 1-68 § 1(8).

#### **§ 414. Disinsectization.**

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

**Source:** TT Code 1966 § 738; TT Code 1970, 25 TTC 9; TT Code 1980, 25 TTC 9; PL 1-68 § 1(9).

#### **§ 415. Penalties.**

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

**Source:** TT Code 1966 § 739; TT Code 1970, 25 TTC 10; TT Code 1980, 25 TTC 10.

**§ 416. Aircraft and sea vessel responsibilities for overtime.**

Any aircraft or sea vessel landing at any airport, or calling at any port in the Federated States of Micronesia, shall be responsible for paying to the Treasurer of the Federated States of Micronesia an amount equal to the actual costs to the National Government for overtime accrued by the officials responsible for carrying out the purpose of this title whenever such officials are required to carry out their official duties relating to the aircraft or sea vessel at a time outside of the officials' ordinary working hours. The Secretary of Economic Affairs shall determine the amount payable by the aircraft or sea vessel under this section and shall submit invoices to the aircraft or sea vessel for payment of such amounts on a monthly basis; provided, however, if an aircraft or sea vessel's arrival is for one time only or is likely to occur at infrequent intervals the invoice shall be made as soon as possible after the arrival of the vessel or aircraft, including at the time of the arrival itself as may be provided by the regulations. For purposes of this section, overtime means actual hours worked in excess of 40 actual hours per week worked by an official or employee of the National Government.

**Source:** TT Code 1999 Congressional Bill No. 11-51, C.D.1.; Public Law No. 11-41