

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS  
46TH CONSTITUTION REGULAR SESSION, 2025**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**PROHIBITION ON CHEMICAL WEAPONS ACT 2025**

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**PROHIBITION ON CHEMICAL WEAPONS ACT 2025**

AN ACT on the prohibition of the use of chemicals weapons in accordance with the obligations set out under the Chemical Weapons Convention; to establish by the National Authority; to provide for provisions prohibiting the use of chemical weapons and its precursors; to provide for the control of the scheduled chemicals; to provide for penalties for breach of any of the provisions of this Chapter; to provide for provisions for the creating of Regulations and others.

**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

**§101. Short title.**

This Act may be cited as the Prohibition on Chemical Weapons Act 2025.

**§102. Interpretation:**

- (a) "Chemical weapon" means the following, together or separately:
- (i) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes;
  - (ii) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (i), which would be released as a result of the employment of such munitions and devices;
  - (iii) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (ii).

- (b) “Republic” means the Republic of the Marshall Islands and every part of the territory of the Republic, including the marine space and the territorial sea and the airspace above the territory of the Republic, and also includes all governments of the Republic;
- (c) “Organization” means Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of the Convention;
- (d) “Convention” shall mean the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction.
- (e) “Persons” means natural or legal person;
- (f) “Toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, and includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere
- (g) “Precursor” means, with respect to chemical weapons, any chemical reactant that takes part at any stage in the production by whatever method of a toxic chemical, and includes any key component of a binary or multi-component chemical system
- (h) Purpose not prohibited by law means:
  - (i) any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity;
  - (ii) any purpose directly related to protection against toxic chemicals and to protection against chemical weapons;
  - (iii) any military purpose that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm;
  - (iv) any law enforcement purpose, including any domestic riot control purpose
- (i) “Riot control agent” means any chemical not listed in Schedule 1, 2 or 3, which can produce rapidly in human’s sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

- (j) "Schedule 1, 2 and 3 chemicals" mean those chemicals listed respectively in Schedule 1, Schedule 2 and Schedule 3 of the Annex on Chemicals to the Convention regardless of whether the chemical is pure or contained in a mixture.
- (k) "Minister" shall mean the Minister in Assistance to the President and Environment;
- (l) "National Authority" shall mean the authority so designated in Section 4 of this Chapter;
- (m) "International Inspector" means an individual designated by the Technical Secretariat according to the procedures as set forth in Part II, Section A, of the Verification Annex to the Convention, to carry out an inspection or visit in accordance with the Convention, and includes any inspection assistant as defined in the Convention.

## PART II: APPLICATION

### §103. Application:

1. This Chapter shall apply to all persons within the Republic or jurisdiction of the Republic, and to all of the Republic, Republic's aircraft, and Republic ships and vessels in respect of any crime established by this Chapter, regardless of whether the offense is committed within or outside the jurisdiction:
  - (a) A person is a citizen; or
  - (b) The place is under the control of the Republic;
  - (c) The offense was committed onboard an aircraft or ship registered under the laws of the Republic or leased or chartered to a lessee who has his/her principal place of business in the Republic or who is habitual resident of the Republic;
  - (d) The offense was committed on board a fixed platform while it is located on the Marshall Islands' continental shelf;

### 103A. Convention of Have Force of Law.

- (1) The provisions of the Convention as set out in the Schedule have the force of law in the Republic.

**PART III: DESIGNATION OF THE REPUBLIC OF THE MASHALL  
ISLANDS NATIONAL AUTHORITY**

**§104. Authority**

- (1) Notwithstanding Section 603(i) of the Foreign Affairs Act, 2007, The National Environmental Protection Authority is designated as the national focal point for the Republic pursuant to paragraph 4, Article VII of the Convention.
- (2) Subject to the Constitution and any other ~~law~~ Chapter of the Republic, the Cabinet may direct or assign to the Authority such powers and budgets as may be necessary to coordinate the implementation and enforcement of the Convention, this law and its implementing regulations.

**§105. Roles and Responsibilities of the Authority:**

- (1) The functions of the Authority are;
  - (a) To act as the national focal point for the effective liaison with the Organization and with other States Parties;
  - (b) To co-ordinate activities of Departments, agencies and industrial facilities for the purpose of implementing the Convention;
  - (c) To gather and compile the data that is needed for the Republic's notifications and declarations to the Organization under the Convention;
  - (d) To submit declaration, notifications and clarifications to the Organization as required by the Convention, within the time frames specified by it;
  - (e) To facilitate and gather information or data needed by the Authority in order to meet the Republic's obligations under the convention;
  - (f) To approve production or use of Schedule 1 toxic chemicals or precursors and approve or disapprove import or export of toxic chemicals or their precursors listed in Schedules 1, 2 and 3 of the Annex of Chemicals to the Convention;
  - (g) To develop the procedures for the handling of confidential information received from the Organization, other States

Parties, or any other person in the implementation of the Convention of this Chapter;

- (h) To perform any other functions necessary to fulfil or implement the Convention.

#### **PART IV: CRIMINAL OFFENSES AND PENALTIES**

##### **§106. Prohibition of Chemical Weapons or Chemicals:**

- (1) Every person commits an offense who knowingly:
  - (a) develop, produce, otherwise acquire, stockpile or retain a chemical weapon;
  - (b) transfer, directly or indirectly, a chemical weapon to any other person;
  - (c) use a chemical weapon;
  - (d) engage in any military preparations to use a chemical weapon;
  - (e) to assist, encourage or induce in any way, anyone to engage in any activity prohibited to a State Party under the Convention;
  - (f) Retransfer of Schedule 1 chemicals to a third State;
  - (g) Use a riot control agent as a method of warfare;
  - (h) Engages in any other activity prohibited to a State Party under the Convention.
  - (i) Without approval of the Authority, exports or imports any toxic chemical or precursor listed in Schedules 1, 2 and 3 to the Annex on Chemicals.
- (2) Upon conviction of such offense, the person shall be sentenced for a term up to not exceeding 25 years imprisonment and a fine not exceeding \$100,000, or both. In the event that the offense is repeatedly committed, Section 109 shall be enforced.

##### **§107. Forfeiture and Seizure:**

- (1) If any chemical weapon, or old or abandoned chemical weapon is found in any place under the jurisdiction of this Republic, the chemical weapon:
  - (a) is forfeited to the Republic; and

- (b) may be seized with a warrant, or without a warrant in exigent circumstances by any Authority's Officer or that he or she has reasonable grounds to believe to be forfeited to the Republic under paragraph (a); and
  - (c) shall be stored pending disposal and disposed of in a manner determined by the Minister in accordance with the Convention.
- (2) Any chemical weapon discovered on the territory of the Republic shall be reported to the Organization by the Authority in accordance with the Convention.
  - (3) Any chemical that is being used in the development or production of a chemical weapon may be seized by the Authority.

**§108. Riot control agents.**

Every person commits an offense who knowingly uses riot control agents as a method of warfare, and upon conviction thereof shall be sentenced to imprisonment not exceeding 25 years and a fine of not exceeding \$20,000, or both.

**§109. Chemical weapons penalty:**

- (1) Any person who violates Section 106 of this Chapter shall, upon conviction, be punishable as follows:
  - (a) For a first-time offense, upon conviction, the offender shall be liable to a fine not exceeding one hundred thousand dollars (\$100,000), or imprisonment for a term not exceeding 25 years, or both.
  - (b) for a second offense, the offender shall be liable to imprisonment for a term not exceeding twenty-five (25) years, and to a fine in an amount equal to double the value of the goods involved or fines not exceeding two hundred thousand dollars (\$200,000), whichever is the greater amount, and to a term of imprisonment not exceeding twenty-five (25) years, or both. If the offender in this case is a corporation or other legal entity, doing business in the Republic, the Secretary of Finance shall recommend to the appropriate Local Government, for the suspension of such entity's business license for a period of three months.

**§110. Schedule 1, 2 and 3 penalties.**

Any person who violates Section 106 pertaining to Schedule 1, 2 and 3 shall be punished upon conviction be sentenced to a term of imprisonment which shall not be more twenty-five (25 years) or a fined an amount not more than \$100,000,or both.

**§111. Compliance.**

- (1) Any person who knowingly commits any of the following acts shall be liable upon conviction not exceeding 25 years imprisonment or fined not exceeding \$100,000, or both.
  - (a) obstructing measures of verification or enforcement under the Convention and/or this Chapter and its implementing regulations, except if the person that has not granted its consent to the carrying out of the international inspection unless a search warrant has been issued.
  - (b) failing to comply with the licensing or the declaration regime or any other requirement to provide information established by this Chapter and its implementing regulations;
  - (c) failing to comply with the provision of this Chapter and its implementing regulations to protect confidential information.

**§112. Assisting, Conspiring or attempting in carrying out any offences under this Act:**

- (1) Any person—
  - (a) knowingly assisting, encouraging or inducing anyone to commit an offence under this Chapter; or
  - (b) conspiring to commit an offence under this Chapter, or
  - (c) attempting to commit an offence under this Act.

shall be deemed to have committed the like offence.

## **PART V: ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION**

### **§113. Control Measures for Scheduled 1, 2 and 3 Chemicals**

- (1) The production, acquisition, retention, in-country-transfer, import, export and the use of Schedule 1, chemicals are prohibited unless on the territory of a State Party and the chemicals are exclusively applied to research, medical, pharmaceutical or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes. These activities are subject to prior and past declaration in accordance with regulations established under this Chapter.
- (2) If the prior declaration shows that the activity reported would conflict with the Republic's obligations under the Convention, the National Authority shall prohibit or limit the activity.
- (4) All toxic chemicals and their precursors listed in Schedule 1, 2 and 3 of the Annex on Chemicals, facilities related to such chemicals shall be subject to verification measures under Part VI, VII, VIII as of the Verification Annex of the Convention.
- (5) The Authority shall follow the Regimes established under the Verification Measures for each of the Schedule 1, 2 and 3 Chemicals including the provisions pertaining to the transfer, declaration and verification processes required under the Convention.

## **PART VI: MANDATORY REPORTING**

### **§114. Supply of Information**

- (1) Any person who develops, produces, acquires, retains, transfers or use Scheduled 1, 2 or 3 chemicals or their precursors to which any provision of Part VI to IX of the Verification Annex of the Convention applies must:
  - a. Notify the prescribed particulars of the chemicals, its quantity and precursors and the facility to the Authority in a form approved by the Authority;
  - b. Keep records in relation to the toxic chemicals and precursors and the facility, and the purpose to which the chemicals are put;

- c. Prepare from the records, prescribed periodic reports relating to the toxic chemicals and precursors and the facility and demonstrating compliance with the Convention, the Act and any regulations under this Chapter; and
  - d. Forward the periodic reports to the Authority.
- (2) Any person who violates this Part commits an offense and is liable on conviction to a fine not exceeding \$25,000 or to a term of imprisonment not more than 25 years or both.

**§115. Power to require Information:**

- (1) Notwithstanding the provisions of any other written law, the Authority may for the purposes of implementing the Convention require any person to submit any document or any other information regarding chemicals, industrial activities or the importation or exportation of chemicals.
- (2) Any person who fails to comply with subsection (1) or submits any document or information knowing that the document or information is false or misleading in a material particular commit an offence and is liable on conviction to a fine not exceeding \$20,000 or to a term of imprisonment of not exceeding twenty-five years (25), or both.

**PART VII: INSPECTIONS**

**§116. Inspections.**

- (1) An international inspector shall be permitted to enter any facility described in Section 116 hereof and such inspector shall be permitted to inspect any such facility or place pursuant to the Convention and in the case of any facility, an inspector shall be permitted to inspect any applicable facility agreement and an international inspector shall be permitted to exercise, in connection with the inspection, any function contemplated and exercise any power provided for in the Convention.  
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- (2) In order to facility inspection, an international inspector shall be accompanied by:
  - (a) An officer appointed by the Authority's General Manager; and
  - (b) Any law enforcement officer.

**§117. Conduct of Inspectors:**

- (1) Part II (E) of the Verification Annex and the following provisions of the Convention shall be complied with in carrying out any inspections:
  - (a) Safety provisions;
  - (b) Communications;
  - (c) Inspection team and inspected State Party rights;
  - (d) Collection, handling and analysis of samples;
  - (e) Extension of inspection;
  - (f) Debriefing.

**§118. Warrants and Consent for Entry:**

Pursuant to §121(3)(j) of the National Environmental Protection Act of 1984, whenever it is necessary for the purposes of this Chapter or any regulation made thereunder, the Authority, or any member, servant, or agent duly authorized in that behalf, may, at reasonable times, enter any establishment, building, or other premises or land, public or private, for the purposes set out in §121(3)(j). The Authority shall first seek the consent of the owner, operator, occupant, or agent in charge of the premises; if consent is withheld, the Authority, through the Office of the Attorney General, shall apply to the court for a warrant authorizing the entry or inspection.

**PART VIII: CONFIDENTIALITY**

**§119. Confidential Information:**

- (1) Any information obtained by virtue of this act, regulations made under this Chapter or the Convention is privileged and must not be disclosed except with the written approval from the Authority.
- (2) A person who is in possession or control of privileged information must not disclose such information or allows such information to be disclosed or allow another person to have access to such information unless
  - (a) With the consent of the person from whom it was obtained, if authorized if authorized to do so; or
  - (b) In accordance with the Republic's obligations under the Convention; or

- (c) For the enforcement of this Chapter;
  - (d) In an emergency involving public safety.
- (3) Any person who violates this Section commits an offense and is liable on conviction to a term of imprisonment not exceeding 25 years or a fine not exceeding \$20,000, or both.

**PART IX: MISCELLANEOUS**

**§120. Regulations:**

The Authority may promulgate regulations to give effect to the provisions of this Chapter and in particular to implement or to give effect to the provisions of the Convention.

**§121. Effective Date:**

This Act shall take effect on the date of certification in accordance with the Constitution and the Rules of Procedures for the Nitijela.

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**CERTIFICATE**

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**I hereby certify:**

1. That Nitijela Bill No: **65ND1** was passed by the Nitijela of the Republic of the Marshall Islands on the 3<sup>rd</sup> day of October 2025; and
2. That I am satisfied that Nitijela Bill No: **65ND1** was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 15<sup>th</sup> day of October 2025.

  
10/15/2025  
**Hon. Isaac Zackhras**  
 Vice Speaker  
 Nitijela of the Marshall Islands

Attest:

  
10/15/25  
**Carl Alik**  
 Acting Clerk  
 Nitijela of the Marshall Islands

