

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

**STYROFOAM CUPS AND PLATES, AND PLASTIC
PRODUCTS PROHIBITION AND CONTAINER DEPOSIT
(AMENDMENT) ACT 2018.**

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**STYROFOAM CUPS AND PLATES, AND PLASTIC
PRODUCTS PROHIBITION AND CONTAINER DEPOSIT
(AMENDMENT) ACT 2018.**

AN ACT to amend certain provisions of *the Styrofoam cups and plates, and Plastic Products Prohibition and Container Deposit Act 2016* to ensure consistency and other matters.

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

§101. Short Title

This Act may be cited as the *Styrofoam cups and plates, and Plastic Products Prohibition and Container Deposit (Amendment) Act 2018*.

§102. Amendment

(1) Section 2(1) (q) and (y) shall be amended by revising the existing language as follows:

§2. Interpretation.

(1) In this Act, unless the context otherwise requires:

(y) "Plastic shopping bags" mean a carryout bag composed primarily of thermoplastic synthetic polymeric material, which is provided by a store to a customer at the point of sale and incidental to the purchased of other goods;

(2) Section 5 shall be amended by revising the existing language as follows:

§5. Power to Seize, forfeiture and Destruction.

For the purpose of this Act, an immigration officer, customs officer or EPA officer may at all reasonable times and based on reasonable suspicion, seize, forfeit or destroy any imported or manufactured plastic shopping bags, Styrofoam cups and plates, or disposable plastic cups and plates, or plastic shopping bags water bottle in violation of Section 3 of this Act.

Before exercising powers to seize, forfeiture and destruction under this Section, the officers named above in this Section, shall, with the assistance of the Attorney General's Office or the Police Commissioner, obtain a warrant in accordance with a Article II, Section 3, of the Constitution.

- (3) Section 6(1)(h) shall be amended by revising the existing language as follows:

§6. Exemption of certain containers.

- (1) This Division does not apply to the following:
- (h) Milk and all other dairy-derived products, except tea and coffee drinks, regardless of dairy-derived product content.
- (4) Section 9(1) shall be amended by revising the existing language as follows:

§9. Deposit fee.

- (1) A beverage distributor shall pay to the Authority, through the Ministry of Finance, Banking and Postal Services, a deposit beverage container fee on each deposit beverage container manufactured in or imported to the Republic, which shall be imposed only once on the same beverage container.
- (2) The amount of the Deposit Fee shall be prescribed pursuant to regulations.
- (5) Section 10(2) shall be amended by revising the existing language as follows:

§10. Payment of Deposit Fee.

- (1) The deposit fee levied under Section 10 of this Division shall be assigned at the point of import.
- (2) All deposits collected during a calendar month shall be paid, through the Ministry of Finance, into the Recycling Fund on or before the fifteenth day of the succeeding month.

- (6) Section 11(1)(a) and (c) shall be amended by revising the existing language as follows:

§11. Redemption centers.

- (1) The Authority shall establish one or more redemption centers at which empty beverage containers may be returned and payment received.
- (a) The application for approval of a redemption center shall be filed with the Authority and contain such information as the Authority may require.
- (c) Using the money in the Recycling Fund, the Minister may provide compensation pursuant to regulations to the redemption center for their services.

- (7) Section 14 and subsection 1 of Section 14 shall be amended by revising the existing language as follows:

§14. Recycling Fund.

- (1) The Recycling Fund is hereby established as a special revenue account within the National Treasury and under the control and supervision of the Ministry of Finance, which must provide for its administration in accordance with the Financial Management Act of 1990.
- (8) All references to the "Minister of Finance", "Secretary of Finance" and "Ministry of Finance" shall be referenced as "Minister of Finance, Banking and Postal Services", "Secretary of Finance, Banking and Postal Services" and "Ministry of Finance, Banking and Postal Services, respectively Section 3. 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.

§103. 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.

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 102 was passed by the Nitijela of the Republic of the Marshall Islands on the _____ day of _____ 2018; and
2. That I am satisfied that Nitijela Bill No: 102 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 _____ day of _____ 2018.

Attest:

Hon. Kenneth A. Kedi

Speaker

Nitijela of the Marshall Islands

Morean S. Watak

Clerk

Nitijela of the Marshall Islands

CERTIFICATE

I hereby certify:

1. That Nitijela Bill No: 103 was passed by the Nitijela of the Republic of the Marshall Islands on the 20th day of February 2018; and

2. That I am satisfied that Nitijela Bill No: 103 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 15th day of March 2018.

[Handwritten signature of Kenneth A. Kedi]

Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:

[Handwritten signature of Morean S. Watak]

Morean S. Watak
Clerk
Nitijela of the Marshall Islands

