

MINISTRY OF JUSTICE
ALCOHOL AND TOBACCO REGULATIONS (2002)
Implementing Title 11, Chapter 10, of the Palau National Code

PART 1. APPLICATION

- 1.1 *Repeat of Prior Regulations Issued by Ministry of Justice.* The REGULATIONS GOVERNING SALE OR DISTRIBUTION OF TOBACCO PRODUCTS, adopted by the Ministry of Justice on November 2, 1995, are hereby repealed in their entirety.

PART 2. DEFINITIONS

- 2.1 “Act” means the Alcoholic Beverage and Tobacco Control Act as amended and codified in Title 11, Chapter 10 of the Palau National Code.
- 2.2 “Bureau” means The Bureau of Commercial Development of the Ministry of Commerce and Trade.
- 2.3 “Director” means the Director of the Bureau of Commercial Development of the Ministry of Commerce and Trade.
- 2.4 “Licensee” means the individual(s) whose name(s) appear(s) on the license and the licensed premises.
- 2.5 “Premises” means the specific area licensed for sale and/or consumption.
- 2.6 “Tobacco” means the processed leaves of plants from the genus *Nicotiana* used for smoking, chewing or as snuff, and includes all products which contain tobacco in any form in an amount that is more than an incidental ingredient or component and that is intended for human consumption and includes all parts and materials, such as filters, rods and similar matter. Tobacco shall include, but not be limited to, the following: (a) Tobacco in any form, including cigarettes, cigars, pipe tobacco, chewing tobacco and leaf tobacco; (b) Pipes, rolling papers, rolling machines, hookahs and any other paraphernalia used for preparing or smoking tobacco.

*PART 3. LICENSE REQUIRED FOR THE SALE OF TOBACCO
(11 PNC §§ 1071(6) and 1072)*

- 3.1 No person shall sell or distribute any tobacco other than on the premises of an establishment licensed by the Bureau for such purpose.
- 3.2 No person, other than a person who holds a current and valid tobacco license, or an employee or agent thereof, may sell or distribute tobacco.

PART 4. POSTING OF SIGNS REQUIRED (11 PNC§ 1073)

- 4.1 All tobacco license holders shall prepare and post signs, in both English and Palauan, which provide clear and continuing notice to the public that tobacco will not be sold to persons under 19 years of age. Such signs shall be posted in a manner as to be clearly visible and readable to persons entering the premises and to persons located at or near every point of sale of any tobacco.
- 4.2 All signs shall comply with the AMENDED REGULATIONS GOVERNING SIGNS FOR THE SALE OF TOBACCO PRODUCTS, adopted by the Ministry of Health on June 26, 1996, and any Regulation promulgated by the Ministry of Health or the Bureau hereafter.

PART 5. USE OF VENDING MACHINES FOR THE SALE OF TOBACCO PROHIBITED (11 PNC § 1074)

- 5.1. No person shall place any tobacco in a vending machine or use a vending machine to distribute or attempt to distribute any tobacco.

PART 6. RIGHT TO INSPECT LICENSED PREMISES; RIGHT TO REVIEW, SEIZE AND COPY BOOKS AND RECORDS; VIOLATION CONSTITUTES OBSTRUCTING JUSTICE (II PNC § 1082)

- 6.1 To ensure compliance with the provisions of the Act and these Regulations, any authorized employee of the Bureau of Commercial Development and Bureau of Public Safety shall have the right to enter, inspect, and to have immediate access to every part of a premises licensed to sell or distribute alcohol or tobacco at any time the licensed premises is being used or is otherwise occupied by an employee or agent of the licensee, or when the employee has a reasonable belief that alcohol is being sold, served or consumed on the premises.
- 6.2 The right to inspect provided in the Act and in section 6.1 shall include the right to review, seize and copy any and all business documents and records of the licensee without court order.
- 6.3 In addition to being guilty of a violation of this Part, every person who denies, attempts to deny, or otherwise interferes with the right of authorized personnel to enter and inspect a licensed premise, shall be guilty of obstructing justice in violation of 17 PNC § 2501.

PART 7. SUSPENSION AND REVOCATION OF LICENSES (I 1 PNC § 1083(6))

- 7.1 Pursuant to 11 PNC § 1083, the Director may suspend or revoke a license of any class for the violation of, or the causing or permitting of a violation of, or for a failure or refusal by a licensee to comply with, any provision of the Act or any

