AN ACT

To repeal CSL No. 191-08, otherwise known as the "Smoking Act of 1991," in its entirety, and to establish the Chuuk State "Indoor Clean Air Act of 2011," and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

Section 1. Repealing Clause: CSL No. 191-08, otherwise known as the "Smoking Act of 1991" is hereby repealed in its entirety.

Section 2. Title: This Act shall be known and cited as the "Indoor Clean Air Act of 2011".

Section 3. Findings: The Chuuk State Legislature finds that smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to non-smokers, and to be a public nuisance due to the following:

1. Reliable studies have shown that breathing side stream or secondhand smoke is a significant health hazard to children, pregnant women and all other non-smokers and certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

2. Health hazards induced by breathing side stream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, and bronchoconstriction; and

3. Non-smokers with allergies, respiratory diseases and those who suffer ill effects of breathing side stream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and

4. The smoking of tobacco is dangerous to health.

Section 4. Smoking Prohibited: Smoking cigarettes, tobacco, and pipes in the following public areas in Chuuk State is prohibited in the following places:

(a) hospital and dispensaries;
(b) classrooms;
(c) dining halls;
(d) conference rooms;
(e) meeting halls; and
(f) other areas where the public has the right and is invited to, including but not limited to, public places, restaurants, places of employment, bars, businesses, health care facilities and private clubs. “SMOKING IS PROHIBITED IN THIS AREA BY LAW” signs shall be posted in all the places designated above.

Section 5. Definitions:

(1) "Smoking" means the activity of inhaling and exhaling smoke from tobacco and other substances that are lit in cigars, cigarettes, pipes and smoking articles while lit;

(2) “Chewing” means placing tobacco and other substances that are chewed including cigars, cigarettes, chewed alone or chewed together with other chewing stuffs;

(3) "Public Place" means:
   a) an enclosed, indoor area owned or operated by the state or local government and used by the general public or serving as a place for work for public employees or a meeting place for a public body, including an office, educational facility, health facility, auditorium, arena, meeting room or public conveyance, or
   b) enclosed indoor area which is not owned or operated by the state or local government agency and which is used by the general public and which is:
      a. an educational facility;
      b. a health facility;
      c. an auditorium;
      d. an arena;
      e. a theatre;
      f. a museum;
      g. an eating establishment;
      h. licensed premises;
      i. a concert hall;
      j. any other facility during the period of its use for a performance or exhibit of the arts.

c) that portion of any building area or vehicle being used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or
entities, Chuuk State Government, or other public entity, and regardless of whether a fee is charged for admission or use.

(3) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within a restaurant.

(4) "Places of employment" means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employees lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

(5) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows [exclusive of doorways], which extend from the floor to within two feet of the ceiling.

(6) "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabarets.

(7) "Business" means sole proprietorship, partnership, joint venture, corporation, or other business entity, either for profit or not for profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered, and private clubs.

(8) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit and a person who volunteers his or her services for a non-profit entity.

(9) "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employ the services of one or more individual persons.

(10) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, psychological or
psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other
clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the
aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists,
physicians, psychiatrists, dentists, and all specialists within these professions. This definition
shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within
health care facilities.

(11) "Private Club" means an organization, whether incorporated or not, which is the
owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at
all times, which is operated solely for a recreational, fraternal, social, patriotic, political,
benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic
beverages incidental to its operation.

Section 6. Selling and Importation. All local businesses in the State of Chuuk engaged in
selling or whole selling shall sell or import only cigarettes with warning labels describing the
harmful effects of tobacco use clearly visible on the packs.

Section 7. Ban on tobacco. There shall be no tobacco advertisement, promotion and
sponsorship of sports event by tobacco companies or local businesses involving tobacco in the
State of Chuuk.

Section 8. a) Sale of tobacco to minors and pregnant women: No business in the State of
Chuuk shall sell cigarettes or tobacco to minors and pregnant woman. For the purpose of this
Act, minor is any individual ages below 18 years old.

b) Selling of loose/per stick of cigarettes: Selling of loose/per stick of cigarettes
is prohibited by this Act.

Section 9. Civil Penalty and Fine:
a) The owner of a public place or place of employment who fails to enforce the Act,
shall be punished by a fine of $500 for the first violation, and a fine of $1000 for
each individual subsequent violation, including a temporary suspension or
permanent suspension or revocation of the owner's license or permit or an
imprisonment of not less than 30 days but not more than 60 days as the court may
deems fit.
b) Smokers found violating this Act shall be punished by a fine of $200 or an
imprisonment of 30 days or both.
Section 11. **Effective Date.** This Act becomes law upon its approval by the Governor or upon its becoming law without such approval.

Signed by:  
Innocente I. Oneisom, Speaker  
House of Representatives  
Chuuk State Legislature

Date: 7/20/12

Signed by:  
Mark Mallo, President  
The Senate  
Chuuk State Legislature

Date: 9/20/12

Approved by:  
Johnson Klimo, Governor  
Chuuk State Government

Date: 10-11-12

History: H.B.NO: 11-26;HD1;SD1  
H.S.C.R.NO: 11-1R-19  
S.S.C.R.NO: 11-2R-50
EW NAMOPWUNG

A ataieno non unusan CSL No. 191-08, ewe a itenapeni “Smoking Act of 1991,” me forata ewe Chuuk State “Indoor Clean Air Act of 2011”; me pwan ren ekkoch popun.

Epwe pwung me ren ewe Aneepwungun Chuuk:

1. Sowu-sinenap ra pwarata pwe an aramas ngasangaseri ewe otuotun supwa a fakkun efisata watten efeiengaw ngeni manawen aramas, ekkewe neni a wor unumi supwa ian a pwan ina ekkewe neni mi eniwekkus ngeni ekkewe aramas rese unumi supwa, me ekkewe neni ra pwan fis pwe an aramas nenien oput ren ekkei wewe;

2. Ekkekwe sakopaten samwau a feito seni an aramas ngasangaseri ewe otuotun supwa ekkewe mi ukkun supwa ra ngaserawu a pachenong kanserin ommun (lung cancer), nimengawen nenien fenatin aseppa ika ngasengas (respiratory infection), ekisano om mochen taiso, ekisano an ekkewe monun ngasangas angang (decreased respiratory function), me weiresin fanimmwar (bronchoconstriction); me

3. Ekkekwe aramas rese ukkun supwa mei fen pwan uriir semwenin allergy, semwenin ngasangas (respiratory disease) me ekkewe ekkoch aramas mei mwitir ar semwen ar ngasangaseri ewe otuotun supwa seni ekkewe chon unumi supwa a tongeni an epwe ngaweno ar angangoch non ar kewe angang ika fen esenipato ar repwe asoso seni angang ren ar samaw ren ar ngasangaseri ewe otun supwa ika second-hand smoke;

4. Unumi supwa mei fakkun watte efeiengawan ngeni manawen aramas.
Tetten 4. Unumi supwa ese mumuta: Unumi supwa, tobacco, me pipes non ekkewe nenien emischeichen aramas pachenong ekkewe nenien aan mwuu non Chuuk State iei a kesipeno ika ese mumuta, iwe ikkei ekkei nenien:

(a) Pioing (Hospital me dispensaries);
(b) Imwen sukun (classrooms);
(c) Ekkewe nenien mongo;
(d) Nenien mwiiich (conference rooms);
(e) Ekkewe uten mwiiich (meeting halls); me
(f) Ekkewe nenien mi wor an aramas pwung ar repwe nomw me kokko neni, pachenong ekkewe nenien emwicheichen aramas, nenien mongo, nenien angang, sopai, nenien safei me ekkewe nenien an emon me emon aramas (private clubs). Ei maak ika sain “SMOKING IS PROHIBITED IN THIS AREA BY LAW” epwe pacheta won ekkei nenien a affat asan.

Tetten 5. Awewen Foos:

(1) “Smoking” wewen ngasaranong me ngasarawu ewe otootun supwa seni tobacco me ekkewe ekkooh mettochun uuun mei kuu ika keek non cigar, cigarettes, pipes me met ekkewe mi kuu ren minen uuun;

(2) “Chewing” wewen angei ewe tobacco me ekkewe ekkooh mettochun uuun om kopwe nunuw pachenong cigars, cigarettes, nunuw ekkei mettoch ika nunuw mi nofit ngeni ekkewe mettoch kich mi tongeni nunuw:

(3) “Public Place” wewen:

(a) Ekkewe nenien non imw mi etipeno nenien me tutumunuwen ewe Mwuu Chuuk ika Municipal me aramas unus mi nonnom non ika aea ren nenien angang ika nenien mwiiich ika emwicheich, pachenong ofes, nenien kaeo, nenien safei, nenien urummot (auditorium me arena), nenien mwiiich ika nenien an aramas saino me saito (transportation); me

(b) Neni mi etippeno nenien me tutumunuwen ewe State ika Municipal Agency ika nenien an aramas nonnomw ika emwicheich me ikkei ekkei nenien:

a. Nenien kaeo;
b. Nenien safei;
c. Nenien mwiiich me urumot (auditorium)
d. Nenien urumot me mwiich (arena)

e. Nenien katon kachito (theater)

f. Nenien pisekin katon (museum)

g. Nenien mongo

h. Neni mi wor noun license

i. Nenien keen (concert hall)

j. Ekkewe neni mi suuk ren nenien katon ekkewe mettochun angangen paaw (performance or exhibit of the arts).

(c) Kinikinin non ewe imw ika neni ika toraku (vehicle) mi suuk ika aramas mi nonnom ian, ese pwan nifinifin ika ewe neni ika waa nenien me waan emon aramas, ika nenien me waan ew neni, Chuuk State Government, me ekkewe ekkoch nenien aramas, me inamo ika ekkewe waa me nenien mi kamo an aramas repwe fiti me nonnom ian.

(4) “Restaurant” wewen nenien mwongo, pachenong, nge ese pwan etiwawu, nenien uun kofi (coffee shops), nenien an chon sukun mongo (cafeterias), nenien mwongo sandwich (sandwich stands), nenien mwongo an aramas me choon sukun ekkewe mi pwan suuk ngeni aramas ese nifinifin, chon etto (guests), chon angang ar repwe kamo ener ian, tori ekkewe nenien kuk mwongo me nenien satan for mwongo (catering facilities) ekkewe neni a foor ian mwongo an epwe amomo fetan. Ewe foos “restaurant” mi pachenong ekewe nenien uun (bar) non ewe imwen mwongo.

(5) “Places of employment” wewen ewe neni mi nonnom fan tumunuwen me nemenien mwuun ika emon me emon aramas (employer), pachenong, nge ese pwan etiwawu nenien angang (working areas) ofes (private office), nenien an chon angang asoso (employee lounges), imwen ngaseno, nenien mwiich watte (conference rooms) nenien mwich kukkun (meeting rooms), nenien kaeo (classrooms), an choon angang nenien mwongo, nenien fetan (hall ways) me torakku ika sein neman. Imwen
1:4 aramas esap ew “place of employment” chinoon chok ika ewe
imw mi aea ren nenien tumunu semirit me mei mwuuk (child
care and adult day care), me nenien an aramas safei.

(6) “Enclosed area” wewen unusen ewe nenien nefinen ewe simen me
tencho mi etipeno ika kesipeno unusan nepekin me nesopwun
ruu fit seni ewe simen ngeni ewe tencho.

(7) “Bar” wewen ekkewe neni mi kawor faniten an epwe amomo
sakaw ngeni ekkewe wasona ika chon etto non ewe nen ar epwe
mwongo me un sakaw, ekkei neni a pachenong, nge ese pwan
etiwwaμ, nenien mour (taverns), an mei mwuuk nenien apwapwa
(night clubs), nenien momot akaporaus me ukunuta mettochun
un ren sakaw (cocktails lounges) me “cabarets”.

(8) “Business” wewen an emon aramas sopai won winikapan (sole
proprietorship), an ruemon chiechi (partnership), an fitemon
aramas (joint ventures), watten sopai (corporation), me ekkewe
sakopaten sopai, sopain amomo (for profit) ika sopain chok
aninis (non-profit), pachenong nenien amomo ekkewe pisek mi
katatiw (retail establishments) mei pwan amomo sakopaten pisek
me fori pisek mi taa; nenien ekkewe mi sou-sinenap won pekin
annuk, safei, aisa, engineering, kowu imw ika architectural me
ekkewe sakopaten aninis seni ekkewe mi fakkun sine-nap me
nipwakeoch (professional services), me private clubs.

(9) “Employees” wewen chon angangen moni, me ekkewe re chok
pwisin finata pwe repwe angang nge resap pwan kamo.

(10) “Employer” emon aramas me sopai me nen pachenong
ekkewe “non profit” aramas ra angang ngenir.

(11) “Health Care Facility”ewe nenien anisi ika safeni
osupwangen ika terin emon me emon aramas, ewe nen a
pachenong, hospitals, rehabilitation hospitals me ekkewe kukkun
nenien safei ren clinics, pachenong, weight control clinics,
nursing homes, long-term care facilities, imwen ekkewe chinnap
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ika mei semwenin nomw, laboratories me ofesin reirei, chiropractors, physical therapists, physicians, psychiatrists, dentists, me ekkewe ofes meinisin an ekkei tetenin mi sinenap non pekin tumunun manawan aramas.

(12) “Private Club” wewen ew nenien emwicheich a nonom fan tumunuwen emon aramas ika ew kompeni, ei nen i a kawor faniten an chon ewe club repwe seah ren sakopaten mwich me urumot, nge esap faniten an epwe awora moni tonong, me a chok pwisin amomo ekkewe mettochun uun nupwen fansoun mei wor an mwokutukut ren mwic me urumot.

Tetten 6. Amomo me Pisek mi Tonong me Nukun Chuuk. Ekkewe sopai meinisin non Chuuk ra amomo ika amomo unus pisek ika pisek mi tonong me nukun Chuuk me nukun chok supwa epwe wor ewe taropwen esinesin ren efeiengawen ewe supwa epwe fakkun affatitiw won ewe tungumen supwa.

Tetten 7. Esap Wor Tabacco. Easp wor esinesinen amwasangasang ren tobacco, anisi me awora monien urumwot seni ekkewe sopain tobacco me kukkun sopai mi amomo tobacco non Chuuk State

Tetten 8. a) Amomo Tabacco Ngeni Ekkewe Mi Chiwen Kukun Ierir Me Fefin Mi Konu.
Ese mumuta an ew sopai non Chuuk epwe amomo tobacco ika supwa ngeni ekewe mi chiwen kukkun ierir me fefin mi pwopwo ika konu. Minor ika ekkwe mi chiwen kukun ierir a wewe ngeni emon aramas akukun seni engon me wanuw (18) ier.

b) Amomo fachun supwa. Amomo fachun supwa ese mumuta me non ei Annuk.

Tetten 9. Chapen Tipis Me Paking:
a) Ekkewe aramas minne ar ekkewe nen ika ekkewe nenien angang repwe tipis ika pwe rese apochockkuna masoven ei Annuk, $500 pakking ren ewin tipis, me $1000 ren ew me ew mi tetenino, pachenong saspen me kamoronon ewe permit ika naisin me kanapus esap kukkun seni inik (30) ran me esap watte seni wone (60) ran ika met chok kunaen Kapung.

b) Chon unumi supwa ra puratiw ei Annuk repwe tipis ren pakking $200 me kanapus inik (30)ran ika ir me ruu.

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Sain seni:
Innocente I. Oneisom, Speaker
Utten Representatives
Aneepwungun Chuuk

Pwinin maram: Sept 20, 2012

Sain seni:
Mark Mailo, President
Senate
Aneepwungun Chuuk

Pwinin maram: Oct 5, 2012

Kopwungun seni:
Johnson Elimo, Kenina
Mwun Chuuk

Pwinin maram: 10-11-12

Annetata:
Florence P. Sanley, Chief Clerk
Utten Representatives
Aneepwungun Chuuk

Annetata:
Songkinita Bosiy, Chief Clerk
Senate
Aneepwungun Chuuk

Uruwon : H.B.NO: 11-26; HD1; SD1
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