




REPUBLIC OF PALAU  
OFFICE OF THE PRESIDENT

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March 29, 2023  
Serial No. COS23-320

MEMORANDUM

To : Ms. Eunice Akiwo  
Director, Bureau of Domestic Affairs

From : Landisang L. Kotaro, Chief of Staff   
Office of the President

Re: Transmittal of RPPL No. 11-27

Herewith for your perusal is RPPL No. 11-27 signed by His Excellency Surangel S. Whipps, Jr., entitled

- 1. RPPL No. 11-27: “To Amend Chapter 17, Title 11 of the Palau National Code to prohibit the importation, distribution, selling, possession, and use of electronic cigarettes within the Republic of Palau, and for other related purposes.”**

Please disseminate these documents to all ministries, government agencies, state governments, authorities, boards and commissions. Copies have been provided to the Olbiil Era Kelulau, Judiciary and the Council of Chiefs.



REPUBLIC OF PALAU  
OFFICE OF THE PRESIDENT

SURANGEL WHIPPS, JR.  
*President*

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March 30, 2023  
Serial No. 23-1101

The Honorable Hokkons Baules  
President of the Senate  
Eleventh Olbiil Era Kelulau  
Ngerulmud, Palau National Capitol  
Republic of Palau 96940

**RE: Signing Statement for RPPL 11-27 to Prohibit the Importation, Distribution, Selling, Possession, and Use of Electronic Cigarettes within the Republic of Palau**

Dear Senate President Baules:

It is my pleasure to sign into law RPPL 11-27, to amend Chapter 17, Title 11 of the Palau National Code to prohibit the importation, distribution, selling, possession, and use of electronic cigarettes within the Republic of Palau. This bill will protect the health of the public, especially our youth, from the detrimental effects of electronic cigarettes and will further our goal of promoting a healthy lifestyle among our citizens.


This law is the product of a collaborative effort of both chambers of the Olbiil Era Kelulau and recognizes that electronic cigarettes do not present a healthy and safe alternative to traditional cigarettes. Studies from the World Health Organization, United States Food and Drug Administration and Australian, United States, Korean and Polish governments have described the various health risks of electronic cigarettes including the finding that these products often include hazardous chemicals detrimental to human health with some of these chemicals being known to cause cancer. Further these studies recognize the highly addictive nature of electronic cigarettes and describe the harmful chemicals emitted into the air by electronic cigarettes to potentially cause harmful effects to by-standers through second-hand emissions.

This bill will expand The Tobacco Control Act, to include electronic cigarettes and prohibits the advertisement and promotion of electronic cigarettes and bans the display or visibility of electronic cigarette products at points of sale. Further electronic cigarettes sponsorships will be prohibited along with a prohibition on any manufacturing or distribution of products that likely will appeal to children. The sale, distribution, importing and manufacturing of electronic cigarettes for commercial purposes will be prohibited along with the purchase, possession or consumption of electronic cigarettes. Signage will be posted at all entry ports of the Republic informing travelers of this law and allowing the traveler to voluntarily surrender electronic cigarettes in their possession without being subject to any penalties.



I appreciate the opportunity to work together with my colleagues in the Olbiil Era Kelulau on this important legislation. This bill not only protects the health of Palauans, but also contributes to our efforts to promote preventative health measures that contribute to the overall wellbeing and health of all Palauans, especially our youth.

Sincerely,



Surangel S. Whipps, Jr.  
President of the Republic of Palau

Attachment: RPPL 11-27



REPUBLIC OF PALAU  
OFFICE OF THE PRESIDENT

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*President*

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March 30, 2023  
Serial No. 23-1102

The Honorable Sabino Anastacio  
Speaker of the House of Delegates  
Eleventh Olbiil Era Kelulau  
Ngerulmud, Palau National Capitol  
Republic of Palau 96940

**RE: Signing Statement for RPPL 11-27 to Prohibit the Importation, Distribution, Selling, Possession, and Use of Electronic Cigarettes within the Republic of Palau**

Dear Speaker Anastacio:

It is my pleasure to sign into law RPPL 11-27, to amend Chapter 17, Title 11 of the Palau National Code to prohibit the importation, distribution, selling, possession, and use of electronic cigarettes within the Republic of Palau. This bill will protect the health of the public, especially our youth, from the detrimental effects of electronic cigarettes and will further our goal of promoting a healthy lifestyle among our citizens.

This law is the product of a collaborative effort of both chambers of the Olbiil Era Kelulau and recognizes that electronic cigarettes do not present a healthy and safe alternative to traditional cigarettes. Studies from the World Health Organization, United States Food and Drug Administration and Australian, United States, Korean and Polish governments have described the various health risks of electronic cigarettes including the finding that these products often include hazardous chemicals detrimental to human health with some of these chemicals being known to cause cancer. Further these studies recognize the highly addictive nature of electronic cigarettes and describe the harmful chemicals emitted into the air by electronic cigarettes to potentially cause harmful effects to by-standers through second-hand emissions.

This bill will expand The Tobacco Control Act, to include electronic cigarettes and prohibits the advertisement and promotion of electronic cigarettes and bans the display or visibility of electronic cigarette products at points of sale. Further electronic cigarettes sponsorships will be prohibited along with a prohibition on any manufacturing or distribution of products that likely will appeal to children. The sale, distribution, importing and manufacturing of electronic cigarettes for commercial purposes will be prohibited along with the purchase, possession or consumption of electronic cigarettes. Signage will be posted at all entry ports of the Republic informing travelers of this law and allowing the traveler to voluntarily surrender electronic cigarettes in their possession without being subject to any penalties.



I appreciate the opportunity to work together with my colleagues in the Olbiil Era Kelulau on this important legislation. This bill not only protects the health of Palauans, but also contributes to our efforts to promote preventative health measures that contribute to the overall wellbeing and health of all Palauans, especially our youth.

Sincerely,

A handwritten signature in blue ink, appearing to read "Surangel S. Whipps, Jr.", written over the printed name.

Surangel S. Whipps, Jr.  
President of the Republic of Palau

Attachment: RPPL 11-27



# ELEVENTH OLBIL ERA KELULAU

TENTH SPECIAL SESSION

MARCH 2023

HOUSE BILL NO. 11-67-75, HD2, SD2

## AN ACT

SEE TITLE INSIDE

OFFERED BY DELEGATE(S) Delegate Kemegong and All Delegates except  
Floor Leader Kanai and Delegate Ongidobel ET AL.

DATE INTRODUCED July 06, 2022

## HOUSE ACTION


FIRST READING: 07/06/2022  
 REFERRED TO: JGA & HR (Reporting Committee), HS&CA  
 STANDING COMMITTEE REPORT NO: 11-72  
 DATE ADOPTED: 10/19/2022  
 SECOND READING: 10/19/2022  
 LEGAL FORMAT: Proper  
 REVIEW: 10/19/2022  
 THIRD READING: 10/26/2022  
 FINAL ACTION: 03/20/2023

## SENATE ACTION

FIRST READING: 10/31/2022  
 REFERRED TO: HSW (Health & Social Welfare)  
 STANDING COMMITTEE REPORT NO: 11-147  
 DATE ADOPTED: 01/24/2023  
 SECOND READING: 01/24/2023  
 LEGAL FORMAT: Proper  
 REVIEW: 02/28/2023  
 THIRD READING: 02/28/2023  
 FINAL ACTION:

## CONFERENCE COMMITTEE ACTION

DATE:  
 COMMITTEE REPORT:  
 DATE PASSED:

  
 Marcello Ngirikelau  
 HOUSE CLERK

  
 Amy L. Pedro  
 SENATE CLERK

**AN ACT**

**To amend Chapter 17, Title 11 of the Palau National Code to prohibit the importation, distribution, selling, possession, and use of electronic cigarettes within the Republic of Palau, and for other related purposes.**

**THE PEOPLE OF PALAU REPRESENTED IN THE OLBIL ERA KELULAU DO ENACT AS FOLLOWS:**

1           Section 1. Legislative findings. The Olbil Era Kelulau finds that the use of e-  
2 cigarettes is spreading widely, particularly among adolescent consumers. Most of these  
3 products found in Palau come in flavors which are attractive to young people.  
4 Acknowledging the constitutional responsibility of the national government to take  
5 positive action for the “promotion of the health and social welfare of the citizens,” the  
6 Olbil Era Kelulau recalls the policy purposes identified in Chapter 17 of Title 11 of the  
7 Palau National Code. The Conference of the Parties for the WHO Framework  
8 Convention on Tobacco Control agreed that Parties should ban or regulate e-cigarettes.  
9 WHO emphasizes that even though e-cigarettes do not contain tobacco, they often  
10 contain nicotine, additive and/or other toxic chemicals that can be toxic to people’s  
11 health. Nicotine -whether derived from tobacco or synthetic- is highly addictive. Many  
12 manufacturers use a highly concentrated form of nicotine called nicotine salt that is  
13 engineered for vaping. Nicotine salts allow higher concentrations to be inhaled more  
14 easily, and absorbed more quickly, than other forms of nicotine.

15           The Olbil Era Kelulau recognizes that from a regulatory perspective, e-cigarettes  
16 with nicotine are indistinguishable from those without nicotine. Studies in several  
17 countries including Australia, the United States, Korea, and Poland have found  
18 discrepancies between actual nicotine concentration and the label (some e-liquids  
19 claimed to be “nicotine-free” but contained nicotine). The aerosol from e-cigarettes  
20 which a user inhales contains ultrafine particles that can be inhaled deep into the lungs.  
21 Testing conducted by independent laboratories such as members of the WHO Tobacco  
22 Laboratory Network has found several hazardous chemicals detrimental to human  
23 health in these products, including propylene glycol, glycerol, menthol, benzene  
24 derivatives, lead, nickel, and cadmium. The Food and Drug Administration of the United  
25 States of America found that e-cigarettes contain cancer-causing ingredient such as

1 nitrosamines and even ethylene glycol which is used in antifreeze for cars. Furthermore,  
2 e-cigarettes emit these harmful chemicals into the air thereby exposing and potentially  
3 harming by-standers through second-hand emissions.

4 According to the WHO, recent studies suggest that e-cigarettes have negative  
5 acute effects on cardiovascular health, including heart rate and blood pressure and daily  
6 e-cigarette use has been shown to be associated with increased risk of myocardial  
7 infarction (heart attack). Further, WHO concludes that evidence on the potential role  
8 for e-cigarettes in cessation is inconclusive. Most studies used a single product type in a  
9 controlled environment, and this is not considered comparable to the current real-world  
10 context of e-cigarette use. Some studies only looked at quitting tobacco and not all  
11 nicotine products.

12 Recent review of the evidence on behalf of the Australian government revealed  
13 there is *strong evidence* that non-smokers who use e-cigarettes are around three (3) times  
14 more likely to initiate cigarette smoking; and *strong evidence* that non-smokers who use  
15 e-cigarettes are around three (3) times more likely to become current cigarette smokers.

16 In this context, the Olbiil Era Kelulau finds that it is imperative to protect the  
17 health and well-being of our communities, especially our young people from the dangers  
18 of emerging products such as e-cigarettes.

19 Section 2. Amendment. The Tobacco Control Act, 11 PNC § 1702, is hereby  
20 amended by adding a new subsection (f) as follows, and renumbering subsequent  
21 subsections:

22 “...

23 (f) “E-cigarette” means any product or product component (refill liquids,  
24 cartridges, capsules, electronic devices, or other components exclusively of use for e-  
25 cigarettes) designed to deliver nicotine and/or other chemicals to the user via an aerosol  
26 or vapor by heating a solution that a user inhales, but does not include any device or  
27 component with a legitimate medical or scientific purpose. For purposes of this  
28 subsection, a medical or scientific purpose is legitimate if the device or component is to  
29 be utilized by the Belau National Hospital or by a private medical clinic, dentistry office,  
30 or other similar entity, or by a legitimate scientific enterprise or organization.

1           ~~(f)~~(g)...”

2           Section 3. Amendment. The Tobacco Control Act, 11 PNC § 1711, is hereby  
3 amended as follows:

4           “§ 1711. Tobacco or e-cigarette advertising, promotion and sponsorship  
5 prohibited.

6           (a) No person shall advertise or otherwise promote any tobacco or e-cigarette,  
7 brand, manufacturer or seller by any means, directly or indirectly, that is intended to  
8 have or is likely to have the direct or indirect effect of promoting the purchase or use of  
9 tobacco or e-cigarettes or a tobacco brand, or of promoting a tobacco or e-cigarette  
10 manufacturer or seller. For purposes of this section, advertisements and promotions  
11 include words, messages, mottos, slogans, letters, numbers, pictures, images, graphics,  
12 sounds, or any other auditory, visual, or sensory matter, in whole or part, that are  
13 commonly identified or associated with a tobacco or e-cigarette, brand, manufacturer,  
14 or seller. This prohibition includes a total ban on any display and on the visibility of  
15 tobacco or e-cigarette products at points of sale, but does not include the broadcast of  
16 television, radio, or electronic streaming or similar programming generated from  
17 outside Palau.

18           (b) Notwithstanding the provisions of subsections (a), the exposure of tobacco or  
19 a tobacco package at the Palau National Airport in any store selling tobacco duty free  
20 shall be allowed.

21           (c) Brand-stretching prohibited.

22           (1) No person shall advertise, display for sale or distribution, or distribute  
23 any non- tobacco or e-cigarette item that contains any writing, picture, image,  
24 graphic, message, or other matter, in whole or part, that is commonly  
25 identified or associated with a tobacco or e-cigarette brand, manufacturer, or  
26 seller. For the purposes of this provision, non-tobacco items include but are  
27 not limited to such things as clothes, caps, bags, umbrellas, ashtrays, matches,  
28 lighters, coasters, dishes, display racks, clocks, or sales counter mats.

29           (2) No person shall display any name, writing, picture, image, graphic,  
30 message, or other matter, in whole or part, that is commonly identified or

1 associated with tobacco brand, manufacturer or seller on a building, such as a  
2 club, restaurant, stadium or other place, which is not primarily a tobacco  
3 business.

4 (3) No person shall manufacture or distribute any product designed for or  
5 likely to appeal to children that evokes an association with a tobacco or e-  
6 cigarette product, including but not limited to, candy or gum cigarettes or  
7 other sweets or snacks in the form of tobacco or e-cigarette products.

8 (d) Tobacco or e-cigarette sponsorships prohibited. No person shall cause the  
9 tobacco or e-cigarette sponsorship of any event. For purposes of this section sponsorship  
10 means the public attribution, acknowledgment, association or identification, for  
11 commercial purposes, of a tobacco or e-cigarette manufacturer, brand, or product with,  
12 on, or in connection with:

13 (1) an entertainment, sporting, recreational, educational, cultural, or  
14 other public event or work;

15 (2) a person or team participating in such an event or work, including his  
16 or her equipment, clothing and accessories;

17 (3) a service provided or contribution made by a tobacco or e-cigarette  
18 manufacturer or seller; or

19 (4) a building, institution, stadium, organization or other entity that is not  
20 a tobacco or e-cigarette manufacturer or seller.

21 (e) Tobacco or e-cigarette sweepstakes, contests, rebates, prohibited. The  
22 operator of a business or a distributor of tobacco or e-cigarette products may not:

23 (1) supply or distribute tobacco or e-cigarettes free of charge or furnish  
24 tobacco or e-cigarettes for promotional purposes of any kind to consumers;

25 (2) reduce the retail price of tobacco or e-cigarettes on the basis of  
26 quantity, than as part of regular marketing operations, or offer tobacco or e-  
27 cigarettes as a gift, prize, or free of charge in exchange for a coupon or  
28 otherwise without charge, or grant a rebate on the market price of tobacco or  
29 e-cigarettes to consumers;

1 (3) offer consumers gifts, cash prizes, giveaways or a right to participate  
2 in a lottery, contest, sweepstakes or game or any other form of benefit, as  
3 consideration for a purchase of tobacco or e-cigarettes or on presentation of  
4 proof of purchase of tobacco or e-cigarettes.”

5 Section 4. Amendment. The Tobacco Control Act, 11 PNC Chapter 17, is hereby  
6 amended to add a new Section 1722 and 1723 as follows:

7 “§ 1722. Prohibition on sale, distribution, importing, and manufacturing of e-  
8 cigarettes for commercial purposes:

9 (a) No person or commercial enterprise shall sell, distribute, import, or  
10 manufacture e-cigarettes for any commercial purpose.

11 (b) Any person who purposefully or knowingly violates this Section by importing  
12 e-cigarettes, or by purposefully, knowingly, or recklessly selling or distributing them to  
13 any minor, or to a person who he knows will supply them to a minor, shall be guilty of a  
14 misdemeanor and upon conviction thereof shall be imprisoned for up to one (1) year, or  
15 fined not more than twenty thousand dollars (\$20,000), or both.

16 (c) Any person who purposefully or knowingly violates this Section, except as set  
17 forth in Subsection (b) of this Section, shall be guilty of a petty misdemeanor and upon  
18 conviction thereof shall be imprisoned for a period of up to one (1) month, or fined not  
19 more than one thousand dollars (\$1,000), or both.

20 (d) It shall be rebuttably presumed that any person found to be in possession of  
21 multiple e-cigarettes possesses them for commercial sale or distribution.

22 (e) The Minister shall cause to be posted at all entry ports to the Republic of Palau  
23 signage summarizing Section 1722 (a), (b), and (c), and informing all incoming persons  
24 that e-cigarettes may be surrendered by any incoming traveler. Any traveler who  
25 voluntarily surrenders any e-cigarettes at such points shall not be convicted for the  
26 import of such pursuant to this Section.

27 § 1723. Purchase, possession or consumption of electronic cigarettes.

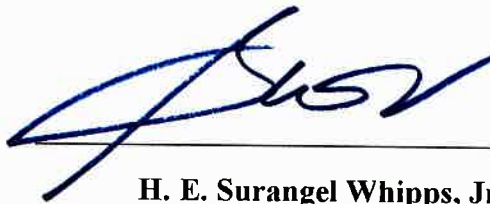
28 No person shall purchase, possess, or consume an electronic cigarette within the  
29 Republic of Palau. Any person who violates this section shall, upon conviction for the  
30 first time, be subject a civil fine of up to \$50. The maximum fine shall increase to \$200

1 upon the second conviction, and \$400 upon their third conviction. Any subsequent  
2 convictions shall be a petty misdemeanor, punishable by a fine of up to \$500 or  
3 incarceration for up to twenty-four hours. Upon any conviction, all electronic cigarettes  
4 found to be in possession of such person shall be confiscated and destroyed.”

5 Section 5. Effective date. This Act shall take effect sixty (60) days after its  
6 approval by the President of the Republic of Palau, or upon its becoming law without  
7 such approval.

PASSED: March 20, 2023

Approved this 29<sup>th</sup> day of March, 2023



H. E. Surangel Whipps, Jr.  
President of the Republic of Palau