

**TITLE 21 – INTOXICATING LIQUOR
CHAPTER 1 - ALCOHOLIC BEVERAGES**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

ALCOHOLIC BEVERAGE CONTROL ACT 1971

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ALCOHOLIC BEVERAGE CONTROL ACT 1971

AN ACT to prohibit and control the sale, use, consumption and production or possession of alcoholic beverages and to provide statutory authority for municipalities to administer the prohibition and control of alcoholic beverages and for matters connected therewith.

Commencement: July 9, 1971

Source: M.I. Code (1975)

Amended By: P.L. 1980-18 P.L. 1986-10 P.L. 1990-78
P.L. 1991-115 P.L. 1992-7

PART I - LICENSES

§101. Short title.

This Chapter may be cited as the Alcoholic Beverage Control Act 1971.
[P.L. 1980-18, §1.]

§102. Interpretation.

As used herein:

- (a) “**alcoholic beverage**” means beer and malt beverages, distilled spirits, wine, and every liquid which contains one-half of one percent (0.5%) or more of alcohol by volume intended or used for beverage purposes, either alone or combined with other substances;

- (b) “**bar**” means any place or building to which the public is admitted, or to which membership or the right entitling one to enter may be obtained, and in which alcoholic beverages are sold for consumption on the premises;
- (c) “**package store**” means any place or building to which the public is admitted, or to which membership or the right entitling one to enter may be obtained, and in which alcoholic beverages are sold in unopened containers for consumption not on the premises;
- (d) “**permit**” means a local consumption permit issued by a Local Government pursuant to Section 120 of this Chapter or an identity card issued pursuant to the *Registration of Persons Act 1989* (7 MIRC 16);
- (e) “**person**” means every individual, corporation, partnership or any other form of business association or combination thereof;
- (f) “**proof of age**” means any currently valid official document or identification, including but not limited to a currently valid passport, driver’s license, or identity card issued pursuant to the *Registration of Persons Act 1989*, which shall contain at a minimum the person’s name, signature and address; issue and expiration dates, if applicable; and the person’s date of birth showing proof that the person identified by that document has attained the age of eighteen (18) years or such other minimum age greater than eighteen years as may be required by an ordinance of the local government council. [M.I. Code (1975), §12; amended by P.L. 1 980-18, §5, adding Paragraphs (b) and (e); P.L. 1990-78, §2(1), adding Paragraph (e); P.L. 1991-115, §2(1), enacting new Paragraph (d) and renumbering subsequent Paragraphs; P.L. 1992-7, §2.]

§103. Licenses required.

No person shall sell, offer for sale or possess for purpose of sale, whether at retail or wholesale, any alcoholic beverage unless he is the then designated licensee and holder of a duly issued and currently valid license issued pursuant to this Chapter. [P.L. 1980-18, §2.]

§104. License fees.

- (1) The annual alcoholic beverage license fee shall be determined by the Local Government Council.

- (2) The fee shall be paid on a quarterly basis, and when issued during a quarter, shall be prorated. [P.L. 1980-18, §3; amended by P.L. 1986-10, §2(1).]

§105. Issuance of licenses.

An application for original issuance or renewal of a license is to be submitted to the Local Government Council and is to be accompanied by the applicable license fee. [P.L. 1980-18, §4, amended by P.L. 1986-10, §2.]

§106. Term of license.

A license shall be valid for a period of one year from the date of issuance unless sooner suspended or revoked. [P.L. 1980-18, §6.]

§107. Licensing, suspension and revocation.

- (1) Within sixty (60) days of the date a completed application is submitted, a hearing on new applicants shall be held before the Local Government Council. At such hearing, testimony shall be taken concerning the fitness of the applicant and the reasonableness of the proposed establishment. Notice and procedure shall be in conformity with applicable laws of the Republic.
- (2) In considering the issuance of a license, the factors to be taken into account shall include but shall not be limited to:
- (a) priority in time of application;
 - (b) the applicant's past performance in complying with applicable laws;
 - (c) the applicant's criminal record, if any;
 - (d) population density in the location of the proposed establishment;
 - (e) its proximity to other licensed establishments;
 - (f) its proximity to churches, schools, hospitals and other locations dedicated to particular functions or purposes;
 - (g) the residential nature of the area;
 - (h) the likely effect of any noise or disturbance from the establishment or surrounding premises;
 - (i) any zoning or other applicable laws or ordinances.