



TWELFTH OLBIL ERA KELULAU

HOUSE BILL NO. 12-1-1, HD1, SD9, CD1

AN ACT

SEE TITLE INSIDE

OFFERED BY DELEGATE(S) H.E SURANGEL S. WHIPPS, JR.

PRESIDENT OF THE REPUBLIC OF PALAU ET AL,

DATE INTRODUCED JANUARY 28, 2025

HOUSE ACTION

FIRST READING: 1/28/2025
 REFERRED TO: JGA
 STANDING COMMITTEE REPORT NO: 12-8
 DATE ADOPTED: ADOPTED W/HD1 4/8/2025
 SECOND READING: 4/8/2025
 LEGAL FORMAT: PROPER
 REVIEW: 4/8/2025
 THIRD READING: 4/22/2025
 FINAL ACTION: 4/21/2026

SENATE ACTION

FIRST READING: 5/1/2025
 REFERRED TO: JGA
 STANDING COMMITTEE REPORT NO: 12-47
 DATE ADOPTED: 11/6/2025
 SECOND READING: 11/6/2025
 LEGAL FORMAT: PROPER
 REVIEW: 12/2/2025
 THIRD READING: 12/2/2025
 FINAL ACTION: 12/5/2025

CONFERENCE COMMITTEE ACTION

DATE: 4/21/2026
 COMMITTEE REPORT: 12-4
 DATE PASSED: 4/21/2026

LEILANI SENIOR

HOUSE CLERK

REAGAN SIDOT

SENATE CLERK

AN ACT

To amend Titles 13, 17, 33, 21, 34, and 42 of the Palau National Code to strengthen drug testing requirements for designated employees, applicants for employee positions with the National Government, and entry permit holders; to create a Drug Enforcement Fund and a Drug Rehabilitation Fund; to increase criminal penalties for drug offenses; to require field sobriety tests for drivers suspected of impairment while driving; to require certain findings by the Parole Board for drug offenses; 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 Olbiil Era Kelulau recognizes that holding
2 all national government employees to high standards is critically important to
3 maintaining public trust and safety. To this end, the Olbiil Era Kelulau has carefully
4 reviewed the Republic's existing drug policies and penalties to address gaps that
5 undermine their effectiveness. The following findings support the proposed
6 amendments, which aim to strengthen drug testing procedures for designated employees,
7 enforce stricter penalties for drug-related offenses, and modernize terminology
8 throughout the Palau National Code to align with current standards.

9 Enacted in 1996, RPPL 4-46 established a program for administering periodic
10 drug tests to specific government employees, known as "designated employees." These
11 include any Bureau of Public Safety police officer, customs officer, immigration officer,
12 airport security officer, quarantine officer, and certain non-elected and elected officials
13 who work for the national government. Designated employees hold a special place in
14 society because they serve the public and would pose a threat to public health or safety
15 if they performed negligently. Under the current law, designated employees are drug
16 tested once per year, and those who test positive for drugs are placed on probation,
17 required to complete a substance abuse program, and subject to a third test within 180
18 days of a second positive result. Dismissal is only mandated if the employee fails the third
19 test or refuses required testing or treatment.

20 The Olbiil Era Kelulau finds that the current policy for drug testing designated
21 employees is not stringent enough and more needs to be done to ensure that each and
22 every applicant to the national government and each and every designated employee is
23 held accountable for drug use and they are deterred from abusing drugs while they are

1 acting in service to the public. The Olbiil Era Kelulau finds that testing designated
2 employees for drugs one time a year is insufficient and proposes amending current law
3 to require designated employees to test twice per year as well as applicants to national
4 government positions, and confirmatory testing will occur in a shorter window of time
5 in order to improve upon the accuracy of drug test results. Further, the Olbiil Era
6 Kelulau finds that current law is too lenient and to truly deter drug use, any designated
7 employee who is confirmed to have tested positive for any controlled substance shall be
8 immediately terminated.

9 Furthermore, the Olbiil Era Kelulau finds that the impacts of drug addiction
10 place a significant burden on public resources. The Olbiil Era Kelulau further finds that
11 the Republic is not fully prepared to address the current drug crisis. To mitigate this
12 crisis, it is both equitable and practical to use proceeds from property seized in drug-
13 related offenses, as well as fines and fees assessed in such cases, to fund drug enforcement
14 and rehabilitation programs. Redirecting these assets to support enforcement and
15 addiction recovery promotes public health and safety while ensuring that resources
16 obtained through illegal activities contribute to societal well-being. Therefore, the Olbiil
17 Era Kelulau supports amending current law to establish a Drug Enforcement Fund to
18 support the Ministry of Justice with upgrading and advancing their technological
19 capabilities for detecting drugs and testing for drugs in the Republic and a Drug
20 Rehabilitation Fund to initiate public awareness campaigns and to further improve
21 treatment access, foster recovery, and reduce the long-term effects of drug abuse on our
22 communities by the Ministry of Health.

23 The Olbiil Era Kelulau also finds that current penalties for methamphetamine
24 possession are too lenient and fail to deter offenders effectively. For this reason, the Olbiil
25 Era Kelulau finds that the Republic's laws must reflect the community's zero-tolerance
26 stance toward this harmful drug. To achieve this, the Olbiil Era Kelulau finds that
27 minimum sentences for possession must be raised, and opportunities for offenders to
28 evade meaningful repercussions must be eliminated.

29 Finally, the Olbiil Era Kelulau finds that it is appropriate to update the general
30 spelling of the term "marihuana" as referenced in the Palau National Code and in the

1 Republic of Palau Public Laws to the more common spelling of “marijuana” as it is more
2 in line with the present spelling of the term within the medical field and industry.

3 Section 2. Amendment. Section 1202 and Section 1203 of Title 33 of the Palau
4 National Code are hereby amended to state as follows:

5 “§ 1202. Definitions. In this chapter, the following definitions apply:

6 (1) “Applicant” means an individual who applies for any employment position
7 with the National Government.

8 (2) “Controlled substance” means marijuana, cocaine, heroin, methamphetamine
9 and any other controlled substance as defined in 34 PNCA § 3002.

10 (3) “Minister” means the Minister of Health and Human Services.

11 (4) “Designated Employee” means any Bureau of Public Safety police officer,
12 customs officer, immigration officer, airport security officer, quarantine officer,
13 physician, nurse, lab technician, radiology technician, dentist, bus driver, chauffeur,
14 heavy equipment operator, boat operator, or any employee or elected or appointed
15 officer of the National Government who performs duties, the negligent performance of
16 which would constitute a threat to public health or safety, as determined by each
17 minister or the appropriate management official.

18 § 1203. Drug Testing.

19 (a) The Ministry of Health and Human Services shall devise and implement a
20 program to conduct blood or urine tests not less than twice per calendar year of all
21 designated employees and as otherwise provided in this chapter for other individuals
22 to determine the presence of any controlled substance. Upon notification, all
23 designated employees shall submit to a blood or urine test for the presence of any
24 controlled substance. This program shall include a procedure for contracting with a
25 private laboratory for the testing of designated employees of the Ministry of Health
26 and Human Services. All applicants for employment with the National Government
27 shall submit to a drug test prior to employment. The Minister or the Minister’s
28 designee shall conduct such tests in the manner he determines will most effectively
29 detect the presence of controlled substances.

1 (b) If a designated employee or applicant tests positive for any controlled
2 substance, a second test shall be performed within one calendar day after receipt of
3 the results of the first test, to determine if the first test was accurate.”

4 Section 3. Amendment. Section 1204, 1205, 1206, and 1207 of Title 33 of the Palau
5 National Code are hereby amended as follows:

6 “1204. Consequences for employee of positive drug test; dismissal; defenses.

7 (a) If on the second test required by Section 1203, a designated employee tests
8 positive for any controlled substance, the appropriate management official shall, subject
9 to subsection (c) of this section, take all necessary actions to dismiss or terminate the
10 contract of the designated employee pursuant to this title or other applicable law and,
11 notwithstanding any other provision of law, the designated employee shall be dismissed
12 or his contract shall be terminated.

13 (b) The designated employee shall not be subject to the disciplinary measures set
14 out in this section if the Minister of Human Resources, Culture, Tourism, and
15 Development, or the Minister’s designee, determines that (1) the controlled substance
16 detected was prescribed for the designated employee by a licensed physician and that
17 the designated employee was using the controlled substance in the manner prescribed
18 by the physician, or (2) the designated employee has demonstrated by clear and
19 convincing evidence that the presence of the controlled substance is due to some reason
20 other than the employee’s voluntary use of a controlled substance.

21 (c) A designated employee terminated pursuant to this section shall be eligible for
22 reemployment with the National Government no earlier than one year after the date of
23 the second positive test, and only upon submission of satisfactory proof of successful
24 completion of a drug rehabilitation program recognized the Ministry of Health and
25 Human Services and a verified negative drug test.

26 ...

27 § 1205. Consequences for applicant of positive drug test; refusal to hire; defenses.

28 (a) If on the second test required by Section 1203 an applicant for employment
29 tests positive for any controlled substance, or the applicant refuses to submit to a test,
30 the applicant shall not be hired and shall not be eligible to reapply for employment with

1 the National Government for a period of one year, unless (1) the applicant establishes
2 that the controlled substance detected was prescribed for the applicant by a licensed
3 physician and that the applicant was using the controlled substance in the manner
4 prescribed by the physician, or (2) the applicant demonstrates by clear and convincing
5 evidence that the presence of the controlled substance is due to some reason other than
6 the applicant's voluntary use of a controlled substance.

7 (b) An applicant's eligibility after the one-year waiting period shall be
8 conditioned on submission of satisfactory proof of successful completion of a drug
9 rehabilitation program recognized by the Ministry of Health and Human Services and
10 a verified negative drug test.

11 ...

12 § 1206. Refusal to take test or enroll in substances abuse program; dismissal.

13 If a designated employee refuses to submit to any test under this chapter, the
14 appropriate management official shall take all necessary actions to immediately dismiss
15 or terminate the contract of the employee pursuant to this title or other applicable law
16 and, notwithstanding any other provision of law, the designated employee shall be
17 dismissed or his contract shall be terminated.

18 ...

19 § 1207. Referral for investigation and potential prosecution.

20 The names of all designated employees or applicants who test positive for any
21 controlled substance shall be referred to the Attorney General and Special Prosecutor."

22 Section 4. Amendment. Section 1208 of Title 33 of the Palau National Code is
23 hereby amended to state as follows:

24 "1208. Leave for testing; costs.

25 (a) Designated employees shall be granted leave with pay for the purpose of being
26 tested in accordance with this chapter.

27 (b) The relevant employer shall assume the cost of testing. But if, as a result of a
28 positive test, a second test is required, the designated employee or the applicant shall
29 assume the cost of the second test. However, if the second test is negative, the designated

1 employee or the applicant shall be reimbursed for the cost of the second test by the
2 employer if the test was negative or was conclusively shown to be a false positive.”

3 Section 5. Amendment. Chapter 7 of Title 17 of the Palau National Code is hereby
4 amended as follows:

5 “ . . .

6 § 717. Disposition of property forfeited.

7 (a) There is hereby established a Forfeited Property Fund, a Drug Enforcement
8 Fund, and a Drug Rehabilitation Fund within the National Treasury.

9 (b) There shall be placed in the Forfeited Property Fund:

10 (1) property seized by order of forfeiture, except as set forth in subsection
11 (c) of this section;

12 (2) any sums of money allocated to it by appropriation from the Olbiil Era
13 Kelulau;

14 (3) any voluntary payment, grant, or gift made for the purposes of the
15 Forfeited Property Fund; and

16 (4) money paid to the Republic of Palau by a foreign country in connection
17 with assistance provided by the Republic of Palau in relation to the recovery by
18 that country of the proceeds of unlawful activity or the investigation or
19 prosecution of unlawful activity, unless such unlawful activity is related to the
20 possession, trafficking, or manufacture of controlled substances.

21 (c) There shall be placed in the Drug Enforcement Fund and the Drug
22 Rehabilitation Fund the following sums, which shall be distributed between the funds as
23 provided by subsection (f), unless expressly allocated to one fund by law, an
24 appropriation, or the terms of the payment:

25 (1) property seized by order of forfeiture in instances in which forfeiture is
26 related to the possession, trafficking, or manufacture of controlled substances as
27 set forth in Chapter 33 of Title 34 of the Palau National Code;

28 (2) any sums of money allocated to the applicable fund by appropriation
29 from the Olbiil Era Kelulau;

1 **(3) any voluntary payment, grant, or gift made for the purposes of the**
2 **applicable fund; and**

3 **(4) money paid to the Republic of Palau by a foreign country in connection**
4 **with assistance provided by the Republic of Palau in relation to the recovery by**
5 **that country of the proceeds of unlawful activity or the investigation or**
6 **prosecution of unlawful activity related to the possession, trafficking, or**
7 **manufacture of controlled substances.**

8 **(d) All property forfeited to the Republic of Palau under this chapter shall be**
9 **transferred to the Attorney General who:**

10 **(1) shall transfer all currency to the Forfeited Property Fund, the Drug**
11 **Enforcement Fund, and the Drug Rehabilitation Fund as required by this**
12 **chapter;**

13 **(2) may sell forfeited property to the public by public sale; proceeds from**
14 **the sale shall be transferred to the Forfeited Property Fund, the Drug**
15 **Enforcement Fund, or the Drug Rehabilitation Fund, as required by this chapter;**

16 **(3) may transfer property, other than currency, which shall be distributed**
17 **in accordance with subsection (b) to any national government entity, state**
18 **government entity, municipality, or law enforcement agency within the Republic**
19 **of Palau;**

20 **(4) may sell or destroy all raw materials, products, and equipment of any**
21 **kind used or intended for use in manufacturing, compounding, or processing a**
22 **controlled substance;**

23 **(5) may compromise and pay valid claims against property forfeited**
24 **pursuant to this chapter; and**

25 **(6) may make any other disposition of forfeited property as authorized by**
26 **law.**

27 **(e) All forfeited property and the sale proceeds thereof not related to a violation**
28 **regarding the possession, trafficking, or manufacture of controlled substances as**
29 **set forth in Chapter 33 of Title 34, and not previously transferred pursuant to**

1 subsection (d)(3), shall, after payment of expenses of administration and sale, be
2 distributed as follows:

3 (1) fifty percent (50%) shall be distributed to the unit or units of the
4 Republic of Palau, or state or local government whose officers or employees
5 conducted the investigation and caused the arrest of the person whose property
6 was forfeited or seizure of the property for forfeiture;

7 (2) twenty-five percent (25%) shall be distributed to the Attorney
8 General who instituted the action producing the forfeiture; and

9 (3) twenty-five percent (25%) shall be deposited into the Forfeited
10 Property Fund established by this chapter.

11 (f) All forfeited property and the sale proceeds thereof related to violations
12 regarding the possession, trafficking, or manufacture of controlled substances as
13 set forth in Chapter 33 of Title 34, and not previously transferred pursuant to
14 subsection (d)(3), shall, after payment of expenses and administration and sale,
15 be distributed as follows:

16 (1) Fifty percent (50%) shall be distributed to the Drug Enforcement
17 Fund established by this section; and

18 (2) Fifty percent (50%) shall be distributed to the Drug Rehabilitation
19 Fund established by this section.

20 (g) Property and money distributed to units of the Republic of Palau, or state and
21 local government shall be used for law enforcement purposes, and shall complement but
22 not supplant the funds regularly appropriated for such purposes.

23 (h) The funds maintained in the Forfeited Property Fund shall be expended by
24 the Attorney General for the following purposes:

25 (1) the payment of any expenses necessary to seize, detain, appraise,
26 inventory, safeguard, maintain, advertise, or sell property seized, detained, or
27 forfeited pursuant to this chapter or of any other necessary expenses incident to
28 the seizure, detention, or forfeiture of such property and such contract services
29 and payments to reimburse any national or state agency for any expenditures
30 made to perform the foregoing functions;

1 (2) the payment of awards for information or assistance leading to a civil
2 or criminal proceeding;

3 (3) the payment of supplemental sums to national, state or foreign agencies
4 for law enforcement purposes; and

5 (4) the payment of expenses arising in connection with programs for
6 training and education of law enforcement officers.

7 (i) (1) The funds maintained in the Drug Rehabilitation Fund shall be authorized
8 for expenditure by the Ministry of Health and Human Services exclusively for the
9 development, implementation, and enhancement of drug rehabilitation and recovery
10 programs. These funds may be used to:

11 (A) establish and maintain residential and outpatient treatment facilities;

12 (B) provide counseling, therapy, and support services for individuals
13 affected by substance abuse;

14 (C) conduct public education and prevention campaigns to reduce the
15 incidence of drug abuse;

16 (D) train and certify healthcare professionals specializing in addition
17 treatment and recovery;

18 (E) support aftercare programs and services to prevent relapse and
19 promote long-term recovery; and

20 (F) facilitate community-based initiatives that address the root causes of
21 substances abuse and provide holistic support for individuals and families.

22 (2) In administering the Drug Rehabilitation Fund, the Ministry of Health and
23 Human Services shall prioritize evidence-based practices and ensure equitable access to
24 services for all affected individuals.

25 (j) The funds maintained in the Drug Enforcement Fund shall be authorized for
26 expenditure by the Ministry of Justice exclusively for enhancement of drug enforcement.
27 These funds may be used to:

28 (1) upgrade drug testing equipment;

29 (2) purchase equipment and upgrade technological capabilities used to
30 detect drugs trafficked into and throughout the Republic; and

1 (3) conduct public education and prevention campaigns to reduce the
2 incidence of drug abuse.

3 (k) Not less than ninety days prior to the close of each fiscal year, the Attorney
4 General shall provide a report to the President of the Republic of Palau and the Olbiil
5 Era Kelulau on the status of the Forfeited Property Fund. The report shall include, but
6 is not limited to:

7 (1) the total amount and type of property seized by law enforcement
8 agencies;

9 (2) the total number of administrative and judicial actions filed by the
10 office of the Attorney General and the disposition thereof;

11 (3) the total number of claims or petitions for remission or mitigation filed
12 in administrative actions and the dispositions thereof;

13 (4) the total amount and type of property forfeited and the sale proceeds
14 thereof;

15 (5) the total amount and type of property distributed to units of national
16 or state government;

17 (6) the amount of money deposited into the Forfeited Property Fund; and

18 (7) the amount of money expended by the Attorney General from the
19 Forfeited Property Fund and the reason for the expenditures.

20 (l) Not less than ninety days prior to the close of each fiscal year, the Minister of
21 Health and Human Services shall provide a report to the President of the Republic of
22 Palau and the Olbiil Era Kelulau on the status of the Drug Rehabilitation Fund. The
23 report shall include, but is not limited to:

24 (1) the amount of money deposited into the Drug Rehabilitation Fund; and

25 (2) the amount of money expended by the Minister of Health and Human
26 Services from the Drug Rehabilitation Fund and the reason for the expenditures.

27 (m) Not less than ninety days prior to the close of each fiscal year, the Minister of
28 Justice shall provide a report to the President of the Republic of Palau and the Olbiil
29 Era Kelulau on the status of the Drug Enforcement Fund. The report shall include, but
30 is not limited to:

- 1 (1) the amount of money deposited into the Drug Enforcement Fund; and
2 (2) the amount of money expended by the Ministry of Justice from the
3 Drug Enforcement Fund and the reason for the expenditures.

4 (n) The Forfeited Property Fund, the Drug Rehabilitation Fund, and the Drug
5 Enforcement Fund shall be subject to annual audit pursuant to 40 PNC Chapter 2, the
6 Public Auditing Act.

7 ...”

8 Section 6. Amendment. Chapter 33 of Title 34 of the Palau National Code is
9 hereby amended as follows:

10 “...

11 § 3312. Drug Fine Collection Fund; establishment.

12 (a) The Minister of Finance shall create within the National Treasury a special
13 fund to be the “Drug Fine Collection Fund” which shall be maintained separate from
14 other funds of the Republic. The Minister of Finance shall maintain independent records
15 and accounts in connection with the Drug Fine Collection Fund.

16 (b) Of the funds received from the payment of fines and violation of this chapter
17 or restitution orders under 34 PNC § 3306:

18 (1) seventy-five percent (75%) shall be deposited into the Drug Fine
19 Collection Fund and shall be used to supplement operations of the Bureau of
20 Public Safety and Division of Customs relating to efforts to reduce illegal drug
21 trafficking, with such funds to be allocated equally between the Bureau of Public
22 Safety and the Division of Customs, each receiving fifty percent (50%) of the
23 seventy-five percent (75%) portion; and

24 (2) twenty-five percent (25%) shall be deposited into the Drug
25 Rehabilitation Fund provided for in 17 PNC § 717.”

26 (c) Not less than sixty days prior to the close of each fiscal year, the Minister of
27 Finance shall provide a report to the President of the Republic of Palau and the Olbiil
28 Era Kelulau on the status of the Drug Fine Collection Fund.

29 ...”

1 Section 7. Amendment. Chapter 33 of Title 34 of the Palau National Code is
2 hereby amended as follows:

3 “§ 3301. Trafficking.

4 (a) Except as authorized by this division, it shall be unlawful for any person
5 knowingly or intentionally...

6 (b) Any person who violates subsection (a) with respect to:

7 (1) a substance classified in Schedules I or II which is a narcotic, except
8 those substances specified in paragraph (5), shall be sentenced to a term of
9 imprisonment for not more than ten (10) years, a fine of not more than ten
10 thousand dollars (\$10,000), or both;

11 (2) any other controlled substance classified in Schedules I, II, or III,
12 except those substances specified in paragraph (5), shall be sentenced to a term
13 of imprisonment of not more than eight (8) years, a fine of not more than five
14 thousand dollars (\$5,000), or both;

15 (3) a substance classified in Schedule IV shall be sentenced to a term of
16 imprisonment for not more than two (2) years, a fine of not more than one
17 thousand dollars (\$1,000), or both;

18 (4) a substance classified in Schedule V shall be sentenced to a term of
19 imprisonment for not more than one (1) year, a fine of not more than one
20 thousand dollars (\$1,000), or both;

21 (5) fentanyl, methamphetamine as defined in 34 PNC § 3106(c)(2), heroin,
22 cocaine as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”),
23 morphine, or other Schedule I or II opium derivatives as set forth in 34 PNC §§
24 3104 and 3106, shall be sentenced to a term of imprisonment of not less than
25 twenty-five (25) years but not more than fifty (50) years, and a fine of not less
26 than fifty thousand dollars (\$50,000) but not more than one million dollars
27 (\$1,000,000). Notwithstanding any other provision of law, a person sentenced to
28 imprisonment under this subsection shall not be eligible for any work-release
29 program nor shall any part of the sentence be suspended.

1 (c) Notwithstanding subsection (b)(2) of this section, any person who violates
2 subsection (a)(1) of this section by distributing not more than one ounce of marijuana
3 for no remuneration shall be treated as provided in Section 3302(c)(1) of this title.

4 (d) Any person who attempts to import into the Republic or to manufacture
5 fentanyl, methamphetamine, heroin, cocaine, LSD, morphine, or other Schedule I or II
6 opiate or opium derivative shall be sentenced to a term of imprisonment of not less than
7 twenty-five (25) years but not more than fifty (50) years, and a fine of not less than fifty
8 thousand dollars (\$50,000) but not more than one million dollars (\$1,000,000).

9 (e) The minimum and maximum term of imprisonment for any Bureau of Public
10 Safety police officer, customs officer, immigration officer, airport or port security
11 officer, or quarantine officer who violates subsection (a) or (d) of this section shall be five
12 (5) years more than the penalty otherwise prescribed by subsection (b) or (d).

13 § 3302. Possession.

14 (a) It is unlawful for any person to knowingly or intentionally possess a controlled
15 substance, including the presence of the controlled substance in an individual's blood,
16 urine, or other bodily fluid, unless the controlled substance was obtained directly from,
17 or pursuant to, a valid prescription or order of a practitioner while acting in the course
18 of his professional practice, or the presence of the controlled substance was a result of
19 coercion, duress, or other involuntary circumstance, or except as otherwise authorized
20 by this division. For the purposes of this section, if the presence of a controlled substance
21 is detected in an individual's blood, urine, or other bodily fluid, it shall be considered
22 possession of under one gram of the controlled substance.

23 ...

24 (d) Notwithstanding any other provision of law, any person who violates
25 subsection (a) with respect to fentanyl, methamphetamine as defined in 34 PNC §
26 3106(c)(2), heroin, cocaine as defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide
27 ("LSD"), morphine, or other Schedule I or II opiate or opium derivative as set forth in
28 34 PNC §§ 3104 and 3106, shall be penalized as follows:

29 (1) Any person who possesses one gram or less shall be sentenced on first
30 conviction to a term of imprisonment of between five (5) years and ten (10) years

1 and fined not less than ten thousand dollars (\$10,000). On subsequent conviction
2 for a violation of subsection (a) with respect to fentanyl, methamphetamine as
3 defined in 34 PNC § 3106(c)(2), heroin, cocaine as defined in 34 PNC § 3106(a)(4),
4 lysergic acid diethylamide (“LSD”), morphine, or other Schedule I or II opiate or
5 opium derivative as set forth in 34 PNC §§ 3104 and 3106, the person shall be
6 sentenced to a term of imprisonment of not less than ten (10) years and not more
7 than fifteen (15) years, a fine of not less than ten thousand dollars (\$10,000), or
8 both. A sentence imposed under this subsection may not be suspended unless it
9 is treated as a downward departure subject to the requirements in 34 PNC § 3314.

10 (2) Any person who possesses more than one gram shall be sentenced on
11 first conviction to a term of imprisonment of not less than fifteen (15) years nor
12 more than thirty five (35) years and may be fined not less than ten thousand
13 dollars (\$10,000) nor more than twenty thousand dollars (\$20,000). On
14 subsequent convictions, the person shall be sentenced to a term of imprisonment
15 of not less than thirty five (35) years and may be fined not less than twenty
16 thousand dollars (\$20,000) nor more than fifty thousand dollars (\$50,000). A
17 sentence imposed under this subsection may not be suspended unless it is treated
18 as a downward departure subject to the requirements in 34 PNC § 3314.

19 (3) Any person imprisoned under this subsection shall receive drug
20 counseling, the cost of which shall be borne by the national government. Such
21 counseling shall begin immediately upon imprisonment and shall continue for a
22 reasonable period of time as ordered by the court.

23 (e) Any person convicted of a violation of subsection (a) with respect to fentanyl,
24 methamphetamine as defined in 34 PNC § 3106(c)(2), heroin, cocaine as defined in 34
25 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), morphine, or other Schedule I or
26 II opiate or opium derivative as set forth in 34 PNC §§ 3104 and 3106, shall not be eligible
27 for parole on any subsequent conviction for violation of subsection (a) with respect to
28 fentanyl, methamphetamine as defined in 34 PNC § 3106(c)(2), heroin, cocaine as
29 defined in 34 PNC § 3106(a)(4), lysergic acid diethylamide (“LSD”), morphine, or other
30 Schedule I or II opiate or opium derivative as set forth in 34 PNC §§ 3104 and 3106.

1 **(f) The minimum and maximum term of imprisonment for any Bureau of Public**
2 **Safety police officer, customs officer, immigration officer, airport or port security officer**
3 **or quarantine officer who violates subsection (a) of this section shall be five (5) years**
4 **more than the penalty otherwise prescribed by subsection (b), (c) or (d).**

5 ...

6 **§ 3305. Attempts and conspiracies – trafficking and possession.**

7 **(a) Any person who attempts, endeavors, or conspires to commit any offense**
8 **defined in this division is punishable by imprisonment, fine, or both; provided that the**
9 **punishment may not exceed the maximum punishment prescribed for the offense the**
10 **commission of which was the object of the attempt, endeavor or conspiracy.**

11 **(b) Any person who attempts, endeavors, or conspires to commit an offense**
12 **under 34 PNC §§ 3301 or 3302 which involved a substance classified in Schedule I or II**
13 **as set forth in 34 PNC §§ 3104 and 3106 shall be subject to imprisonment, fine, or both;**
14 **provided that the punishment shall be not less than one-half of the minimum penalty**
15 **prescribed for the completed offense under the applicable section.**

16 ...

17 **§ 3308. Conditional discharge for first offense possession.**

18 **(a) Whenever any person who has not previously been convicted of a felony as**
19 **defined in 17 PNC § 106 or any offense under this division, or under any statute of the**
20 **Republic, or of another country or its states or territories, relating to narcotic drugs,**
21 **marijuana, or stimulant, depressant, or hallucinogenic drugs, or relating to an offense**
22 **causing serious bodily injury as defined in 17 PNC § 1201, pleads guilty to or is found**
23 **guilty of possession of a controlled substance under Section 3302(a) of this title, the court,**
24 **without entering a judgment of guilt and with the consent of the accused, may defer**
25 **further proceedings and place him on probation upon terms and conditions. Upon**
26 **violation of a term or condition, the court may enter an adjudication of guilt and proceed**
27 **as otherwise provided. Upon fulfillment of the terms and conditions, the court shall**
28 **discharge such person and dismiss the proceedings against him. Discharge and dismissal**
29 **under this section shall be without court adjudication of guilt and shall not be deemed a**
30 **conviction for purposes of disqualifications or disabilities imposed by law upon**

1 conviction of a crime, including the additional penalties imposed for second or
2 subsequent convictions under section 3309 of this title. Discharge and dismissal under
3 this section may occur only once with respect to any person.

4 (b) Upon the dismissal of such person and discharge of the proceedings against
5 him under subsection (a) of this section, such person may apply to the court for an order
6 to expunge from all official records (other than the nonpublic records to be retained by
7 the court solely for the purpose of use by the courts in determining whether or not, in
8 subsequent proceedings, such person qualifies under this section) all recordation
9 relating to his arrest, indictment or information, trial, finding of guilty, and dismissal
10 and discharge pursuant to this section. If the court determines after hearing that such
11 person was dismissed and the proceedings against him discharged, it shall enter such
12 order. The effect of such order shall be to restore such person, in the contemplation of
13 the law, to the status he occupied before such arrest or indictment or information. No
14 person as to whom such order has been entered shall be held hereafter under any
15 provisions of any law to be guilty of perjury or otherwise giving a false statement by
16 reason of his failures to recite or acknowledge such arrest, or indictment or information,
17 or trial in response to any inquiry made of him for any purpose.

18 (c) This section shall not apply to convictions for possession of a controlled
19 substance under Schedule I or II but shall apply to a conviction under 34 PNC § 3302
20 for possession of marijuana.

21 ...

22 § 3314. Sentencing Guidelines.

23 (a) Notwithstanding any other provision of Section 3302 of this chapter, the
24 Judiciary shall have the discretionary authority to depart downward from minimum
25 sentences of incarceration if it makes an affirmative finding that such departure is in the
26 interests of justice. A downward departure as provided in this section shall not apply to
27 a violation under Section 3301 of this chapter, or to any attempt, endeavor, or conspiracy
28 to commit a violation of Section 3301 of this chapter. Furthermore, a downward
29 departure under this chapter shall not apply to the sentence of any person who has had

1 a prior conviction under this chapter within 10 years of the date of the offense for which
2 the defendant is being sentenced.

3 (b) Any departure downward shall be by written decision, with full consideration
4 of the mitigating and aggravating factors set forth in this section.

5 (c) The following are mitigating factors that must be considered in determining
6 any departure under this section:

7 (1) the defendant has no prior felony convictions;

8 (2) the defendant has shown genuine remorse;

9 (3) the defendant has cooperated with law enforcement;

10 (4) the defendant was under 23 years of age at the time of the offense;

11 (5) the defendant played only an ancillary or supporting role in the
12 offense;

13 (6) the defendant acted under the direction, influence, or control of
14 another individual who organized or led the offense and has cooperated in the
15 investigation or prosecution of that individual;

16 (7) the defendant's ability to understand or control the defendant's actions
17 was reduced by a physical or mental condition;

18 (8) as a result of the defendant's conduct, no person was killed or suffered
19 serious bodily injury as defined in 17 PNC § 1201 and the defendant did not
20 otherwise condone violence in relation to the offense;

21 (9) each victim, if any, of the defendant supports a downward departure;

22 and

23 (10) the statutory minimum sentence is disproportionate when considered
24 in light of the penalties applied to offenders convicted of other serious crimes.

25 (d) The following are aggravating factors that must be considered in determining
26 any departure under this section:

27 (1) the defendant has been convicted of one or more felonies;

28 (2) the defendant has not demonstrated genuine remorse;

29 (3) the defendant has not cooperated with law enforcement;

1 (4) the defendant led, directed, encouraged, or incited others to commit
2 violence or other criminal activity in connection with the offense;

3 (5) as a result of the defendant's conduct, an individual suffered serious
4 bodily injury as defined in 17 PNC § 1201 or the defendant otherwise condoned
5 violence in relation to the offense;

6 (6) the defendant committed a criminal offense while incarcerated, or on
7 probation, parole, house arrest, or bail;

8 (7) a victim of the defendant, if any, does not support a downward
9 departure;

10 (8) the defendant poses a serious risk to society if released;

11 (9) in connection with the offense, the defendant engaged in conduct likely
12 to cause emotional or mental harm to another individual, including but not
13 limited to conduct that manipulated, intimidated, or isolated another individual,
14 such as verbal aggression, neglect, or controlling behavior; and

15 (10) in connection with the offense, the defendant engaged in conduct
16 likely to cause economic or financial harm to another individual, including but
17 not limited to conduct that exploited, controlled, or restricted another
18 individual's access to financial resources, such as diverting funds, coercing
19 money from the other individual, or undermining the other individual's financial
20 independence.

21 § 3315. Parole eligibility. If a person convicted of an offense under this division
22 is eligible for parole, the Parole Board provided for in Chapter 12 of Title 18 must, in
23 determining whether to grant parole, issue a written decision that evaluates all mitigating
24 and aggravating factors set forth in 34 PNC § 3314.

25 ... ”

26 Section 8. Amendment. Chapter 6 of Title 42 of the Palau National Code is
27 amended as follows:

28 “Chapter 6

29 Driving Under the Influence of Intoxicating Liquor or other controlled
30 substances

1 ...

2 **§ 601. Legislative purpose. The purpose of this chapter is to facilitate and**
3 **enhance the process of law enforcement with respect to the problems of traffic safety**
4 **associated with the use and consumption of intoxicating liquor or other controlled**
5 **substances.**

6 ...

7 **§ 602. Implied consent of driver of motor vehicle to submit to testing.**

8 **Any person who operates a motor vehicle upon the public roads of the Republic**
9 **shall be deemed to have given his consent, subject to the provisions of this chapter, to a**
10 **breath test, approved by the Bureau of Public Health and the Bureau of Public Safety,**
11 **for the purpose of determining the alcoholic content of his blood and to a field sobriety**
12 **test to determine whether the person is impaired by another controlled substance while**
13 **operating a motor vehicle; such person shall have to take a test of his breath and perform**
14 **a field sobriety test. A test of the person's breath shall be administered only when**
15 **authorized by the Bureau of Public Safety or the Bureau of Public Health and a field**
16 **sobriety test may be administered only pursuant to the rules as provided in Section 609**
17 **of this Title. The test shall be administered on the person, driving or in actual control of**
18 **a motor vehicle upon the public roads, when such person is suspected of being under**
19 **influence of intoxicating liquor or other controlled substance only after:**

20 **(a) a lawful arrest; and**

21 **(b) the police officer has informed the person of the sanctions of Section 606.**

22 **Nothing in this section may require a field sobriety test to be performed except**
23 **as required by the rules adopted under Section 609.**

24 ...

25 **§ 603. Persons qualified to take blood specimen. No person other than a physician,**
26 **medical officer, laboratory technician, or certified nurse may withdraw blood for the**
27 **purpose of determining the alcoholic content therein. This limitation shall not apply to**
28 **the taking of a breath specimen or a field sobriety test.**

29 ...

1 **§ 606. Revocation of privilege to drive motor vehicle upon refusal to submit to**
2 **testing.**

3 **(a) If a person under arrest refuses to submit to a test of his breath or blood or**
4 **refuses to submit to a field sobriety test, none shall be given, but the arresting officer**
5 **shall, as soon as practicable, submit an affidavit to a judge or justice stating that at the**
6 **time of the arrest he had reasonable grounds to believe the arrested person had either**
7 **been driving or was in actual physical control of a motor vehicle upon the public roads**
8 **while under the influence of intoxicating liquor or another controlled substance, that the**
9 **arrested person had been informed of the sanctions of this section, and that the person**
10 **had refused to submit to a test of his breath or blood or a field sobriety test.**

11 ...

12 **§ 607. Hearing before a judge or justice.**

13 **(a) The hearing to determine the truth and correctness of an affidavit submitted**
14 **to a judge or justice shall be held within ten (10) days after the judge or justice has**
15 **received the affidavit.**

16 **(b) The judge or justice shall hear and determine whether the arresting officer**
17 **had reasonable grounds to believe that the person had been either driving or in actual**
18 **physical control of a motor vehicle upon the public roads while under the influence of**
19 **intoxicating liquor or another controlled substance, whether the person was lawfully**
20 **arrested, whether the arresting officer had informed the person of the sanctions of this**
21 **chapter, and whether the person refused to submit to a test of his breath or blood or to**
22 **submit to a field sobriety test.**

23 **(c) An order of a judge or justice may be appealed to the Appellate Division of**
24 **the Supreme Court in the manner provided by law.**

25 ...

26 **§ 609. Field sobriety test - rulemaking. The Director of the Bureau of Public**
27 **Safety shall adopt rules pursuant to Title 6, Chapter 1, to provide for the standardized**
28 **field sobriety tests authorized under this chapter and the conditions under which a law**
29 **enforcement officer may administer a field sobriety test.”**

30 **Section 9. Amendment. 13 PNC §§ 1363 and 1364 are amended as follows:**

1 “ ...

2 § 1363. Physical examination required. Within ten (10) days after his initial entry
3 into the Republic, each holder of an entry permit which authorizes such person to enter
4 the Republic for the purpose of employment, and each member of the family of such
5 person, shall be subject to a physical examination to be conducted by or under the
6 auspices of the Bureau of Public Health. The examination shall include a blood and urine
7 test for marijuana, cocaine, heroin, methamphetamine, and any other controlled
8 substance as defined in 34 PNCA § 3002. The cost of such physical examination shall be
9 borne by the entry permit holder.

10 ...

11 § 1364. Rejection of permit holder; notification to President.

12 (a) The Director of the Bureau of Public Health shall, within a reasonable time
13 after the completion of the physical examination required in Section 1363 of this title,
14 notify the President as to any medical reasons why the entry permit holder or a member
15 of the family of the entry permit holder should not be allowed to remain in the Republic,
16 and shall state the basis of his judgment.

17 (b) No such notification shall be made if the continued presence of the entry
18 permit holder or family member in the Republic would not, in all medical probability,
19 result in substantial danger to the health of the inhabitants of the Republic or in a need
20 for prolonged medical care and treatment while in the Republic or in danger to the
21 permit holder's person or the family member's person.

22 (c) Such notification shall be made upon any positive finding of any contagious
23 disease, including any social disease, or the presence of any controlled substance in
24 Schedule I-V as set forth in Chapter 31 of Title 34 unless the substance was prescribed
25 for the individual and that individual was using the controlled substance in the manner
26 prescribed by a licensed physician.

27 ...”

28 Section 10. Amendment. Chapter 6 of Title 21 of the Palau National Code is
29 amended as follows:

30 “... ”

1 **§ 602. Definitions. In this chapter, unless the specific content indicates**
2 **otherwise: (a) “Abuse” means any willful or negligent act or punishment which results**
3 **in harm or threat of harm to the physical or mental health of a child which leads to**
4 **consequences including, but not limited to, death, fractures, burns, bleeding,**
5 **disfigurement, severe bruises, severe psychological or emotional trauma, exposure to**
6 **controlled substances without a licensed physician’s prescription for the child, or illness**
7 **not explainable on the basis of a disorder or natural occurrence.**

8 ...

9 **(d) “Mandatory Reporter” means any physician, dentist, intern, health**
10 **assistant, medex, nurse or practical nurse, any school teacher or other school official,**
11 **any day care worker, any peace officer or law enforcement official, and any other**
12 **person who may be authorized to provide for the care or well-being of a child,**
13 **including any person who has parental, custodial, or other legal custody or visitation**
14 **right to the child suspected of being abused, and each employee of the Ministry of**
15 **Education, the Ministry of Justice, and the Ministry of Health and Human Services,**
16 **and each elected state and national official.**

17 ...

18 **§ 603. Reporting procedure.**

19 **(a) Every person defined as a mandatory reporter who is responsible for**
20 **examining, attending, teaching, medically treating a child, or who has legal parental,**
21 **custodial, or other legal visitation rights, and knows, or who should have known that**
22 **such child has had unlawful exposure to controlled substances, including prenatal**
23 **exposure, or the child has had a serious injury or injuries inflicted upon him or her as**
24 **a result of abuse, sexual abuse, or neglect, shall report the matter within forty-eight**
25 **(48) hours to the Director of the Bureau of Public Safety, except when the report is to**
26 **be made to a different person under subsection (c) or (d). It is the intent of the Olbil**
27 **Era Kelulau that the inclusion of the term “should have known” is explicitly intended**
28 **to encourage mandatory reporters to err on the side of reporting child abuse.**

29 **(b) If the report is not made in writing in the first instance, it shall be reduced to**
30 **writing by the mandatory reporter within forty-eight (48) hours thereof. The report**

1 shall contain: the name and address of the child and his or her parents or other
2 persons responsible for his or her care, if known; the child's age; the nature and extent
3 of the child's injuries, including any evidence of previous injuries; and any other
4 information that the maker of the report believes might be helpful in establishing the
5 cause of the injuries and the identity of the person or persons responsible for such
6 abuse.

7 ... ”

8 Section 11. Amendment. Chapter 8 of Title 21 of the Palau National Code is
9 amended as follows:

10 “...

11 § 802. Definitions. In this subchapter, unless a different meaning plainly is
12 required:

13 (1) “At-risk person” means a minor, an incompetent person, a pregnant
14 woman, or an elderly person.

15 (2) “Bodily injury” means physical pain, illness, or any impairment of
16 physical condition.

17 (3) “Dating relationship” means a romantic, courtship, or engagement
18 relationship, often but not necessarily characterized by actions of an intimate or
19 sexual nature, but does not include a casual acquaintanceship or ordinary
20 fraternization between persons in a business or social context.

21 (4) “Elderly person” means an individual who is age 60 or older.

22 (5) “Incompetent person” means a person who because of disease,
23 disorder or defect is unable to care for himself or herself.

24 (6) “Mandatory reporter” means a physician, dentist, health assistant or
25 intern, nurse, or other licensed health provider, school teacher or other school
26 official, a day care worker, a social worker, a law enforcement officer, any other
27 person who may be authorized to provide for the care or well-being of an at-risk
28 person, each employee of the Ministry of Education, the Ministry of Justice, and
29 the Ministry of Health and Human Services, and each elected state or national
30 official.

1 (7) “Minor” means a person less than eighteen years of age.

2 (8) “Serious bodily injury” means bodily injury that creates a substantial
3 risk of death or that causes serious, permanent disfigurement, or protracted loss
4 or impairment of the function of any bodily member or organ.

5 (9) “Substantial bodily injury” means bodily injury which causes:

6 (A) a major avulsion, laceration, or penetration of the skin;

7 (B) a burn of at least second degree severity;

8 (C) a bone fracture;

9 (D) a serious concussion; or

10 (E) a tearing, rupture, or corrosive damage to the esophagus,
11 viscera, or other internal organs.

12 ...

13 § 810. Substance abuse – mandatory reporting.

14 (a) A mandatory reporter shall make a report when they have reasonable cause
15 to believe that use or misuse of controlled substances has resulted in:

16 (1) impaired caregiving or supervision of a minor or an incompetent
17 person;

18 (2) an at-risk person being present in a household where a controlled
19 substance is manufactured, sold, or used in a manner that endangers the at-risk
20 person;

21 (3) a pregnant woman using a controlled substance without a
22 prescription in a manner likely to harm the fetus;

23 (4) a newborn showing signs of prenatal drug exposure; or

24 (5) creating a situation in which an incompetent person or an elderly
25 person has access to controlled substances without a valid prescription as a
26 result of a caregiver’s conduct.

27 (b) A mandatory reporter shall report the matter in writing within forty-eight
28 (48) hours to the Director of the Bureau of Public Safety.

29 ...”

1 Section 12. Repealer. Section 1210 of Title 33 of the Palau National Code is
2 hereby repealed in its entirety.

3 Section 13. Saving clause. [This act] does not affect rights and duties that
4 matured, penalties that were incurred, or proceedings that were begun before [the
5 effective date of this act].

6 Section 14. General Amendment – Instruction to Code Commission.

7 All references in the Palau National Code and in the Republic of Palau Public
8 Laws to the term “marihuana,” in relation to a controlled substance are hereby amended
9 to reference “marijuana,” as the more common spelling.

10 Section 15. Effective date.

11 (a) Except as provided by subsection (b), this Act shall take effect upon its
12 approval by the President of the Republic of Palau, or upon its becoming law without
13 such approval.

14 (b) Section 5 of [this act] amending 17 PNC § 717 and Section 6 amending 34 PNC
15 § 3312 of [this act] are effective on October 1, 2026.

Passed: April 21, 2026

Approved this 6th day of May, 2026



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