

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 187-37 (LS) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; substituted; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 23, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

15

0

**Not
Voting/
Abstained**

**Out
During
Roll Call**

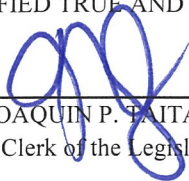
0

Absent

0

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 187-37 (LS)

As amended by the Committee on Environment,
Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning; substituted;
and further amended on the Floor.

*

Introduced by:

Sabina Flores Perez
Chris Barnett
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *AMEND* § 6102(f) OF ARTICLE 1; TO *AMEND* §§ 6201, 6202, 6206 AND 6209, AND *REPEAL* § 6205, ALL OF ARTICLE 2; TO *AMEND* § 6301(a) OF ARTICLE 3; TO *REPEAL* § 6401(b) AND *AMEND* § 6402 AND RENUMBER AS § 6403 OF ARTICLE 4; TO *AMEND* § 6507 OF ARTICLE 5; TO *AMEND* §§ 6702(b), 6702(p) AND 6702(r) OF ARTICLE 7; AND TO *REPEAL* §§ 6802(c) AND 6811 OF ARTICLE 8, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALES OF TOBACCO, NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES THROUGH VENDING MACHINES ON GUAM.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the last tobacco vending machine defined in 11 GCA Chapter 6 licensed through
4 the Department of Revenue and Taxation to sale tobacco products was issued in
5 2015 and expired in June of 2018. At present, there have been no applications and
6 renewals processed at the Department.

7 *I Liheslatura* further finds that in 2010, pursuant to the “Family Smoking
8 Prevention and Tobacco Control Act” (H.R. 1256), tobacco vending machine sales
9 were banned nationwide.

10 *I Liheslatura* finds that according to the State Epidemiological Outcomes
11 Workgroup (SEOW), it identifies that one of the leading causes of underage tobacco
12 and nicotine use among youth is “accessibility to tobacco and vape products” from
13 vendors licensed to do business on Guam. In August 2023, the State Epidemiological
14 Profile reported that tobacco consumption remains higher in Guam than in the U.S.,
15 for both adults and youth. Although the SEOW indicates an overall decline, Guam
16 still has one of the highest smoking prevalence rates across various U.S. states and
17 territories. Furthermore, SEOW reports that the decline over a ten (10)-year period
18 in tobacco and nicotine use in Guam is a result of strengthening local policies,
19 enforcement efforts, and increased taxation.

20 Therefore, it is the intent of *I Liheslaturan Guåhan* to continue to create
21 safeguards for Guam’s youth by removing all sales of tobacco, nicotine, electronic
22 cigarettes through vending machines in Guam.

23 **Section 2.** § 6102(f) of Article 1, Chapter 6, Title 11, Guam Code
24 Annotated, is hereby *amended* to read as follows:

25 “(f) *Retail License* means a license issued by the Director of Revenue
26 and Taxation for the retail sale of tobacco products.”

1 **Section 3.** § 6201 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
2 is hereby *amended* to read as follows:

3 **“§ 6201. License: Required.**

4 (a) It shall be a violation of this Chapter for any person to
5 wholesale tobacco products without first obtaining a valid wholesale
6 tobacco license.

7 (b) It shall be a violation of this Chapter for any person to
8 retail tobacco products without first obtaining a valid retail tobacco
9 license for each premise in which tobacco products are sold.

10 (c) It shall be a violation of this Chapter for any person to sell
11 tobacco, nicotine products, or electronic cigarettes through a vending
12 machine.

13 (d) Any person directly or indirectly engaged in the business
14 of manufacturing tobacco products may not retail tobacco products,
15 directly or indirectly, or hold a retail or wholesale license. It shall not
16 be a violation of this Chapter for any such person engaged in the
17 business of manufacturing tobacco products to import, export or sell for
18 resale tobacco products to a duly licensed tobacco wholesaler.”

19 **Section 4.** § 6202 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
20 is hereby *amended* to read as follows:

21 **“§ 6202. Same: Fees.**

22 The Director is authorized to issue the following classes of
23 licenses at the following fees, which shall be paid by the applicant at
24 the time of application:

25 (a) Annual Retail License: \$100.00;

26 (b) Annual Wholesaler License: \$1,000.00.”

1 **Section 5.** § 6205 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
2 is hereby *repealed*.

3 **Section 6.** § 6206 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
4 is hereby *amended* to read as follows:

5 **“§ 6206. Same: Multiple.**

6 A person applying for retail licenses to operate more than one (1)
7 premise shall obtain a separate retail license for each premise, and shall
8 pay the fee prescribed for each premise.”

9 **Section 7.** § 6209 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
10 is hereby *amended* to read as follows:

11 **“§ 6209. Display of License.**

12 (a) A licensee for sales of tobacco products shall prominently
13 display the license on each licensed premise.

14 (b) Any licensee who violates this Section shall be fined Fifty
15 Dollars (\$50.00) per violation.”

16 **Section 8.** § 6301(a) of Article 3, Chapter 6, Title 11, Guam Code
17 Annotated, is hereby *amended* to read as follows:

18 “(a) The Director shall not issue a license to any person who then
19 holds a license of another class.”

20 **Section 9.** § 6401(b) of Article 4, Chapter 6, Title 11, Guam Code
21 Annotated, is hereby *repealed*.

22 **Section 10.** The second § 6402 of Article 4, Chapter 6, Title 11, Guam Code
23 Annotated, is hereby *amended* and *renumbered* to read as follows:

24 **“§ 6403. Display of Prohibition on Sales of Tobacco Products to**
25 **Persons Under Twenty-one (21) Years of Age.**

26 All licensees shall post notice that this Chapter prohibits the sale
27 of tobacco products to persons under twenty-one (21) years of age.

1 (a) In the case of a retail operation, notices shall be
2 publicly and conspicuously displayed in the licensee’s place of
3 business in letters at least two inches (2”) in height.

4 (b) Any licensee who violates this Section shall be
5 fined Fifty Dollars (\$50.00) per violation.”

6 **Section 11.** § 6507 of Article 5, Chapter 6, Title 11, Guam Code Annotated,
7 is hereby *amended* to read as follows:

8 **“§ 6507. Report.**

9 The Director shall report monthly to the Guam Behavioral Health
10 and Wellness Center (GBHWC) a list of all licenses granted and
11 renewed, including the names and street addresses of the business, the
12 number of violations processed and the penalties imposed, and any
13 other information that the Director and GBHWC agree upon.”

14 **Section 12.** § 6702(b) of Article 7, Chapter 6, Title 11, Guam Code
15 Annotated, is hereby *amended* to read as follows:

16 “(b) *Business location or place of business* means the entire premises
17 occupied by a retail tobacco permit applicant or an entity required to hold a
18 retail tobacco permit under this Chapter; and shall include, but is not limited
19 to, any store, stand, outlet, vehicle, cart, location, or structure from which
20 cigarettes or tobacco products are sold or distributed to a consumer.”

21 **Section 13.** § 6702(p) of Article 7, Chapter 6, Title 11, Guam Code
22 Annotated, is hereby *amended* to read as follows:

23 “(p) *Retailer* means an entity that engages in the practice of selling
24 cigarettes, tobacco or nicotine products, or electronic cigarettes to
25 consumers.”

26 **Section 14.** § 6702(r) of Article 7, Chapter 6, Title 11, Guam Code
27 Annotated, is hereby *amended* to read as follows:

1 “(r) *Retail sale or tobacco retailing* means the practice of selling
2 cigarettes, tobacco or nicotine products, or electronic cigarettes to
3 consumers.”

4 **Section 15.** § 6802(c) of Article 8, Chapter 6, Title 11, Guam Code
5 Annotated, is hereby *repealed*.

6 **Section 16.** § 6811 of Article 8, Chapter 6, Title 11, Guam Code Annotated,
7 is hereby *repealed*.

8 **Section 17.** The Guam Compiler of Laws shall renumber the various
9 sections of Chapter 6 of Title 11 Guam Code Annotated in this Act as needed.

10 **Section 18. Severability.** If any provision of this Act or its application to
11 any person or circumstance is found to be invalid or inorganic, such invalidity shall
12 not affect other provisions or applications of this Act that can be given effect without
13 the invalid provision or application, and to this end the provisions of this Act are
14 severable.

15 **Section 19. Effective Date.** This Act shall be effective upon enactment.