



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, GU 96932  
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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

JUL 22 2010

2010 JUL 23 AM 11:01  
EPM

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina' Trenta Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 159-30 (COR) "AN ACT TO ADD A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE IMPORTATION AND SALE OF INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER", which I signed into law on July 16, 2010 as Public Law 30-163.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.  
I Maga'låhen Guahan para pa'go  
Acting Governor of Guahan

Attachment: copy of Bill

30-10-0610  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 7/22/10  
Time 4:42P  
Received by [Signature]

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2010 (SECOND) Regular Session

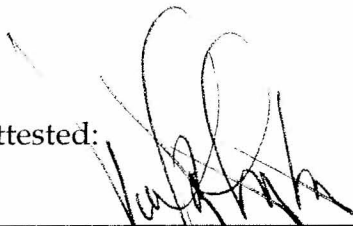
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 159-30 (COR)**, "AN ACT TO ADD A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE IMPORTATION AND SALE OF INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER", was on the 2<sup>nd</sup> day of July, 2010, duly and regularly passed.



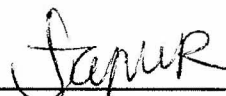
Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 16<sup>th</sup> day of July, 2010, at  
5 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:



MIKE W. CRUZ, MD  
GOVERNOR OF GUAM ACTING

Date: JUL 16 2010

Public Law No. P.L. 30-163

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 159-30 (COR)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz  
Judith T. Won Pat, Ed. D.  
F. B. Aguon, Jr.  
T. C. Ada  
V. Anthony Ada  
F. F. Blas, Jr.  
E. J.B. Calvo  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio

**AN ACT TO *ADD* A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE IMPORTATION AND SALE OF INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that tobacco use is the leading cause of preventable, early death in America. Every  
4 year in our nation, tobacco causes over four hundred thousand (400,000) deaths, and

1 eight million six hundred thousand (8,600,000) Americans have chronic illnesses  
2 linked to tobacco. A fifty percent (50%) reduction in tobacco use by minors would  
3 prevent over ten million (10,000,000) of today's children from becoming daily  
4 smokers. This would save over three million (3,000,000) of them from premature  
5 death due to tobacco-induced disease. A reduction in youth tobacco use would result  
6 in approximately Seventy-five Billion Dollars (\$75,000,000,000) in savings  
7 attributable to reduced health care costs. Tobacco manufacturers routinely advertise  
8 to the youth tobacco products as being socially acceptable and healthful. Therefore, it  
9 is the intent of *I Liheslaturan Guåhan* to prohibit the importation and sale of all orally  
10 dissolvable tobacco products and nicotine water and nicotine lip balm. In effect, this  
11 prohibition will prevent these products from reaching consumers under the age of  
12 eighteen (18) years, to whom they are most aggressively being marketed.

13 **Section 2.** A new Chapter 90A is hereby *added* to Title 10, Guam Code  
14 Annotated, to read:

15 **“CHAPTER 90A**

16 **§90A100. Title.**

17 This Chapter *shall* be known, and may be cited, as the “Prohibition of  
18 Ingestible Tobacco Film Strips, Tobacco Sticks, Tobacco Hard Candies,  
19 Nicotine Lollipops, Nicotine Lip Balm, and Nicotine Water.”

20 **§90A101. Definitions.**

21 (a) *Distributor* means any person who imports tangible personal  
22 property *or* consumable goods and distributes to a retailer for resale.

23 (b) *Nicotine* means a colorless, oily, water-soluble, highly toxic,  
24 liquid alkaloid, C<sub>10</sub>H<sub>14</sub>N<sub>2</sub>, found in tobacco and valued as an  
25 insecticide. Nicotine has powerful pharmacologic effects, including  
26 increased heart rate, heart stroke volume, and oxygen consumption by the  
27 heart muscle, as well as powerful psychodynamic effects, such as

1 euphoria, increased alertness, and a sense of relaxation. Nicotine is also  
2 powerfully addictive.

3 (c) *Nicotine Lip Balm* means any emollient product infused with  
4 any amount of any form of nicotine designed to be used on the lips for  
5 the purpose of delivering nicotine into the bloodstream through the  
6 mucous membranes.

7 (d) *Nicotine Lollipop* means any sweetened, dissolvable  
8 confection infused with any amount of any form of nicotine, and  
9 available as a skewered hard candy, for the purpose of delivering nicotine  
10 into the bloodstream.

11 (e) *Nicotine Water* means any bottled drinking water infused  
12 with any amount of any form of nicotine.

13 (f) *Orbs* means the brand name of a dissolvable lozenge-type  
14 product made of finely ground and flavored tobacco that melts in the  
15 mouth within thirty (30) minutes.

16 (g) *Retailer* means the seller of tangible personal property *or*  
17 consumable goods for consumption *or* use by the purchaser and *not* for  
18 resale.

19 (h) *Sticks* means the brand name of a dissolvable toothpick-  
20 shaped product made of finely ground and flavored tobacco that melts in  
21 the mouth within ten (10) minutes.

22 (i) *Strips* means the brand name of a dissolvable film-like  
23 product made of finely ground and flavored tobacco that melts in the  
24 mouth within three (3) minutes.

25 **§90A102. Importation of Ingestible Tobacco Film Strips, Tobacco**  
26 **Sticks, Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balms, and**  
27 **Nicotine Water to Guam Illegal: Punished.**

1           (a) A person commits a felony when he imports, attempts to  
2 import, *or* causes to import ingestible tobacco film strips, tobacco sticks,  
3 tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine  
4 water into the territorial jurisdiction of Guam.

5           (b) Any ingestible tobacco film strips, tobacco sticks, tobacco  
6 hard candies, nicotine lollipops, nicotine lip balms, and nicotine water in  
7 violation of this Section *shall* be subject to seizure and forfeiture.

8           (1) Any property subject to forfeiture under this Section  
9 *shall* be seized by a peace officer, including Guam Customs &  
10 Quarantine Officers, upon process issued by the Superior Court,  
11 except that seizure without such process may be made when the  
12 seizure is incident to an arrest *or* a search under a search warrant  
13 *or* an inspection under an administrative inspection warrant; the  
14 property subject to seizure has been the subject of a prior judgment  
15 in a criminal injunction *or* forfeiture proceeding; *or* the peace  
16 officer has probable cause to believe that the property has been  
17 used *or* intended to be used in violation of this Section. In the  
18 event of a seizure pursuant to this Subsection, proceedings under  
19 Subsection (c) *shall* be instituted promptly.

20           (c) Property taken *or* detained under this Section *shall not* be  
21 repleviable, but *shall* be deemed to be in the custody of the government  
22 subject only to the orders and decrees of the Court. Whenever property is  
23 seized under the provisions of this Section, the government *shall* destroy  
24 all ingestible tobacco film strips, tobacco sticks, tobacco hard candies,  
25 nicotine lollipops, nicotine lip balms, and nicotine water seized and  
26 forfeited upon order of the Court.

1           (d) Any person found guilty of the importation, attempted  
2 importation *or* causing the importation of ingestible tobacco film strips,  
3 tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip  
4 balms, and nicotine water to Guam *shall* be guilty of a felony and be  
5 subject to imprisonment for *not more than* five (5) years, a fine *not to*  
6 *exceed* Twenty-five Thousand Dollars (\$25,000.00) per incident of  
7 importation, *or* both such fine and imprisonment.

8           **§90A103. Effective Date.** This Act *shall* take effect ninety (90) days  
9 after its enactment.”



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910

Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

April 15, 2010

Honorable Judith T. Won Pat  
Speaker  
I Mina' Trenta na Liheslaturan Guåhan  
155 Hesler Place  
Hagatña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report - Bill No. 159-30 (COR)**

2010 APR 22 PM 3:29

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Bill No. 159-30 (COR)** – “An Act to add a new Chapter 90A to Title 10, Guam Code Annotated, Relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water”, sponsored by Vice Speaker Benjamin J.F. Cruz, and referred to the Committee on Economic Development, Health & Human Services, and Judiciary. Bill No. 159-30 (COR) was publicly heard on July 28, 2009.

Committee votes are as follows:

- 4 - TO PASS
- 0 - NOT TO PASS
- 0 - ABSTAIN
- 3 - TO REPORT OUT ONLY
- 0 - TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.  
*Chairman*

Attachment





**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature  
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**COMMITTEE  
REPORT  
ON**

**BILL NO. 159-30 (COR)**  
By Vice-Speaker Benjamin J.F. Cruz

**AN ACT TO ADD A NEW CHAPTER 90A TO  
TITLE 10, GUAM CODE ANNOTATED,  
RELATIVE TO THE PROHIBITION OF  
IMPORTING INGESTIBLE TOBACCO FILM  
STRIPS, INGESTIBLE TOBACCO STICKS,  
TOBACCO HARD CANDIES, NICOTINE  
LOLLIPOPS, NICOTINE LIP BALM, AND  
NICOTINE WATER.**



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**

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April 15, 2010

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**MEMORANDUM**

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**TO: All Members**  
Committee on Economic Development,  
Health & Human Services, and Judiciary

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**FROM: Senator Frank B. Aguon, Jr.**  
Committee Chairman

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**SUBJECT: Committee Report on Bill No. 159-30 (COR)**

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

Transmitted herewith for your consideration is the Committee Report on **Bill No. 159-30 (COR) – “An Act to add a new Chapter 90A to Title 10, Guam Code Annotated, relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water”**, sponsored by Vice-Speaker Benjamin J.F. Cruz.

This report includes the following:

- Committee Report Voting Sheet
- Committee Report Digest
- Copy of Bill No. 159-30 (COR)
- Public Hearing Sign-In Sheet
- Submitted Testimonies & Supporting Documents
- Copy of COR Referral of Bill No. 159-30 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agendas

Please take the appropriate action on the attached voting sheet. Your attention and cooperation on this matter is greatly appreciated. If you have any questions or concerns, please don't hesitate to contact me.

*Un dangkulo' na Si Yu'us Ma'ase'.*

Attachments



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

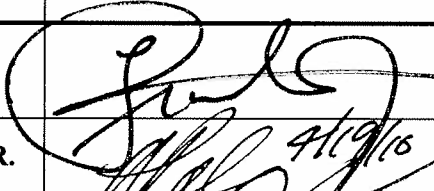
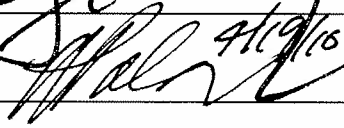
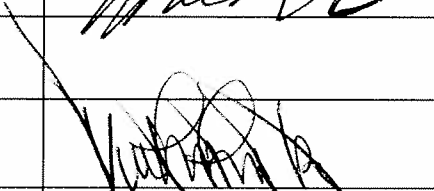

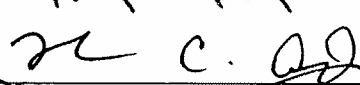
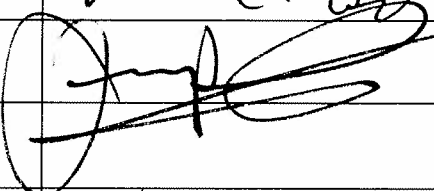
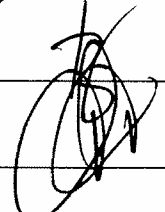
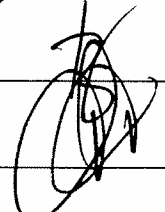
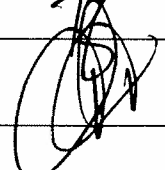
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**COMMITTEE VOTING SHEET**

**BILL NO. 159-30 (COR) - An Act to add a new Chapter 90a to Title 10, Guam Code Annotated, relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water”, sponsored by Vice-Speaker Benjamin J.F. Cruz.**

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
<b>FRANK B. AGUON, JR.</b> Chairman		✓				
<b>ADOLPHO B. PALACIOS, SR.</b> Vice Chairman	 4/19/15	✓				
<b>BENJAMIN J.F. CRUZ</b> Vice Speaker						
<b>TINA ROSE MUÑA BARNES</b> Legislative Secretary		✓				
<b>THOMAS C. ADA</b>	 T.C. ADA			✓		
<b>JUDITH P. GUTHERTZ</b>		✓				
<b>RORY J. RESPICIO</b>				✓		
<b>FRANK F. BLAS, JR.</b>				✓		
<b>TELO TAITAGUE</b>				✓		
<b>RAY TENORIO</b>						



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**

*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

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**COMMITTEE REPORT DIGEST**

**Bill No. 159-30 (COR), as introduced**

**I. OVERVIEW**

The Committee on Economic Development, Health & Human Services, and Judiciary conducted a public hearing on July 28, 2009. Among the items on the agenda was the consideration of Bill No. 159-30 (COR) – “An Act to add a new Chapter 90A to Title 10, Guam Code Annotated, relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water”, introduced by Vice-Speaker Benajmin J.F. Cruz.

**Public Notice Requirements**

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on July 21, 2009 (5-Day Notice), and again on July 23, 2009 (48-Hour Notice). Notices were published in the Marianas Variety on July 21, 2009, and again in Marianas Variety on July 24, 2009..

**Senators Present**

Senator Frank B. Aguon, Jr., Chairman  
Senator Adolpho B. Palacios, Sr., Vice Chairman  
Vice-Speaker Benjamin J.F. Cruz, Committee Member  
Senator Thomas C. Ada, Committee Member  
Senator Vicente C. Pangelinan

The public hearing was Called to Order at 1:00 PM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

*Public hearing of Bill No. 159-30 immediately followed the hearing of Bill No. 150-30, and most of those present came to testify for both.*

**CHAIRMAN FRANK B. AGUON, JR.** convened the public hearing on Bill No. 159-30, and called the first panel to testify.

**Chairman Aguon** asked if, in addition to Bill No. 150-30, Dr. Shieh wished to provide testimony for Bill No. 159-30.

**Dr. Sheih, MD, FACOG**, of Dr. Shieh's Clinic. Provided oral testimony **IN SUPPORT** of Bill No. 150. Dr. Shieh stated that he would be in support of any bill curbing the use of any nicotine infused products.

**Vice-Speaker Cruz** recognized the time constraints of doctors and asked if members of the panel could provide testimony for Bill No. 159-30.

**Dr. Jarome Landstrom, MD, Guam AMA Delegate** of the Guam Medical Plaza. Provided oral testimony **IN SUPPORT** of Bill No. 159. Dr. Landstrom stated nicotine candies spiked with nicotine is reprehensible. Dr. Landstrom stated that once one is addicted, one is a customer for life. Nicotine products like those addressed in Bill No. 159 target future generations with these tobacco products.

**Dr. Annette M. David, MD, MPH, Chair, Guam Cancer Control Coalition.** Provided oral testimony **IN SUPPORT** of Bill No. 159-30. Dr. David stated strong support for Bill No. 159-30 because it is entirely consistent with what is recommended in the First International Treaty – The Framework Convention for Tobacco Control. Unfortunately, the USA is one of twenty (20) countries of the world that has not signed the treaty. As a result, this legislation is necessary to help protect our children from these products. Currently, there are nicotine-based toothpaste and drinks, in addition to the products in Bill No. 159-30. These are products used to circumvent the smoke-free laws, and tobacco companies realize this because nicotine is a goldmine. Once people become addicted to nicotine, they are addicted for life.

**Dr. Helen J.D. Whippy, Ph.D., Principal Investigator, University of Guam Cancer Research Center.** Provided oral testimony **IN SUPPORT** of Bill No. 150. Dr. Whippy, who is also the Senior Vice President for Academic and Student Affairs, stated that she supports Bill No. 159-30 on behalf of the University of Guam Cancer Research Center, as well as mothers everywhere because there is no redeeming value in any of these products.

**Mr. J. Peter Roberto, ACSW, Director, Department of Public Health & Social Services.** Provided written testimony **IN SUPPORT** of Bill No. 159. Mr. Roberto stated we support this legislation to prohibit the illegal importation of tobacco products.

**Senator Pangelinan** stated tobacco is the only legal product that if used properly will kill you. Sen. Pangelinan stated nicotine products like bubble gum shaped in cigarettes from his youth are used to condition people to react via repetition.

**Vice-Speaker Cruz** asked if in addition to testimony for Bill No. 150-30, any members of the panel had comments related to Bill No. 159-30.

**Chairman Aguon** clarified that it is appropriate for anyone to apply testimony for 159-30 in addition to 150.30.

**Mr. Dan Rosenberger, President, Guam American Cancer Society.** Provided oral testimony **IN SUPPORT** of Bill No. 159-30. Mr. Rosenberger stated the Guam American Cancer Society

is in favor of any bill that supports the restriction of usage of tobacco products or tobacco-like products.

### **III. FINDINGS & RECOMMENDATIONS**

The Committee on Economic Development, Health & Human Services, and Judiciary finds that ingestible tobacco products such as those prohibited by this act are intentionally disguised in the form of candies, breath fresheners, lip balms and drinking water; intending to attract and addict youthful consumers who will perpetuate the nicotine and tobacco profitable industry.

Because these items are hazardous to human health, and the packaging of these items are exactly the same as some candies, breath fresheners, moisturizers and drinking water; their intent is clearly to deceive the people of Guam into becoming addicts of tobacco and nicotine, and thus their importation should be prohibited.

The Committee on Economic Development, Health & Human Services, and Judiciary, to which was referred Bill No. 159-30 (COR), hereby submits these findings to *I Mina' Trenta na Liheslaturan Guåhan* and reports out Bill No. 159-30 (COR) with the recommendation

**TO PASS**


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**MINA' TRENTA NA LIHESLATURAN GUÅHAN**  
2009 (FIRST) Regular Session

2009 JUN 18 PM 4:03

Bill No. 159 (COR)

Introduced by:

B.J.F. Cruz 

**AN ACT TO ADD A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF IMPORTING INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that tobacco use is the leading cause of preventable, early death in America.  
4 Every year in our nation, tobacco causes over 400,000 deaths, and 8,600,000  
5 Americans have chronic illnesses linked to tobacco. A 50 percent reduction  
6 in tobacco use by minors would prevent over 10,000,000 of today's children  
7 from becoming daily smokers. This would save over 3,000,000 of them  
8 from premature death due to tobacco-induced disease. A reduction in youth  
9 tobacco use would result in approximately \$75,000,000,000 in savings  
10 attributable to reduced health care costs. Tobacco manufacturers routinely  
11 advertise to the youth tobacco products as being socially acceptable and  
12 healthful. Therefore, it is the intent of *I Liheslaturan Guåhan* to prohibit the  
13 importation and sale of all orally dissolvable tobacco products and nicotine

1 water and nicotine lip balm. In effect, this prohibition will prevent these  
2 products from reaching consumers under the age of 18, to whom they are  
3 most aggressively being marketed.

4 **Section 2. A new Chapter 90A is hereby added to Title 10, Guam Code**  
5 **Annotated, to read:**

6 § 90A100 This Chapter shall be known and may be cited as 'Prohibition of  
7 Ingestible Tobacco Film Strips, Tobacco Sticks, Hard Candies, Nicotine  
8 Lollipops, Nicotine Lip Balm, and Nicotine Water'

9 **Section 3. § 90A101 Definitions:**

10 '*Distributor*' means any person who imports tangible personal property or  
11 consumable goods and distributes to retailer for resale.

12 '*Nicotine*' means a colorless, oily, water-soluble, highly toxic, liquid  
13 alkaloid, C<sub>10</sub>H<sub>14</sub>N<sub>2</sub>, found in tobacco and valued as an insecticide. Nicotine has  
14 powerful pharmacologic effects including increased heart rate, heart stroke  
15 volume, and oxygen consumption by the heart muscle as well as powerful  
16 psychodynamic effects such as euphoria, increased alertness, and a sense of  
17 relaxation. Nicotine is also powerfully addictive.

18 '*Nicotine Lip Balm*' means any emollient product infused with any amount  
19 of any form of nicotine designed to be used on the lips for the purpose of  
20 delivering nicotine into the bloodstream through the mucous membranes.

21 '*Nicotine Lollipops*' means any sweetened, dissolvable confection infused  
22 with any amount of any form of nicotine and available as a skewered hard candy,  
23 for the purpose of delivering nicotine into the bloodstream.

24 '*Nicotine Water*' means any bottled drinking water infused with any amount  
25 of any form of nicotine.

26 '*Orbs*' means the brand name of dissolvable lozenge-type product made of  
27 finely ground and flavored tobacco that melts in the mouth within 30 minutes.



1           ‘Retailer’ means the seller of tangible personal property or consumable  
2 goods for consumption or use by the purchaser and not for resale.

3           ‘Sticks’ means the brand name of a dissolvable toothpick-shaped product  
4 made of finely ground and flavored tobacco that melts in the mouth within 10  
5 minutes.

6           ‘Strips’ means the brand name of dissolvable film-like product made of  
7 finely ground and flavored tobacco that melts in the mouth within 3 minutes.

8           **Section 4. § 90A102 Importation of Ingestible Tobacco Film Strips,**  
9 **Tobacco Sticks, Hard Candies, Nicotine Lollipops, Nicotine Lip Balm, and**  
10 **Nicotine Waters to Guam Illegal: Punished**

11           (a) A person commits a felony when he imports, attempts to import, or  
12 causes to import ingestible tobacco film strips, tobacco sticks, hard candies,  
13 nicotine lollipops, nicotine lip balm, and nicotine water into the territorial  
14 jurisdiction of Guam.

15           (b) Any ingestible tobacco film strips, tobacco sticks, hard candies, nicotine  
16 lollipops, nicotine lip balm, and nicotine water in violation of this Section shall be  
17 subject to seizure and forfeiture.

18           (1) Any property subject to forfeiture under this Section shall be seized by a  
19 peace officer, including Guam Customs Officer, upon process issued by the  
20 Superior Court, except that seizure without such process may be made when the  
21 seizure is incident to an arrest or a search under a search warrant or an inspection  
22 under an administrative inspection warrant; the property subject to seizure has been  
23 the subject of a prior judgment in a criminal injunction or forfeiture proceeding; or  
24 the peace officer has probable cause to believe that the property has been used or  
25 intended to be used in violation of this Section. In the event of a seizure pursuant to  
26 this Subsection, proceedings under Subsection (c) shall be instituted promptly.

1           (c) Property taken or detained under this Section shall not be repleviable, but  
2 shall be deemed to be in the custody of the government subject only to the orders  
3 and decrees of the Court. Whenever property is seized under the provisions of this  
4 Section, the government shall destroy all ingestible tobacco film strips, tobacco  
5 sticks, hard candies, nicotine lollipops, nicotine lip balm, and nicotine water seized  
6 and forfeited upon order of the Court.

7           (d) Any person found guilty of the importation, attempted importation or  
8 causing the importation of ingestible tobacco film strips, tobacco sticks, hard  
9 candies, nicotine lollipops, nicotine lip balm, and nicotine water to Guam shall be  
10 guilty of a felony and be subject to imprisonment for not more than five (5) years,  
11 a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00) per incident of  
12 importation, or both such fine and imprisonment.

13           **Section 5. § 90A103 Effective Date:** This Act shall take effect ninety (90)  
14 days after its enactment.



**SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT, HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina 'Trenta na Liheslaturan Guahan • 30th Guam Legislature*

**PUBLIC HEARING DATE / TIME:** Tuesday, July 28, 2009 / 1:00 pm

**AGENDA ITEM: BILL NO. 159 (COR) – B.J.F. CRUZ**

An act to add a new Chapter 90A to Title 10, Guam Code Annotated, relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine water.

NAME (PRINT)	SIGNATURE	AGENCY OR ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT #
PETER ROBERTO	<i>[Signature]</i>	DPKS	✓	✓	✓		744102
J. LANDSMAN	<i>[Signature]</i>	AMA DeLorke	✓	✓	✓		688-8952



# GOVERNMENT OF GUAM



## DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

Felix P. Camacho  
Governor

#123 Chalan Kareta  
Mangilao, Guam 96913-6304

J. Peter Roberto, ACSW  
Director

Michael W. Cruz, M.D.  
Lieutenant Governor

JUL 28 2009

Honorable Frank B. Aguon, Jr.  
Ste. 701A, DNA Bldg.  
238 Archbishop Flores St.  
Hagåtña, Guam 96910

**RE: Letter in Support of Bill 159 (An act to add a New Chapter 90A to Title 10, Guam code Annotated; relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water).**

Dear Senator Aguon:

***Hafa Adai!*** The Department of Public Health and Social Services strongly support Bill 159 (An act to add a New Chapter 90A to Title 10, Guam code Annotated; relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water).

This legislation is significant for the appeal of flavored cigarettes or tobacco products has long been associated with young and novice smokers. Tobacco industry research has demonstrated that fruit and candy flavored tobacco products increase the social acceptance of cigarettes, increase the excitement factor for example, sharing flavors, and increase the curiosity to try the product. These products should not be considered safe because are all harmful and extremely addictive.

Flavored regular cigarettes promote youth initiation and help young occasional smokers to become daily smokers. These products might encourage children, teens and young adults to take their first step toward smoking cigarettes. Young people may be attracted to these products due to their novelty, safety claims and the availability of these products in a variety of fruit, candy, cola and chocolate flavors. In addition these products may be easily accessed online, in stores and at mall kiosks where young people often hang out.

Nicotine addiction is one of the hardest addictions to break. The availability and accessibility to unregulated nicotine products that appeal to youth might increase the overall number of individuals who become nicotine dependent for life and later use regular cigarettes.

The World Health Organization (WHO) estimated that, "the marketing and distribution of tobacco products has created an epidemic that has killed approximately 5 million people in 2006.

As the island's prevention agency we must protect our youth and the many generations to come from the seduction and influence of any form of tobacco use. The Department of Public Health and Social Services (DPHSS), Tobacco Free Guam Program is committed to work with all project partners and stakeholders to ensure that the current and future generations of kids do not become victims of the tobacco use epidemic.

Bill 159, if passed, will strengthen our commitment to a healthier Guam. *Si Yu'os Ma'ase.*

Sincerely,

A handwritten signature in black ink, appearing to read "J. Peter Roberto", written in a cursive style.

J. PETER ROBERTO, ACSW  
Director

From Dr. Landstrom

## REPORT OF THE BOARD OF TRUSTEES

B of T Report 22-A-09

Subject: Annual Update on Activities and Progress in Tobacco Control: February 2008 through February 2009

Presented by: Joseph M. Heyman, MD, Chair

Referred to: Reference Committee D  
(James L. Milam, MD, Chair)

---

### 1 INTRODUCTION

2  
3 This report summarizes AMA activities and progress in tobacco control from February 2008  
4 through February 2009 and is written in response to AMA Policy D-490.983 (AMA Policy  
5 Database), "Annual Tobacco Report."  
6

### 7 DISCUSSION

#### 9 Current Progress in Reducing Tobacco Use

10  
11 According to the Centers for Disease Control and Prevention (CDC)<sup>1</sup>, despite significant decreases  
12 since the 1960s, cigarette smoking and exposure to secondhand smoke remain the leading  
13 preventable causes of death in the United States, responsible for about 1 in 5 deaths annually. In  
14 2008, the CDC reported that, for the period 2000-04, cigarette smoking and exposure to  
15 secondhand smoke resulted in an estimated 443,000 deaths and 5.1 million years of potential life  
16 lost (YPLL) each year<sup>2</sup>. The median mortality rate attributable to smoking declined by  
17 approximately 25 deaths per 100,000, from 288 deaths per 100,000 for the period 1996-99 to 263  
18 deaths per 100,000 for the period 2000-04. This reflects progress made in lowering smoking  
19 prevalence in all states except Oklahoma. Annually, cigarette smoking costs more than \$167  
20 billion – \$92 billion in lost productivity and \$75.5 billion in health care expenditures.  
21

22 In most respects, the tobacco use goals set forth in Healthy People 2010 will not be reached at  
23 current rates of change. According to the National Survey on Drug Use and Health (NSDUH)<sup>3</sup>, in  
24 2007, an estimated 70.9 million Americans aged 12 or older, 28.6 percent of the population in that  
25 age range, were current users of a tobacco product. This represents a small decrease in the rate of  
26 current use of any tobacco product among persons aged 12 or older, from 29.6 percent in 2006 to  
27 28.6 percent in 2007; however, there were no significant decreases in the use of most types of  
28 tobacco products – cigarettes, smokeless tobacco, cigars, and pipe tobacco.  
29

30 Among tobacco users, some of whom used more than one type of tobacco product, 60.1 million  
31 persons, 24.2 percent of the population, were current cigarette smokers; 13.3 million (5.4 percent)  
32 smoked cigars; 8.1 million (3.2 percent) used smokeless tobacco; and 2.0 million (0.8 percent)  
33 smoked tobacco in pipes. From 2002 to 2007, current use of any tobacco product decreased from  
34 30.4 percent to 28.6 percent, and cigarette use declined from 26.0 percent to 24.2 percent; however,  
35 rates of use of cigars, smokeless tobacco, and pipe tobacco were similar in 2002 and 2007. As in  
36 prior years, young adults aged 18 to 25 years had the highest rate of current tobacco use at 41.8

1 percent but continuing a decline from the 2002 rate of 45.3 percent. The rate of young adult use of  
2 cigars remained higher in 2007 than in 2002, at 11.8 percent and 11.0 percent, respectively.

3  
4 Among youths aged 12 to 17 in 2007, 3.1 million (12.4 percent) used a tobacco product in the past  
5 month, 2.5 million (9.8 percent) used cigarettes, and 1.1 million (4.2 percent) used cigars. These  
6 represent a continuing decline in the rate of cigarette use in this age group, from 13.0 percent in  
7 2002 to 9.8 percent in 2007; however, use of smokeless tobacco in 2007 at 2.4 percent was higher  
8 than in 2002, 2.0 percent. Across age groups, cigarette use peaks among persons aged 21 to 25.  
9 Among those who smoke cigarettes, the percentage of daily smokers who smoke a pack or more of  
10 cigarettes per day rises from 18.5 percent among those aged 12 to 17, to 33.1 percent of 18 to 25  
11 year old smokers, to 55.0 percent of smokers aged 26 or older.

12  
13 In general, while the long-term but slow decline in tobacco use continued in 2007, patterns of use  
14 by product type differ greatly. Some troubling indicators include:

- 15
- 16 • An increase in the rate of cigar smoking among male young adults from 16.8 percent in 2002 to
- 17 18.4 percent in 2007;
- 18 • Despite an overall decrease of cigarette use among women aged 15 to 44 from 30.7 percent in
- 19 2002-2003 to 28.4 percent in 2006-2007, the decline among those who were pregnant was not
- 20 statistically significant;
- 21 • Between 2006 and 2007, there were no statistically significant changes in use of a tobacco
- 22 product for any racial/ethnic groups; and
- 23 • Large numbers of young people continue to start smoking.
- 24

25 In 2007, 59.7 percent of new smokers were under age 18. Approximately 6,100 new cigarette  
26 smokers began every day or a total of 2.2 million persons aged 12 or older. Although significantly  
27 lower than the 2006 estimate of 2.4 million, this was significantly higher than the estimates of 1.9  
28 million for 2002 and 2.0 million for 2003.

#### 29 30 Clean Indoor Air

31  
32 According to the American Lung Association (ALA) *State of Tobacco Control 2008* report, only  
33 two states – Iowa and Nebraska – passed comprehensive laws that protect workers and the public  
34 from the dangers of secondhand smoke. Pennsylvania also passed legislation in 2008 that prohibits  
35 smoking in a number of public places, including restaurants; however, the law still permits  
36 smoking in taverns, casinos, private clubs and nursing homes and preempts localities from passing  
37 stronger laws that would protect everyone from exposure to deadly secondhand smoke.

38 Comprehensive legislation was introduced in Michigan and Wisconsin, but neither state passed a  
39 bill into law. Overall, the ALA report gave 33 states and the District of Columbia passing grades;  
40 however, 16 states received an “F” for their weak or ineffective smoke-free laws.

#### 41 42 Tobacco Excise Taxes

43  
44 In early 2009, as part of the State Children’s Health Insurance Program expansion legislation, the  
45 federal cigarette tax was raised from 39 cents per pack to \$1.00. This legislation also increased the  
46 tax on cigars, smokeless tobacco, and loose tobacco.

BVA  
epigarettes  
generation

1 Youth Tobacco Issues

2  
3 The greatest hurdle to reducing tobacco use among youth is the tobacco industry's continued  
4 creation and promotion of products that have strong appeal to youth and the industry's use of  
5 deceptive marketing practices. The Campaign for Tobacco Free Kids, American Lung Association,  
6 American Heart Association, and the American Cancer Society released the *Big Tobacco's Guinea*  
7 *Pigs* report in February 2008 that clearly outlines the potential danger of these new products.  
8 According to this report, lack of government regulation has allowed the tobacco industry free rein  
9 to design and market their products. Among the points made in the report were:

- 10  
11 • Tobacco manufacturers can introduce new products, secretly modify existing products with  
12 new designs and ingredients, and make unproven health claims without regard for the impact  
13 on public health;  
14 • Flavor and product modifications not only make the product more appealing to kids, but often  
15 produce additional carcinogens; and  
16 • Manipulation of nicotine and other chemicals increases addictiveness and harm; and misleading  
17 claims discourage smokers from quitting and thus cost countless lives.

18  
19 The report concluded that, because of this lack of government oversight, the tobacco industry has  
20 been able to counter declining smoking rates and growing restrictions on smoking by unleashing a  
21 new generation of tobacco products.

22  
23 AMA ACTIVITIES

24  
25 Professional Standards Activities

26  
27 Reducing tobacco use and increasing physician cessation counseling for patients who smoke is a  
28 major component of the AMA's Healthy Lifestyles Initiative. The AMA released a physician's  
29 toolkit, *AMA Healthier Life Steps*<sup>4</sup>, that enables physicians and patients to make positive,  
30 coordinated lifestyle changes in the four behaviors which lead to the leading causes of death and  
31 illness in the United States: smoking, excess or risky alcohol use, poor nutrition and eating  
32 behaviors, and physical inactivity. The toolkit provides a guide to physicians on how to assess  
33 patients' readiness to change and how to counsel them. The toolkit also includes brief patient  
34 screening forms, actions plans and tips on change, a health behavior tracking calendar and office  
35 reminder posters.

36  
37 Additional linkages are provided on the AMA web site to federal smoking cessation and brief  
38 alcohol intervention resources for physicians and as part of the EPoCH (Educating Physicians on  
39 Challenges and Controversies in Health) series. Several new supportive videos and CME modules  
40 are available<sup>5</sup>:

- 41  
42 • Motivating patients to change behavior;  
43 • Connecting patients to community resources;  
44 • Is obesity a disease?;  
45 • Paying attention to preventing cardiovascular disease among racial and ethnic minorities;  
46 • Binge drinking;  
47 • Reducing excessive alcohol use: Engaging community action; and  
48 • Self-management strategies for vulnerable populations.



1 As part of the our participation in the Building Healthier Chicago initiative, the AMA developed a  
2 PowerPoint presentation for the Chicago Medical Society to use for member education about how  
3 to utilize the smoking cessation Quitline.  
4

5 The AMA also houses a project funded by the Environmental Protection Agency to reduce  
6 children's exposure to secondhand smoke. This project works with physicians and other clinicians  
7 to counsel parents about the health risks associated with exposure and provide assistance to help  
8 families adopt and enforce smoke-free home and car policies. As part of the project, staff  
9 developed and received approval for the first performance improvement CME on secondhand  
10 smoke in the country. This practice management project is being tested with five physicians  
11 representing a diverse range of patient population and geographic settings. In addition, 25 AMA  
12 medical student chapters have been recruited to make presentations to Head Start parents educating  
13 them about secondhand smoke exposure and offering advice and assistance in eliminating this  
14 health risks.  
15

16 In May 2008, the AMA hosted a press conference led by Dr. Maves and Dr. Davis for the national  
17 release of the Public Health Service's *Treating Tobacco Use and Dependence Clinical Practice*  
18 *Guideline 2008 Update*<sup>6</sup> and released an updated version of a physician's pocket guide for helping  
19 patients to quit smoking. In addition, the AMA continued to participate in the National School  
20 Board Association/CDC National Consortium on Tobacco Use Prevention Through Schools and to  
21 support the AMA Alliance's "ScreenOut" program to remove cigarette use in movies targeted to  
22 children.  
23

#### 24 Advocacy

25

26 The AMA was engaged in numerous tobacco control activities. Highlights include:  
27

- 28 • Actively supporting passage of the State Children's Health Insurance Program expansion  
29 legislation through which the federal cigarette tax was raised from 39 cents per pack of  
30 cigarettes to \$1.00. This was a substantial victory due to the great impact that tax increases  
31 have on reducing tobacco use.  
32
- 33 • Continuing to work with other advocacy organizations, including the Center for Tobacco Free  
34 Kids, the American Cancer Society, the American Heart Association, and the American Lung  
35 Association, to secure passage of legislation to allow the FDA to regulate tobacco product  
36 labeling, sales, distribution, advertising and promotion. This legislation would provide a major  
37 tool to reduce the appeal of cigarette products to youth by eliminating flavoring added to these  
38 products. Additional major features of the proposed legislation were that: a) all new tobacco  
39 products would require pre-market approval; b) standards would be set forth for the sale of  
40 modified risk tobacco products, and c) the Secretary of Health and Human Services would be  
41 required to: 1) establish tobacco product standards to protect the public health, reserving to  
42 Congress the power to ban any tobacco products or reduce the nicotine level to zero, and 2) to  
43 take specified actions, including public notification and recall, against unreasonably harmful  
44 products. For the first time this legislation was passed by the House of Representatives and  
45 passed out of the Senate HELP Committee, but it was not voted upon by the full Senate before  
46 the end of the Congressional Session. It is expected that it will be reintroduced during 2009.  
47
- 48 • Signing on to a letter sent jointly with four other organizations, the Center for Tobacco Free  
49 Kids, the American Cancer Society, the American Heart Association, and the American Lung  
50 Association, to encourage the CVS Corporation to continue its internal discussions about  
51 stopping the sale of tobacco products in its pharmacies. The letter pointed to the examples of

1 the Wegman grocery chain and the Target Corporation, which have already stopped selling  
2 tobacco products.

- 3
- 4 • Joining an amicus brief filed by the Center for Tobacco Free Kids with the U.S. Supreme Court  
5 in *Altria v. Good*, a case brought by three smokers from Maine as a class action, alleging fraud  
6 under Maine's Unfair Trade Practices Act. This was based on false statements by Altria and its  
7 Philip Morris USA unit in deceptive advertisements that suggested "light" cigarettes were safer  
8 than regular ones. The Supreme Court ruled that federal tobacco labeling requirements do not  
9 preempt state law fraud statutes. This ruling will bolster dozens of other lawsuits claiming  
10 billions of dollars in damages.
  - 11
  - 12 • Issuing a press release commending Wal-Mart's efforts to establish an affordable smoking  
13 cessation program and urging Wal-Mart to take that program one step further by removing  
14 cigarettes and other tobacco products from its stores' shelves. The AMA remains concerned  
15 that selling cigarettes at the same time as offering a low-cost smoking cessation program is a  
16 mixed message that could keep many smokers from "kicking the habit."
  - 17
  - 18 • Supporting a New York State Department of Health petition to the Food and Drug  
19 Administration requesting that over-the-counter nicotine replacement therapies are safe and  
20 should be more widely available to smokers in order to increase their use, increase quit  
21 attempts and, eventually, increase quit attempt successes in order to reduce consumption and to  
22 advance public health.
  - 23
  - 24 • Supporting the Ohio State Medical Association's effort to maintain state funding for tobacco  
25 control activities through the Ohio Tobacco Prevention Foundation.
  - 26

27 In addition, AMA membership in the Framework Convention Alliance for Tobacco Control was  
28 approved by that international organization, whose purpose is to promote ratification and  
29 implementation of the international Framework Convention on Tobacco Control. Although the  
30 U.S. has signed the Framework Convention, it has not yet been submitted to the U.S. Senate for  
31 ratification.

### 32 CONCLUSION

33  
34  
35 The AMA is engaged in a wide range of activities regarding tobacco control including promotion  
36 of member education, provision of cessation services, passage of local, state and federal policies,  
37 and education of the public regarding the dangers and impacts of tobacco usage. These activities  
38 involve staff at all levels of the organization and include frequent public statements and provision  
39 of member educational activities.

### 40 RECOMMENDATION

41  
42  
43 The Board of Trustees is taking steps to reduce the number of mandated, annual reports it prepares  
44 for the House of Delegates in order to reallocate staff to other activities. As a result, the Board of  
45 Trustees recommends that an informational report on tobacco be prepared to apprise the House of  
46 Delegates only when significant changes in tobacco use or policy occur. In order to achieve this,  
47 the Board of Trustees recommends that AMA Policy D-490.983 be rescinded, and that the  
48 remainder of this report be filed.

Fiscal note: Total staff savings of \$2,100

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4. Available at <http://www.ama-assn.org/ama/pub/physician-resources/public-health/promoting-healthy-lifestyles/healthier-life-steps-program.shtml>.
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REPORT OF THE BOARD OF TRUSTEES

B of T Report 15-A-09

Subject: Tobacco Control Content in Electronic Health Records  
(Resolution 901, I-08)

Presented by: Joseph M. Heyman, MD, Chair

Referred to: Reference Committee D  
(James L. Milam, MD, Chair)

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1 At the 2008 Interim Meeting of the House of Delegates, Resolution 901, "Tobacco Control Content  
2 in Electronic Health Records," was referred to the Board of Trustees. The resolution was  
3 introduced by the American Academy of Pediatrics (AAP) and the American Academy of Family  
4 Physicians (AAFP) as part of a Smokefree Clinical Practice and Policy Collaborative involving the  
5 American Medical Association (AMA), AAP, and AAFP.

6  
7 Resolution 901 asks:

8  
9 That our American Medical Association advocate that all electronic health records should  
10 include templates that ask physicians and other clinicians and/or their practice teams to  
11 collect information about tobacco use, secondhand smoke exposure, cessation interest and  
12 past quit attempts; and

13  
14 That our AMA also advocate for inclusion of automatic prompts that remind physicians and  
15 other clinicians to act to encourage quitting, advise about maintaining smoke-free  
16 environments for children and adults, and connect patients and families to appropriate  
17 cessation resources and materials as part of the template.

18  
19 DISCUSSION OF ISSUE

20  
21 Tobacco use remains the number one preventable cause of death in the United States claiming the  
22 lives of 440,000 people annually. This includes the 53,000 who die from secondhand smoke  
23 exposure. An estimated 60 percent of U.S. children aged 3-11 years—or almost 22 million  
24 children—are exposed to secondhand smoke, primarily in the home. The 2006 report, *The Health  
25 Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*<sup>1</sup>,  
26 recommended the complete elimination of smoking in indoor spaces and called on parents to create  
27 smokefree home and car environments. Children exposed to secondhand smoke are at an increased  
28 risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more  
29 severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their  
30 children. Children who are exposed to secondhand smoke are inhaling many of the same cancer-  
31 causing substances and poisons as smokers. Because their bodies are developing, infants and  
32 young children are especially vulnerable to the poisons in secondhand smoke. Secondhand smoke  
33 exposure can cause children who already have asthma to experience more frequent and severe  
34 attacks.

1 Physicians play a major role in changing patients' behaviors. Surveys of patients reveal that they  
2 expect physicians to address behavior issues and welcome the opportunity to work with their  
3 physician in changing an unhealthy behavior or adopting a healthier behavior or treatment.  
4 Physicians can influence patients to think about a behavior, plan for a change and eventually  
5 implement that change. This counseling might not result in an immediate beneficial outcome, but  
6 can make a tremendous impact over time.

7  
8 Extensive evidence of the successful physician intervention in patient behaviors is seen for tobacco  
9 and alcohol use. The US Preventive Service Task Force<sup>2</sup> (USPSTF) found empirical evidence that  
10 brief smoking cessation interventions, including screening and brief counseling (less than 3  
11 minutes) plus cessation aids, are effective in increasing the proportion of smokers who successfully  
12 quit smoking and remain abstinent after one year.

13  
14 In May 2008, the US Public Health Service (USPHS) released *Treating Tobacco Use and*  
15 *Dependence: 2008 Update*<sup>3</sup>. Researchers for these clinical guidelines found that at least 70  
16 percent of smokers see a physician each year. Moreover, 70 percent of smokers report wanting to  
17 quit, and almost two-thirds of smokers who relapse want to try quitting again within 30 days.  
18 Finally, smokers cite a physician's advice to quit as an important motivator for attempting to stop  
19 smoking.

20  
21 Unfortunately, clinicians and health systems do not capitalize consistently on the opportunity to  
22 intervene. According to the National Committee for Quality Assurance's *State of Health Care*  
23 *Quality Report*<sup>4</sup>, while there has been some improvement in tobacco dependence clinical  
24 intervention for the insured population, provision of specific help with quitting smoking is  
25 inconsistently provided. Recent Healthcare Effectiveness Data and Information Set (HEDIS) data  
26 showed that only 39 percent of smokers reported that their clinician discussed either medications or  
27 strategies to quit ([www.web.ncqa.org/tabid/59/Default.aspx](http://www.web.ncqa.org/tabid/59/Default.aspx)). As one step to improve the provision  
28 of preventive and early intervention services, the Physician Consortium for Performance  
29 Improvement's "Preventive Care & Screening Physician Performance Measurement Set<sup>5</sup>,"  
30 approved in September 2008, includes measures for "Tobacco Use: Screening & Cessation  
31 Intervention."

32  
33 The first step to treat tobacco use and dependence is to identify tobacco use. The effective  
34 identification of tobacco use by itself not only opens the door for successful interventions (e.g.,  
35 clinician advice and treatment) but also guides clinicians to identify appropriate interventions based  
36 on patients' tobacco use status and willingness to quit. Based on these findings, the USPHS 2008  
37 Update recommends that clinicians and health care systems use the office visit for universal  
38 assessment and intervention. It recommends that every patient who presents to a health care  
39 facility be asked if s/he uses tobacco, that all tobacco users be advised to quit, and the willingness  
40 of all tobacco users to make a quit attempt at this time be assessed.

41  
42 The USPHS tobacco treatment guidelines also address children and secondhand smoke exposure.  
43 They recommend that clinicians ask parents about tobacco use and offer cessation advice and  
44 assistance. Assessing children's exposure to secondhand smoke and assisting parents in its  
45 elimination would have a short-term and long-term health benefit for the child. A review of the  
46 studies conducted by the USPHS expert panel showed that giving parents information on the harms  
47 of secondhand smoke reduces childhood exposure to such smoke and may reduce parental smoking  
48 rates.

49  
50 Many Electronic Health Record (EHR) systems and paper intake/medical history forms include  
51 smoking as a health indicator and screen for current smoking behavior and number of cigarettes

1 smoked. Unfortunately, these forms stop short of including information on family exposure to  
2 secondhand smoke as well as information on quit attempts if the person is a smoker.

#### 3 4 USE OF EHRs AND PROVIDER PROMPTS

5  
6 Use of EHR systems allow physicians to capture data from a patient interaction in a structured way  
7 and can automatically prompt users to act on that information if needed. Data can be captured in a  
8 variety of ways, but templates are often used to efficiently, yet comprehensively organize medical  
9 history and risk factors. Automated prompts such as alerts and reminders are often used to prompt  
10 a specific action by the user.

11  
12 Studies<sup>6-10</sup> have shown mixed results on the effectiveness of automated clinical reminders in EHRs  
13 for routine health maintenance services and preventive care tests in ambulatory settings. The  
14 authors of a research paper in the *Journal of the American Medical Informatics Association*  
15 (*JAMIA*)<sup>11</sup> found that the effectiveness of clinical reminders was impeded by lack of role-based  
16 reminders, using reminders while not with the patient, workload, lack of flexibility in the reminder,  
17 and poor interface usability. The study confirmed findings from previous research suggesting that  
18 clinician adherence to reminders is variable and declines over time. In order to increase the  
19 effectiveness of clinical reminders in EHR systems, the authors recommended that the number of  
20 reminders should be limited and that reminders must be embedded directly into the typical  
21 workflow.

22  
23 Early users of EHR systems often found that the data capture process was time consuming and  
24 overwhelming in busy ambulatory environments. Alerts and reminders have also been criticized  
25 by users as being cumbersome and frustrating. In a study conducted by Kaiser Permanente (Center  
26 for Health Research Kaiser Permanente Northwest)<sup>12</sup>, user acceptance of alerts and reminders was  
27 assessed by internal medicine, pediatrics, and family practice specialists. While endorsing  
28 electronic reminders and their utility, participants stated that reminders must be integrated into the  
29 workflow of the physician, simple to respond to, directed to the appropriate user for the necessary  
30 task, and clinically relevant.

31  
32 The mere presence of EHR systems does not ensure that higher quality of care is being provided.  
33 EHR systems can be a powerful tool to organize large amounts of data, but often require a different  
34 documentation style than many physicians are accustomed to and can be cumbersome if not  
35 designed properly. Simply because EHR systems can capture, organize and query a large amount  
36 of patient data does not mean that users know how to most effectively use that information. There  
37 are enormous pressures on physicians to manage more health information within ever increasing  
38 time constraints, and research has shown that the effectiveness of automated prompts decrease  
39 when the user must respond to a large number of prompts. Therefore, it is critical that there be a  
40 balance between the amount of data captured at the point of care and the ability of clinicians to use  
41 that data in a meaningful way to impact health outcomes. EHR system design has improved, but  
42 there is still much to learn about how users interact with the EHR system, the attributes of a  
43 successful template, and how automated prompts can be integrated into the clinical practice to  
44 impact health outcomes.

#### 45 46 CONCLUSION

47  
48 There is no question that tobacco use and exposure to secondhand smoke are important health  
49 issues and that physicians need improved information systems that enable them to provide more  
50 timely and effective counseling to patients on the risks of tobacco use. These systems are also  
51 needed for an extensive number of medical conditions and behaviors that physicians regularly deal

1 with their patients. Once an automated prompt for one of these is included on an EHR system or  
2 paper form, however, there will be demands for more prompts, which will likely result in a  
3 diminished use of the prompts. For that reason, a balance must be found between the need for  
4 patient information and the manner in which it is collected.

5  
6 One possible solution could be systems with a limited number of prompts in broader categories.  
7 These prompts could provide menus dealing with specific conditions or behaviors that a physician  
8 could select. For example, there could be a prompt on "Alcohol, Tobacco, and Drug Use" that  
9 contained menus for each area. In that way, a physician could drill down to a specific item without  
10 being presented with an overwhelming set of prompts for each condition or behavior.

## 11 RECOMMENDATIONS

12  
13  
14 The Board of Trustees recommends that the following recommendations be adopted in lieu of  
15 Resolution 901 (I-08), and that the remainder of this report be filed.

- 16  
17 1) That our American Medical Association encourage physicians to capture information from  
18 all their patients on tobacco use, secondhand smoke exposure, cessation interest, and past  
19 quit attempts. (New HOD Policy)  
20  
21 2) That our American Medical Association encourage the development of EHR systems that  
22 provide physicians with the ability to capture information on specific health behaviors  
23 deemed appropriate by the physician and that provide physicians the option to utilize  
24 automated reminders to benefit their patients. (New HOD Policy)

Fiscal note: Less than \$500 to implement policy.

## REFERENCES

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- <sup>3</sup> Fiore MD, Jaen CR, Baker TB, et.al. *Treating Tobacco Use and Dependence: 2008 Update*. Clinical Practice Guideline. Rockville, MD: US Department of Health and Human Services. Public Health Service. May 2008. 29: pp.411-28.
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- <sup>11</sup> Nash, Render, Saleem, et al. "Exploring barriers and facilitators to the use of computerized clinical reminders." *Journal of the American Medical Informatics Association*. 2005. 12: pp. 438-447.



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RELEVANT AMA POLICY

**H-30.958 Ethyl Alcohol and Nicotine as Addictive Drugs**

The AMA (1) identifies alcohol and nicotine as drugs of addiction which are gateways to the use of other drugs by young people; (2) urges all physicians to intervene as early as possible with their patients who use tobacco products and have problems related to alcohol use, so as to prevent adverse health effects and reduce the probability of long-term addiction; (3) encourages physicians who treat patients with alcohol problems to be alert to the high probability of co-existing nicotine problems; and (4) reaffirms that individuals who suffer from drug addiction in any of its manifestations are persons with a treatable disease. (Res. 28, A-91; Reaffirmed by CSA Rep. 14, A-97)

**H-490.913 Smoke-Free Environments and Workplaces**

On the issue of the health effects of environmental tobacco smoke (ETS) and passive smoke exposure in the workplace and other public facilities, our AMA: (1) (a) supports classification of ETS as a known human carcinogen; (b) concludes that passive smoke exposure is associated with increased risk of sudden infant death syndrome and of cardiovascular disease; (c) encourages physicians and medical societies to take a leadership role in defending the health of the public from ETS risks and from political assaults by the tobacco industry; and (d) encourages the concept of establishing smoke-free campuses for business, labor, education, and government; . . . (3) . . . (e) urges eliminating cigarette, pipe, and cigar smoking in any indoor area where children live or play, or where another person's health could be adversely affected through passive smoking; . . . (CSA Rep. 3, A-04; Appended: Sub. Res. 426, A-04)

**H-490.917 Physician Responsibilities for Tobacco Cessation**

Cigarette smoking is a major health hazard and a preventable factor in physicians' actions to maintain the health of the public and reduce the high cost of health care. Our AMA takes a strong stand against smoking and favors aggressively pursuing all avenues of educating the general public on the hazards of using tobacco products and the continuing high costs of this serious but preventable problem. Additionally, our AMA supports and advocates for appropriate surveillance approaches to measure changes in tobacco consumption, changes in tobacco-related morbidity and mortality, youth uptake of tobacco use, and use of alternative nicotine delivery systems. In view of the continuing and urgent need to assist individuals in smoking cessation, physicians, through their professional associations, should assume a leadership role in establishing national policy on this topic and assume the primary task of educating the public and their patients about the danger of tobacco use (especially cigarette smoking). Accordingly, our AMA: . . . (2) supports (a) development of an anti-smoking package program for medical societies; (b) making patient educational and motivational materials and programs on smoking cessation available to physicians; and (c) development and promotion of a consumer health-awareness smoking cessation kit for all segments of society, but especially for youth; (3) encourages physicians to use practice guidelines for the treatment of patients with nicotine dependence and will cooperate with the Agency for Health Research and Quality (AHRQ) in disseminating and implementing evidence-based clinical practice guidelines on smoking cessation, and on other matters related to tobacco and health; (4) (a) encourages physicians to use smoking cessation activities in their practices including (i) quitting smoking and urging their colleagues to quit; (ii) inquiring of all patients at every visit about their smoking habits (and their use of smokeless tobacco as well); (iii) at every visit, counseling those who smoke to quit smoking and eliminate the use of tobacco in all forms; . . . (5) (a) supports efforts to identify gaps, if any, in existing materials and programs designed to train physicians and medical students in the behavior modification skills necessary to successfully counsel patients to stop smoking; (b) supports the production of materials and programs which would fill gaps, if any, in materials and programs to train physicians and medical students in the

behavior modification skills necessary to successfully counsel patients to stop smoking; (c) supports national, state, and local efforts to help physicians and medical students develop skills necessary to counsel patients to quit smoking; (d) encourages state and county medical societies to sponsor, support, and promote efforts that will help physicians and medical students more effectively counsel patients to stop smoking; (e) encourages physicians to participate in education programs to enhance their ability to help patients quit smoking; (f) encourages physicians to speak to community groups about tobacco use and its consequences; and (g) supports providing assistance in the promulgation of information on the effectiveness of smoking cessation programs; (6) (a) supports the concept that physician offices, clinics, hospitals, health departments, health plans, and voluntary health associations should become primary sites for education of the public about the harmful effects of tobacco and encourages physicians and other health care workers to introduce and support healthy lifestyle practices as the core of preventive programs in these sites; and (b) encourages the development of smoking cessation programs implemented jointly by the local medical society, health department, and pharmacists; and (7) (a) believes that collaborative approaches to tobacco treatment across all points of contact within the medical system will maximize opportunities to address tobacco use among all of our patients, and the likelihood for successful intervention; and (b) supports efforts by any appropriately licensed health care professional to identify and treat tobacco dependence in any individual, in the various clinical contexts in which they are encountered, recognizing that care provided in one context needs to take into account other potential sources of treatment for tobacco use and dependence.  
(CSA Rep. 3, A-04; Appended: Res. 444, A-05; Reaffirmed: BOT Rep. 8, A-08)

**D-478.996 Information Technology Standards and Costs**

Our AMA will: (1) encourage the setting of standards for health care information technology whereby the different products will be interoperable and able to retrieve and share data for the identified important functions while allowing the software companies to develop competitive systems; (2) work with Congress and insurance companies to appropriately align incentives as part of the development of a National Health Information Infrastructure (NHII), so that the financial burden on physicians is not disproportionate when they implement these technologies in their offices; (3) review the following issues when participating in or commenting on initiatives to create a NHII: (a) cost to physicians at the office-based level; (b) security of electronic records; and (c) the standardization of electronic systems; (4) continue to advocate for and support initiatives that minimize the financial burden to physician practices of adopting and maintaining electronic medical records; and (5) continue its active involvement in efforts to define and promote standards that will facilitate the interoperability of health information technology systems.  
(Res. 717, A-04; Reaffirmation, A-05; Appended: Sub. Res. 707, A-06; Reaffirmation A-07)



**COMMITTEE ON RULES**

*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature

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June 23, 2009

Memorandum

To: Clerk of the Legislature  
*I Mina'Trenta Na Liheslaturan Guåhan*

Attorney Therese M. Terlaje  
*Legislative Legal Counsel  
I Mina'Trenta Na Liheslaturan Guåhan*

From: Senator Rory J. Respicio   
*Chairperson, Committee on Rules  
I Mina'Trenta Na Liheslaturan Guåhan*

Subject: Referral of Bill No. 159 (COR)


As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 159 (COR).

Please ensure that the subject Bill is referred, in my name, to the respective Chairperson, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

*Si Yu'os Ma'åse.*

*Attachment*

2009 JUN 24 AM 10:54 

**Bill/Resolution Introduction/Referral**

<b>Bill</b>	<b>Sponsor</b>	<b>Description</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>Committee Referred</b>
159(COR)	B. J.F. Cruz	An Act to add a new Chapter 90A to Title 10, Guam Code Annotated, relative to the Prohibition of Importing Ingestible Tobacco Film Strips, Ingestible Tobacco Sticks, Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balm, and Nicotine Water.	6-18-09	6-23-09	Committee on Economic Development, Health and Human Services, and Judiciary



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
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**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

July 20, 2009

**MEMORANDUM**

**TO:** Honorable Senators/Committee Members  
*Committee on Economic Development,  
Health & Human Services, and Judiciary*

**FROM:** SENATOR FRANK B. AGUON, JR.  
*Chairman*

**SUBJECT:** First Notice – Notice of Public Hearing  
Tuesday, July 28, 2009 – 1:00 pm

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, July 28, 2009**, beginning at **1:00 pm** in the Guam Legislature Public Hearing Room.

Please find attached agenda for this public hearing. Should you have any questions, please call my office.

*Un dangkulo' na Si Yu'us Ma'ase'.*

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV  
Stephanie Mendiola, COR  
Clerk of the Legislature  
MIS

**1st Notice - Public Hearing 07.28.2009 1pm**

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Reply

from **Frances Lizama** <lizama.frances@gmail.com>  
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date Mon, Jul 20, 2009 at 6:32 PM  
subject 1st Notice - Public Hearing 07.28.2009 1pm  
mailed-by gmail.com

TO ALL:

Please find attached memo from Senator Frank B. Aguon, Jr. reference to public hearing scheduled for Tuesday, July 28, 2009 at 1:00 pm.

FRANCES S. LIZAMA  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
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2009.07.28 - PH - 1st Notice - B.136 ~ B.185.pdf  
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Frances Lizama TO ALL: Please find attached memo from Senator Frank B. Aguon, Jr. reference ...

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from Frances Lizama <lizama.frances@gmail.com>  
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Reply

date Mon, Jul 20, 2009 at 7:01 PM  
 subject Re: 1st Notice - Public Hearing 07.28.2009 1pm  
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TO ALL:

I apologize for the inconvenience. Please replace agenda received along with the First Notice of Public Hearing with the attached agenda marked "CORRECTED COPY" on the footer.

Please note the only change made to the agenda was the subject title of Bill No. 30-185 (COR) which is the last bill listed.

Again, my apologies for the inconvenience.

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**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature*  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

July 20, 2009

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**MEMORANDUM**

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**TO: MEDIA**

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

Pacific Daily News – 477-3079      KUAM – 637-9870  
Pacific News Center – 477-0793      K-57/Power 98 – 477-3982  
Hit Radio 100 – 472-7663      K-Stereo/KISH – 477-6411  
I-94 – 637-9865      Glimpses – 649-8883  
Adventist Radio – 565-2983      Joy 92 FM – 477-4678  
KPRG – 734-2958  
Guam Broadcast Services – 648-0104

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**FROM: SENATOR FRANK B. AGUON, JR.**  
*Chairman*

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**SUBJECT: First Notice – Notice of Public Hearing**  
**Tuesday, July 28, 2009 – 1:00 pm**

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

*Buenas yan Hafa Adai!*

**TELO TAITAGUE**  
SENATOR

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, July 28, 2009**, beginning at **1:00 pm** in the Guam Legislature Public Hearing Room.

**RAY TENORIO**  
SENATOR

Please find attached agenda for this public hearing. Should you have any questions, please call my office.

*Un dangkulo' na Si Yu'us Ma'ase'.*

Attachment (1)

**1st Notice - Public Hearing - Tuesday, July 28, 2009 1:00 pm** MEDIA - NOTICES X


from **Frances Lizama** <lizama.frances@gmail.com>  
 to "GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofofguam.com>,  
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 "KUAM - MATANANE, Sabrina" <sabrina@kuam.com>,  
 "MARIANAS VARIETY - WOLFORD, Shawn" <advertise@mvguam.com>,  
 "MELYAN, Catriona - PDN" <cmelyan@guampdn.com>,  
 "PDN - DALENO, Gaynor" <gdumat-ol@guampdn.com>,  
 "PNC - DELGADO, Nick" <news@spbgum.com>,  
 "PNC - SEBASTIAN, Stephen" <ssebastian@spbgum.com>  
 date Mon, Jul 20, 2009 at 7:04 PM  
 subject 1st Notice - Public Hearing - Tuesday, July 28, 2009 1:00 pm  
 mailed-by gmail.com

[hide details](#) Jul 20 (3 days ago)[Reply](#)**TO ALL:**

Please find attached memo from Sen. Aguon referene to scheduled public hearing for Tuesday, July 28, 2009 at 1pm Legislature's Public Hearing Room.

I apologize if you did not receive the notice via fax due to some difficulties we are experiencing with our telephone and fax lines. Thank you.

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671.969.1495/6  
 Fax: 671.969.1497

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 For more information, see Junk Fax Report and the Caller ID History report.

Last 30 Transactions

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Jul 20	11:45AM	Received	6718884505	0:45	0	No fax
Jul 20	12:20PM	Received	6718883789	0:44	0	No fax
Jul 20	2:14PM	Received	6717355516	0:45	0	No fax
Jul 20	2:35PM	Received	6716494950	0:45	0	No fax
Jul 20	3:54PM	Fax Sent	4774826	0:41	1	OK
Jul 20	3:55PM	Fax Sent	4772007	0:49	1	OK
Jul 20	4:21PM	Received	6714723548	0:45	0	No fax
Jul 20	5:09PM	Received	6716494678	0:45	0	No fax
Jul 22	9:59AM	Received	6716539119	0:45	0	No fax
Jul 22	10:23AM	Received	6716881758	0:45	0	No fax
Jul 22	11:24AM	Received	6717346288	0:45	0	No fax
Jul 22	11:25AM	Received	6717346288	0:45	0	No fax
Jul 22	11:30AM	Received	6716472575	0:45	0	No fax
Jul 22	11:32AM	Received	6716472575	0:44	0	No fax
Jul 22	2:13PM	Fax Sent	4727663 Hit Radio 100	1:25	3	OK
Jul 22	2:15PM	Fax Sent	6379865	0:00	0	No answer
Jul 22	2:17PM	Fax Sent	6379865	0:00	0	No answer
Jul 22	2:19PM	Fax Sent	5652983 Adventist Radio	2:50	3	OK
Jul 22	2:25PM	Fax Sent	4774678 Joy 92	1:22	3	OK
Jul 22	2:27PM	Fax Sent	6480104 GUAM Broadcast Services	1:22	3	OK
Jul 22	2:29PM	Fax Sent	6379865	0:00	0	No answer
Jul 22	2:31PM	Fax Sent	7342958	0:10	0	Cancel
Jul 22	2:32PM	Fax Sent	4773079 PDN	2:07	3	OK
Jul 22	2:35PM	Fax Sent	6379870 K UAM	1:18	3	OK
Jul 22	2:37PM	Fax Sent	4770793	0:00	0	No answer
Jul 22	2:39PM	Fax Sent	4773982 K-57	1:17	3	OK
Jul 22	2:41PM	Fax Sent	4776411 K-Stereo	1:37	3	OK
Jul 22	2:44PM	Fax Sent	6498883 GlimpSES	1:19	3	OK



**SENATOR FRANK B. AGUON, JR.**  
Chairman, Committee on Economic Development,  
Health & Human Services, and Judiciary  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(Thirtieth Guam Legislature)



---

# F A C S I M I L E

DATE: July 22, 2009

TO: All Media

SUBJECT: Public Hearing – July 28, 2009  
**CORRECTED AGENDA**

Please replace the earlier agenda with the agenda noted as "CORRECTED COPY" at footer.

The only correction made was to the subject title of Bill No. 30-185 (COR). Please disregard previous agenda.

Thank you.

**Public Hearing Agenda - CORRECTED COPY** MEDIA - NOTICES X

from Frances Lizama <lizama.frances@gmail.com>  
 to "GLIMPSES - PALACIOS, Ivan" <reporter1@glimpsesofguam.com>,  
 "K57 / POWER 98 - GIBSON, Ray" <rgibson@k57.com>,  
 "KSTO/KISH - PEREZ, Alicia" <kstone@ite.net>,  
 "KUAM - MATANANE, Sabrina" <sabrina@kuam.com>,  
 "MELYAN, Catriona - PDN" <cmelyan@guampdn.com>,  
 "PDN - DALENO, Gaynor" <gdumat-ol@guampdn.com>,  
 "PNC - DELGADO, Nick" <news@spbgum.com>,  
 "PNC - SEBASTIAN, Stephen" <ssebastian@spbgum.com>  
 date Wed, Jul 22, 2009 at 2:24 PM  
 subject Public Hearing Agenda - CORRECTED COPY  
 mailed-by gmail.com

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Reply


**TO ALL:**

There is a correction to the agenda that was sent out via email on Monday, July 20th along with the First Notice of Public Hearing. The "CORRECTED COPY" is attached. **The only correction made to the agenda is the subject title of Bill No. 30-185.**

Please disregard previously sent agenda. I apologize for the inconvenience.

--

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671.969.1495/6  
 Fax: 671.969.1497

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Raquel C. Baquiol/Variety

g entries during the Las Vegas Night fundraiser at

between a brand Nolia Muellersman won a round trip ticket to Japan for \$10,000 is while ticket number 3967 won holder Jenny Tan won a round holder Jenny Tan won a round trip ticket to Manila. Numerous guests also went home with attractive door prizes from event sponsors including hotel and restaurant accommodations, pool passes, spa and massage certificates, gift certificates and lots of other items. Guests also had a chance to try their luck at the different games of chance like Kina (in lieu of Bingo), Black Jack.

Number 0768 holder Rose Mesina won \$3,000 for ticket number 0498. The second prize, \$2,000 richer for the winner was ticket number 6592 holder Rick. Holders of ticket numbers 4930 and 0367 won prizes for fourth and fifth place. Ticket number 2651 holder

**... SUCCESS**

Roulette, Craps and Texas Hold 'Em Poker. Rotary Club president Ken Forrester said the turnout was good, but they have yet to determine how many of the tickets were sold.



SENATOR FRANK B. AGUON, JR., Chairman  
 COMMITTEE ON ECONOMIC DEVELOPMENT,  
 HEALTH & HUMAN SERVICES, AND JUDICIARY  
 1 Minu' Trenta na Lihelaturan Guahan 30th Guam Legislature  
 238 Archbishop J. C. Flores St. DNA Bldg. Ste. 701A, Hagatna, Guam 96910  
 Tel: (671) 969-1495-6 Fax: (671) 969-1497 E-mail: aguon4guam@gmail.com

**NOTICE OF PUBLIC HEARING - TUESDAY, JULY 28, 2009, 1:00 pm**  
 GUAM LEGISLATURE - PUBLIC HEARING ROOM

- 1:00 PM
- BILL NO. 136 (COR)** - Relative to adding a new Item (8) to Subsection (E) of § 8102 of Ch. 8, Title 25, Guam Administrative Rules and Regulations of the Guam Board of Examiners of Dentistry.
- BILL NO. 140 (COR)** - Relative to consideration of "Victims' Impact Statements" at sentencing.
- BILL NO. 144 (COR)** - Relative to reallocation of funding proceeds from the 2009 Solid Waste Management System Bond funds, subject to approval of the Gov. Guam financing loan, application with USDA.
- BILL NO. 141 (COR)** - Relative to DNA Profiling.
- BILL NO. 150 (COR)** - Relative to increasing the tobacco tax.
- BILL NO. 158 (COR)** - Relative to the validity of marriage and positions from the application of the provision of "Safe Harbor" under Gov. Guam's Drug-Free Workplace Program by adding a new §75107(a), Ch. 75, 10GCA, and to include other law enforcement personnel under the term "definition."
- BILL NO. 145 (COR)** - An act to amend §§1821, Art. 8, Ch. 51, 10GCA, relative to bond proceeds to include the repair and/or renovation of monetary lines, Room and Hospital Expansion, construction of the Southern Regional Health Center, various Govt.-owned educational and medical facilities and for other purposes.
- BILL NO. 147 (COR)** - Relative to activities of corporation within the GIDA.
- BILL NO. 30-183 (COR)** - Relative to authorizing GWA to incur short term indebtedness subordinate to its bonds, to approve terms and conditions of issuance and to amend Section 4 of P.L. 28-71 relative to increasing maximum authorized interest rate on certain revenue bonds to be issued by GWA.
- 3:00 PM
- BILL NO. 30-185 (COR)** - An act to add a new Ch. 16, 19GCA, relative to domestic partnerships.

If written testimonies are to be presented at hearing the Committee requests that copies of written testimonies be submitted one day prior to hearing date to the Office of Senator Frank B. Aguon, Jr., 238 Archbishop J. C. Flores St., DNA Bldg., Ste. 701A, Hagatna, GU 96910, or emailed to aguon4guam@gmail.com. Individuals requiring special accommodations/services, or for further information, please contact Gina Labanates or Cathy Palacios at 969-149576.

**THIS AD WAS PAID FOR BY GOVERNMENT FUNDS**

A mourner places flowers on Friday following suicide bombing in Jakarta, July 20. The terrorist attacks on Friday have she two luxury hotels in the capital on Friday following

**... police says explosives were 'identical'**

TUESDAY, JULY 21, 2009 - MARIANAS VARIETY GUAM EDITION



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature  
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Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
LEGISLATIVE SECRETARY

**THOMAS C. ADA**  
SENATOR

**JUDITH P. GUTHERTZ**  
SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

July 23, 2009

**MEMORANDUM**

**TO:** Honorable Senators/Committee Members  
*Committee on Economic Development,  
Health & Human Services, and Judiciary*

**FROM:** SENATOR ADOLPHO B. PALACIOS, SR.  
*Acting Chairman* 

**SUBJECT:** Second Notice – Notice of Public Hearing  
Tuesday, July 28, 2009 – 1:00 pm

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, July 28, 2009**, beginning at **1:00 pm** in the Guam Legislature's Public Hearing Room.

Public hearing on Bill No. 158 (COR) will be postponed at the request of the sponsor, Senator Frank F. Blas, Jr., who will be off-island along with the co-sponsor during this public hearing.

Please find attached amended agenda for this public hearing. Should you have any questions, please call Frances Lizama at Senator Aguon's office.

*Un dangkulo' na Si Yu'us Ma'ase'.*

Attachment (1)

Cc: Sergeant-at-Arms/Protocol/AV  
Stephanie Mendiola, COR  
Clerk of the Legislature  
MIS

**2nd Notice - Notice of Public Hearing** SEN - HRG NOTICES X

from **Frances Lizama** <lizama.frances@gmail.com> [hide details](#) 4:23 PM (1 hour ago) Reply

to "SEN. ADA, Thomas C." <tom@senatorada.org>,  
 "SEN. BLAS, Frank F., Jr." <frank.blasjr@gmail.com>,  
 "SEN. CALVO, Eddie J.B." <sencalvo@gmail.com>,  
 "SEN. CRUZ, Benjamin J.F." <senadotbjcruz@aol.com>,  
 "SEN. ESPALDON, James V." <senator@espaldon.com>,  
 "SEN. ESPALDON, James V." <senjim@ite.net>,  
 "SEN. GUTHERTZ, Judith P." <judiguthertz@pticom.com>,  
 "SEN. MUNA BARNES, Tina Rose" <tinamunabarnes@gmail.com>,  
 "SEN. PALACIOS, Adolpho B., Sr." <abpalacios@gmail.com>,  
 "SEN. PANGELINAN, ben" <senbenp@guam.net>,  
 "SEN. RECTOR, Matt" <matt@mattrector.com>,  
 "MENDIOLA, Stephanie - Sen. Respicio's Ofc." <sem@guamlegislature.org>,  
 "SEN. TAITAGUE, Telo" <senatortelo@gmail.com>,  
 "SEN. TENORIO, Ray" <ray@raytenorio.com>,  
 "SPKR. WON PAT, Judi" <speaker@judiwonpat.com>


cc "BLAS, Roland" <roland@judiwonpat.com>,  
 "BORJA, Dominic" <dominic@senatorada.org>,  
 "BURGOS, Fred" <fred@mattrector.com>,  
 "CIPOLLONE, Lisa" <cipo@guamlegislature.org>,  
 "CIPOLLONE, Lisa" <cipo@guam.net>,  
 "CASTRO, James P." <jamespcastro@gmail.com>,  
 "CEPEDA, Patrick" <patrickcepeda@hotmail.com>,  
 "CRUZ, Dorothy" <dot@guamlegislature.org>,  
 "DUARTE, Mark" <mark@judiwonpat.com>,  
 "DUENAS, Mona" <mona.duenas@gmail.com>,  
 "DeCASTRO, Chris" <cdecastro@guamlegislature.org>,  
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 "DEFENSOR, Sahara" <sahara@judiwonpat.com>,  
 "DIAZ, Jonathan" <jonbdiaz@gmail.com>,  
 elg@guamlegislature.org,  
 "EVARISTO, Jessica - Sen. Tenorio's Ofc." <jessica@raytenorio.com>,  
 "FEJERAN, Mary - Sen. Blas' Ofc." <maryfejeran@gmail.com>,  
 "HILLS, Derick - Sen. Pangelinan's Ofc." <derickhills@live.com>,  
 "KOMIYAMA, Velma - Sen. Barnes' Ofc." <vel.komiyama@yahoo.com>,  
 "LG, Joe - Sgt-at-Arms" <sgtarms@guamlegislature.org>,  
 "LIDIA, Mike - Sen. Cruz ofc." <mike.lidia9@gmail.com>,  
 "LG, Phillip - Sen. Tenorio's Ofc." <phill@raytenorio.com>,  
 "MANIBUSAN, Lauriel - Sen. Espaldon's Ofc." <laurielista@gmail.com>,  
 "QUITUGUA, Tony" <tq@guamlegislature.org>,  
 "QUINATA, Carl - Sen. Taitague's Ofc." <ciquinata@gmail.com>,  
 "ROBERTO, Phil - Sen. Espaldon's Ofc." <roberto.phil@gmail.com>,  
 "TABONARES, Gina" <aguonmedia@gmail.com>,  
 "TAJALLE, Elaine - Sen. Respicio's Ofc." <elainevtll@gmail.com>,  
 "TORRES, Frank B. - Spkr Won Pat's Ofc." <ftorres@judiwonpat.com>,  
 Therese Terlaje <terlaje@guam.net>,  
 teddytaz@ite.net,  
 teddytaz\_222@yahoo.com,  
 "UNPINGCO, Joy - Sen. Calvo's Ofc." <joyunpingco@gmail.com>,  
 "WYTTENBACH-SANTOS, Richard - Sen. Guthertz Ofc." <doc.wyittenbachsantos@gmail.com>,  
 "WHEELER, Mary Lou" <mlwheeler2000@yahoo.com>,  
 "PAK, Yong - MIS" <yong@guamlegislature.org>

date Thu, Jul 23, 2009 at 4:23 PM  
 subject 2nd Notice - Notice of Public Hearing  
 mailed-by gmail.com

**TO ALL:**

Please find attached memo from Sen. Palacios, Acting Chairman, reference to scheduled public hearing.  
 Thank You.

FRANCES S. LIZAMA  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
 Hagatna, Guam 96910  
 Tel: 671.969.1495/6  
 Fax: 671.969.1497

 PH - 2009.07.28 - 2nd Notice.pdf  
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**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta na Liheslaturan Guåhan* • 30th Guam Legislature  
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July 23, 2009

**FRANK B. AGUON, JR.**  
SENATOR, CHAIRMAN

**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

**JUDITH T. WON PAT**  
SPEAKER  
EX-OFFICIO MEMBER

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**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

**MEMORANDUM**

**TO: MEDIA**  
Pacific Daily News – 477-3079      KUAM – 637-9870  
Pacific News Center – 477-0793      K-57/Power 98 – 477-3982  
Hit Radio 100 – 472-7663      K-Stereo/KISH – 477-6411  
I-94 – 637-9865      Glimpses – 649-8883  
Adventist Radio – 565-2983      Joy 92 FM – 477-4678  
KPRG - 734-2958  
Guam Broadcast Services – 648-0104

**FROM: SENATOR ADOLPHO B. PALACIOS, SR.**  
*Acting Chairman* 

**SUBJECT: Second Notice – Notice of Public Hearing**  
*Tuesday, July 28, 2009 – 1:00 pm*

*Buenas yan Hafa Adai!*

Please be advised that the Committee on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, July 28, 2009**, beginning at 1:00 pm in the Guam Legislature's Public Hearing Room.

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Please see attached amended agenda for this public hearing. If you have any questions, please call Frances Lizama at Senator Aguon's office.

*Un Dangkulo' Na Si Yu'us Ma'ase'.*

Attachment (1)

**2nd Notice - Notice of Public Hearing** [Inbox](#) X [MEDIA - NOTICES](#) X


from: **Frances Lizama** <lizama.frances@gmail.com>  
 to: "GLIMPSES - PALACIOS, Ivan" <reporter1@glimpseofguam.com>,  
 "K57 / POWER 98 - GIBSON, Ray" <rgibson@k57.com>,  
 "KSTO/KISH - PEREZ, Alicia" <kstone@ite.net>,  
 "KUAM - MATANANE, Sabrina" <sabrina@kuam.com>,  
 "MARIANAS VARIETY - WOLFORD, Shawn" <advertise@mvguam.com>,  
 "MELLYAN, Catriona - PDN" <cmelyan@guampdn.com>,  
 "PDN - DALENO, Gaynor" <gdumat-ol@guampdn.com>,  
 "PNC - DELGADO, Nick" <news@spbgum.com>,  
 "PNC - SEBASTIAN, Stephen" <ssebastian@spbgum.com>  
 date: Thu, Jul 23, 2009 at 4:25 PM  
 subject: 2nd Notice - Notice of Public Hearing  
 mailed-by: gmail.com

[hide details](#) 4:25 PM (1 hour ago)[Reply](#)**TO ALL:**

Please find attached memo from Sen. Palacios, Acting Chairman, reference to scheduled public hearing.  
 Thank You.

-

**FRANCES S. LIZAMA**  
 Office of Senator Frank B. Aguon, Jr.  
 30th Guam Legislature  
 Committee on Economic Development,  
 Health & Human Services, and Judiciary  
 238 Archbishop F.C. Flores St.  
 DNA Bldg (old PDN), Suite 701A  
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Jul 22	2:41PM	Fax Sent	4776411	1:37	3	OK
Jul 22	2:44PM	Fax Sent	6498883	1:19	3	OK
Jul 22	2:46PM	Fax Sent	4773079	0:15	0	Cancel
Jul 22	2:46PM	Fax Sent	4770793	0:00	0	No answer
Jul 22	3:00PM	Fax Sent	6379865	0:00	0	No answer
Jul 22	3:07PM	Fax Sent	4770793	0:00	0	No answer
Jul 22	3:12PM	Fax Sent	7342958	0:11	0	Cancel
Jul 23	9:50AM	Fax Sent	6379865	0:00	0	No answer
Jul 23	9:52AM	Fax Sent	7342958	0:10	0	Cancel
Jul 23	9:52AM	Fax Sent	4770793	0:00	0	No answer
Jul 23	1:38PM	Received		0:30	2	OK
			6714725022			
Jul 23	3:46PM	Received	6482007	0:44	2	OK
			6716482007			
Jul 23	4:06PM	Fax Sent	6482007	1:13	2	OK
Jul 23	4:24PM	Fax Sent	4773079 PDN	1:47	3	OK
Jul 23	4:27PM	Fax Sent	4770793 PNC	1:17	3	OK
Jul 23	4:30PM	Fax Sent	4737663	0:00	0	Cancel
Jul 23	4:30PM	Fax Sent	4727663 Hit Radio 100	1:14	3	OK
Jul 23	4:33PM	Fax Sent	6379865 I 94	1:22	3	OK
Jul 23	4:35PM	Fax Sent	5652983	2:16	1	Error 403
Jul 23	4:39PM	Fax Sent	6480104 GUAM Brocode of Services	1:16	3	OK
Jul 23	4:41PM	Fax Sent	6379870 KUAM	1:25	3	OK
Jul 23	4:43PM	Fax Sent	4773982	1:22	1	Error 350
Jul 23	4:46PM	Fax Sent	4776411 K stereo	1:39	3	OK
Jul 23	4:48PM	Fax Sent	6498883 Glimpses	1:19	3	OK
Jul 23	4:51PM	Fax Sent	4773982 K-57	1:17	3	OK
Jul 23	4:53PM	Fax Sent	5652983 Adventist Radio	7:22	3	OK
Jul 23	5:05PM	Fax Sent	4774678 Joy 92	1:15	3	OK



**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH AND HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature  
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910  
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

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**ADOLPHO B. PALACIOS, SR.**  
SENATOR, VICE CHAIRMAN

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EX-OFFICIO MEMBER

**BENJAMIN J.F. CRUZ**  
VICE SPEAKER

**TINA ROSE MUÑA BARNES**  
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SENATOR

**RORY J. RESPICIO**  
SENATOR

**FRANK F. BLAS, JR.**  
SENATOR

**TELO TAITAGUE**  
SENATOR

**RAY TENORIO**  
SENATOR

July 23, 2009

Mr. J.Peter Roberto, A.C.S.W.  
Director, Dept. of Public Health and Social Services  
Mangilao, Guam 96913

**SUBJECT: Notice of Public Hearing**

Dear Mr. Roberto:

*Buenas yan Hafa Adai!*

The Comm. on Economic Development, Health & Human Services, and Judiciary will be conducting a public hearing on **Tuesday, July 28, 2009, 1:00 pm**, Guam Legislature's Public Hearing Room. The following bills will be on the agenda:

- **Bill No. 136 (COR)** – Relative to the guidelines of the Guam Board of Examiners of Dentistry by adding a new Item (8) to Subsection (e) of §8102, Chapter 8, Title 25, Guam Administrative Rules and Regulations.
- **Bill No. 150 (COR)** – Relative to increasing the Tobacco Tax.
- **Bill No. 159 (COR)** – Relative to prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water.
- **Bill No. 161 (COR)** – Relative to the Barbering and Cosmetology Act of 2000.

I invite the participation of you, your staff, and your representatives at this public hearing and/or to provide written and/or oral testimony. If you have any questions, please call Frances Lizama at Senator Aguon's office.

*Un Dangkulo' Na Si Yu'us Ma'ase'.*

Respectfully,

**SENATOR ADOLPHO B. PALACIOS SR.**  
*I Mina'Trenta Na Liheslaturan Guåhan*  
(30<sup>th</sup> Guam Legislature)

Cc: Dr. Stanley Yasuhiro, Chairman, Guam Board of Examiners for Dentistry (GBED)  
Marcy Tiong, Chairperson, Guam Board of Barbering and Cosmetology (GBBC)

**Notice of Public Hearing**

from **Frances Lizama** <lizama.frances@gmail.com>  
to **"ROBERTO, J.Peter, A.C.S.W."** <caring.communities@gmail.com>  
date Thu, Jul 23, 2009 at 4:45 PM  
subject **Notice of Public Hearing**  
mailed-by gmail.com

[hide details](#) 4:45 PM (1 hour ago)






[Reply](#)

Dear Mr. Roberto,

Please find attached memo from Sen. Palacios, Acting Chairman, reference to scheduled public hearing. I've also attached a copy of the bills for your perusal. Thank You.

FRANCES S. LIZAMA  
Office of Senator Frank B. Aguon, Jr.  
30th Guam Legislature  
Committee on Economic Development,  
Health & Human Services, and Judiciary  
238 Archbishop F.C. Flores St.  
DNA Bldg (old PDN), Suite 701A  
Hagatna, Guam 96910  
Tel: 671.969.1495/6  
Fax: 671.969.1497

**5 attachments** — [Download all attachments](#)

-  **P.H. NOTICE - DPHSS.pdf**  
437K [View](#) [Download](#)
-  **Bill No. 136 (COR).pdf**  
80K [View](#) [Download](#)
-  **Bill No. 150 (COR).pdf**  
145K [View](#) [Download](#)
-  **Bill No. 159 (COR).pdf**  
158K [View](#) [Download](#)
-  **Bill No. 161 (COR).pdf**  
1800K [View](#) [Download](#)



**SENATOR FRANK B. AGUON, JR.**  
 Chairman, Committee on Economic Development,  
 Health and Human Services, and Judiciary  
*I Mina'Trenta na Liheslaturan Guåhan*  
 (Thirtieth Guam Legislature)



**FACSIMILE TRANSMITTAL SHEET**

**DATE:** 07-23-2009

**TO:** Dr. Stanley Yasuhiro - GBED  
 and  
 Mary Tiong - GBBC

735-7413

**FROM:** Frances Lizama

**SUBJECT:** Notice of Public Hearing

**PAGES (including this sheet):** 2

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

NOTE: Blocked calls are not displayed on this report.  
 For more information, see Junk Fax Report and the Caller ID History report.

**Last 30 Transactions**

Date	Time	Type	Station ID Caller ID	Duration	Pages	Result
Jul 23	9:52AM	Fax Sent	7342958	0:10	0	Cancel
Jul 23	9:52AM	Fax Sent	4770793	0:00	0	No answer
Jul 23	1:38PM	Received		0:30	2	OK
			6714725022			
Jul 23	3:46PM	Received	6482007	0:44	2	OK
			6716482007			
Jul 23	4:06PM	Fax Sent	6482007	1:13	2	OK
Jul 23	4:24PM	Fax Sent	4773079	1:47	3	OK
Jul 23	4:27PM	Fax Sent	4770793	1:17	3	OK
Jul 23	4:30PM	Fax Sent	4737663	0:00	0	Cancel
Jul 23	4:30PM	Fax Sent	4727663	1:14	3	OK
Jul 23	4:33PM	Fax Sent	6379865	1:22	3	OK
Jul 23	4:35PM	Fax Sent	5652983	2:16	1	Error 403
Jul 23	4:39PM	Fax Sent	6480104	1:16	3	OK
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Jul 23	4:51PM	Fax Sent	4773982	1:17	3	OK
Jul 23	4:53PM	Fax Sent	5652983	7:22	3	OK
Jul 23	5:05PM	Fax Sent	4774678	1:15	3	OK
Jul 23	5:40PM	Fax Sent	4725003	1:01	2	OK
Jul 23	5:42PM	Fax Sent	4723360	0:55	2	OK
Jul 23	5:44PM	Fax Sent	6490145	0:59	2	OK
Jul 23	5:46PM	Fax Sent	4721917	1:13	2	OK
Jul 23	5:49PM	Fax Sent	7357413 - Dr. Stankey / Marcy Tiong	1:25	2	OK
Jul 23	5:51PM	Fax Sent	4776788	0:30	1	OK
Jul 23	5:52PM	Fax Sent	4737024	1:23	1	OK
Jul 23	5:55PM	Fax Sent	4756285	0:28	1	OK
Jul 23	5:57PM	Fax Sent	7347536	0:29	1	OK
Jul 23	5:58PM	Fax Sent	6492573	0:39	1	Error 351
Jul 23	5:59PM	Fax Sent	4770997	0:30	1	OK

Chronicle, Continental Airlines has notified 310 of its pilots that they may be furloughed in the coming weeks.

The Chronicle report cited a letter to officials of the Air Line Pilots Association (Continental chapter) that nearly 7 percent of its 4,500 pilots may be laid off.

ALPA is the bargaining agent for the 4,000 pilots of Continental Airlines and is the world's oldest and largest pilot union, representing 64,000 pilots at 43

as Sept. 23 based on company.

The furloughs are expected to be temporary but may last at least six months in duration.

Last Wednesday, Continental Airlines reported a second quarter 2009 net loss of \$213 million, which the company said requires the adoption of cost-cutting measures, including the elimination of 1,700 positions across the company.

This is in addition to the previously announced elimination of

500 reservation agent positions and special company offered leaves of absence extended for 700 flight attendants.

Continental is offering employees voluntary programs to minimize the number of involuntary furloughs and reductions in force.

The company blamed its second quarter loss on significant declines in high yield traffic as many business travelers curtailed travel or purchased lower yield economy tickets due to the weakened economy.

In addition, the H1N1 virus reduced Continental's second quarter consolidated passenger revenue by an estimated \$50 million.

## Japan's expo


**TOKYO (AFP)** - Japan's trade surplus grew in June for the first time in 20 months as an export slump eased, data showed Thursday, supporting hopes the world's number two economy is crawling towards a recovery.

The surplus jumped roughly five-fold to 508.0 billion yen (\$5.4 billion), from 104.1 billion yen a year earlier, the finance ministry reported.

Exports exceeded imports for a fifth straight month, giving a vital boost to a country whose heavy dependence on overseas demand left it highly exposed to the global economic downturn.

The year-on-year improve-

\* FRIDAY, JULY 24, 2009 PG 12  
 MARIANAS VARIETY


**SENATOR FRANK B. AGUON, JR., Chairman**  
**COMMITTEE ON ECONOMIC DEVELOPMENT,**  
**HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina' Trenta na Lihelaturan Guahan 30th Guam Legislature*  
 238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagatna, GU 96910  
 Tel. (671) 969-1495/6 Fax: (671) 969-1497 Email: aguon4guam@gmail.com

---

**NOTICE OF PUBLIC HEARING - TUESDAY, JULY 28, 2009, 1:00 pm.**  
**GUAM LEGISLATURE PUBLIC HEARING ROOM**


**1:00 PM:**  
**BILL NO. 136 (COR)** - Relative to adding a new Item (8) to Subsection (E) of § 8102 of Ch. 8, Title 25, Guam Administrative Rules and Regulations of the Guam Board of Examiners of Dentistry.  
**BILL NO. 140 (COR)** - Relative to consideration of "Victims' Impact Statements" at sentencing.  
**BILL NO. 144 (COR)** - Relative to reallocation of funding proceeds from the 2009 Solid Waste Management System Bond funds, subject to approval of the GovGuam financing load application with USDA.  
**BILL NO. 141 (COR)** - Relative to DNA Profiling.  
**BILL NO. 150 (COR)** - Relative to increasing the tobacco tax.  
**BILL NO. 158 (COR)** - Relative to the validity of marriage.  
**BILL NO. 159 (COR)** - Relative to prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water.  
**BILL NO. 161 (COR)** - Relative to the Barbering and Cosmetology Act of 2000.  
**BILL NO. 30-167 (LS)** Relative to inflationary adjustment of monetary fines.  
**BILL NO. 30-169 (LS)** - An act to exclude law enforcement personnel, employees and positions from the application of the provision of "Safe Harbor" under GovGuam's Drug-Free Workplace Program by adding a new §75107(a), Ch. 75, 10GCA; and to include other law enforcement personnel under the term "definition."  
**BILL NO. 145 (COR)** - An act to amend §51821, Art. 8, Ch. 51, 10GCA, relative to bond proceeds to include the repair and/or renovation of GMH Emergency Room and Hospital Expansion, construction of the Southern Regional Health Center, various Govt-owned educational and medical facilities and for other purposes.  
**BILL NO. 147 (COR)** - Relative to activities of corporation within the GEDA.  
**BILL NO. 30-183 (COR)** - Relative to authorizing GWA to incur short term indebtedness subordinate to its bonds; to approve terms and conditions of issuance; and to amend Section 4 of P.L. 28-71 relative to increasing maximum authorized interest rate on certain revenue bonds to be issued by GWA.

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**5:00 PM:**  
**BILL NO. 30-185 (COR)** - An act to add a new Ch. 16, 19GCA, relative to domestic partnerships.

If written testimonies are to be presented at hearing the Committee requests that copies of written testimonies be submitted one day prior to hearing date to the Office of Senator Frank B. Aguon, Jr.  
 238 Archbishop F.C. Flores St., DNA Bldg., Ste. 701A, Hagatna, GU 96910, or emailed to aguon4guam@gmail.com. Individuals requiring special accommodations/services, or for further information, please contact Gina Tabonares or Cathy Palacios at 969-1495/6.

**THIS AD WAS PAID FOR BY GOVERNMENT FUNDS**



**Guam**  
**Developmental Disabilities Council**  
Konsehelon Guahan para I Taotao ni Maninutet desde ki Manhoben

130 University Drive, Suite 17, Mangilao, Guam 96913 • Tel: (671) 735-9127 • Fax: (671) 734-9121 • [guamddc@teleguam.net](mailto:guamddc@teleguam.net)

**GDDC Requests Public Input on its Proposed 5-Year State Plan Amendments**

The Guam Developmental Disabilities Council (GDDC) would like public input on the proposed amendments to the GDDC 5-Year State Plan for Fiscal Years 2007-2011. The State Plan includes the Council's Goals and Objectives which guide future grant projects and staff activities. The Council wants to know what Guam Residents who have developmental disabilities, their families, their friends, neighbors, and service providers think about the proposed amendments.

A copy of the draft amendment is available at the GDDC Office located at the University Castle Mall, Suite 17, 130 University Drive, Mangilao, from 8:00 a.m. to 5:00 p.m., Monday through Friday. For additional information, please contact the GDDC office at 735-9127 or email: [guamddc@teleguam.net](mailto:guamddc@teleguam.net). Public comment will accepted through August 10, 2009 and may be submitted, preferably in writing to:





**SENATOR FRANK B. AGUON, JR., *Chairman***  
**COMMITTEE ON ECONOMIC DEVELOPMENT,  
HEALTH & HUMAN SERVICES, AND JUDICIARY**  
*I Mina'Trenta Na Liheslaturan Guåhan* • 30th Guam Legislature  
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**AGENDA**

TUESDAY, JULY 28, 2009

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An act to add a new Article 2 to Chapter 120 of 8GCA relative to consideration of "Victims' Impact Statements" at sentencing.
- **BILL NO. 144 (COR)**  
An act relative to adding a new Subsection (h) to §51821 of Article 8, Division 2, Chapter 51, Title 10 of the Guam Code Annotated, relative to the reallocation of funding proceeds from the 2009 Solid Waste Management System Bond Funds to address capital improvement projects for the community of Guam, subject to the approval of the government of Guam financing loan application with the U.S. Department of Agriculture.
- **BILL NO. 141 (COR)**  
An act to add a new Article 3 to Chapter 120 of 8GCA relative to DNA Profiling.
- **BILL NO. 150 (COR)**  
An act to amend §26603 (a), (b), and (c) of Article 6, Chapter 26, of Title 11 of the Guam Code Annotated, relative to increasing the tobacco tax.
- **BILL NO. 158 (COR)**  
An act to *amend* Sections 3101, 3104, and 3107 all of Chapter 3, Title 19 of the Guam Code Annotated, relative to the validity of marriage.
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An act to add a new Chapter 90A to Title 10, Guam Code Annotated, relative to the prohibition of importing ingestible tobacco film strips, ingestible tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balm, and nicotine water.
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An act to repeal and re-enact Chapter 18 of Title 10 of the Guam Code Annotated, the "*Barbering and Cosmetology Act of 2000.*"
- **BILL NO. 30-167 (LS)**  
An act to add a new §1.52 to Chapter 1 of 9GCA relative to inflationary adjustment of monetary fines.



**SENATOR FRANK B. AGUON, JR., *Chairman***  
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- **BILL NO. 30-169 (LS)**  
An act to exclude law enforcement personnel, employees and positions from the application of the provision of "safe harbor" under the government of Guam's Drug-Free Workplace Program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.
- **BILL NO. 145 (COR)**  
An act to amend 51821 of Article 8, Chapter 51, Title 10 GCA bond proceeds to include the repair and/or renovation of the Guam Memorial Hospital's Emergency Room and Hospital Expansion, the construction of the Southern Regional Health Center, various government-owned educational and medical facilities and for other purposes.
- **BILL NO. 147 (COR)**  
An act to add a new subsection 50103 (p) to Chapter 50 Title 12 Guam Code Annotated relative to activities of corporation within the Guam Economic Development Authority.
- **BILL NO. 30-183 (COR)**  
An act to *amend* Section 14235 of Article 2 of Chapter 14 of Title 12, Guam Code Annotated, relative to authorizing the Guam Waterworks Authority to incur short term indebtedness subordinate to its bonds; to approve the terms and conditions of the issuance of such indebtedness to fund certain operating accounts as required by its bond indenture, to pay past due expenses and to provide interim financing for costs of the moratorium project; and to amend Section 4 of Public Law 28-71 relative to increasing the maximum authorized interest rate on certain revenue bonds to be issued by Guam Waterworks Authority.

**5:00 PM:**

- **BILL NO. 185 (COR)**  
An act to amend Chapter 3 of Title 19 of the Guam Code Annotated; relative to the legalization of same sex civil unions within the territory of the island of Guam.



**SENATOR FRANK B. AGUON, JR., *Chairman***  
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An act to exclude law enforcement personnel, employees and positions from the application of the provision of "safe harbor" under the government of Guam's Drug-Free Workplace Program by adding a new §75107, to Chapter 75, Title 10 Guam Code Annotated; and to include other law enforcement personnel under the term "definition" as used in this Chapter by amending §75100(a), Chapter 75, Title 10 Guam Code Annotated.

- **BILL NO. 145 (COR)**

An act to amend 51821 of Article 8, Chapter 51, Title 10 GCA bond proceeds to include the repair and/or renovation of the Guam Memorial Hospital's Emergency Room and Hospital Expansion, the construction of the Southern Regional Health Center, various government-owned educational and medical facilities and for other purposes.

- **BILL NO. 147 (COR)**

An act to add a new subsection 50103 (p) to Chapter 50 Title 12 Guam Code Annotated relative to activities of corporation within the Guam Economic Development Authority.

- **BILL NO. 30-183 (COR)**

An act to *amend* Section 14235 of Article 2 of Chapter 14 of Title 12, Guam Code Annotated, relative to authorizing the Guam Waterworks Authority to incur short term indebtedness subordinate to its bonds; to approve the terms and conditions of the issuance of such indebtedness to fund certain operating accounts as required by its bond indenture, to pay past due expenses and to provide interim financing for costs of the moratorium project; and to amend Section 4 of Public Law 28-71 relative to increasing the maximum authorized interest rate on certain revenue bonds to be issued by Guam Waterworks Authority.

**5:00 PM:**

- **BILL NO. 30-185 (COR)**

An act to add a new Chapter 16, Title 19, Guam Code Annotated; relative to domestic partnership.

*6*

# I MINA' TRENTA NA LIHESLATURAN GUAHAN

## 2010 (SECOND) Regular Session

Date: 7/2/10

### VOTING SHEET

Bill No. 159-30(COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_  
 \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL 15 \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature


\* 3 Passes = No vote  
 EA = Excused Absence

*MINA' TRENTA NA LIHESLATURAN GUÅHAN*  
2009 (FIRST) Regular Session

2009 JUN 18 PM 4:03

Bill No. 159 (COR)

Introduced by:

B.J.F. Cruz 

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**AN ACT TO ADD A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF IMPORTING INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that tobacco use is the leading cause of preventable, early death in America.  
4 Every year in our nation, tobacco causes over 400,000 deaths, and 8,600,000  
5 Americans have chronic illnesses linked to tobacco. A 50 percent reduction  
6 in tobacco use by minors would prevent over 10,000,000 of today's children  
7 from becoming daily smokers. This would save over 3,000,000 of them  
8 from premature death due to tobacco-induced disease. A reduction in youth  
9 tobacco use would result in approximately \$75,000,000,000 in savings  
10 attributable to reduced health care costs. Tobacco manufacturers routinely  
11 advertise to the youth tobacco products as being socially acceptable and  
12 healthful. Therefore, it is the intent of *I Liheslaturan Guåhan* to prohibit the  
13 importation and sale of all orally dissolvable tobacco products and nicotine



1 water and nicotine lip balm. In effect, this prohibition will prevent these  
2 products from reaching consumers under the age of 18, to whom they are  
3 most aggressively being marketed.

4 **Section 2. A new Chapter 90A is hereby added to Title 10, Guam Code**  
5 **Annotated, to read:**

6 § 90A100 This Chapter shall be known and may be cited as ‘Prohibition of  
7 Ingestible Tobacco Film Strips, Tobacco Sticks, Hard Candies, Nicotine  
8 Lollipops, Nicotine Lip Balm, and Nicotine Water’

9 **Section 3. § 90A101 Definitions:**

10 ‘*Distributor*’ means any person who imports tangible personal property or  
11 consumable goods and distributes to retailer for resale.

12 ‘*Nicotine*’ means a colorless, oily, water-soluble, highly toxic, liquid  
13 alkaloid, C<sub>10</sub>H<sub>14</sub>N<sub>2</sub>, found in tobacco and valued as an insecticide. Nicotine has  
14 powerful pharmacologic effects including increased heart rate, heart stroke  
15 volume, and oxygen consumption by the heart muscle as well as powerful  
16 psychodynamic effects such as euphoria, increased alertness, and a sense of  
17 relaxation. Nicotine is also powerfully addictive.

18 ‘*Nicotine Lip Balm*’ means any emollient product infused with any amount  
19 of any form of nicotine designed to be used on the lips for the purpose of  
20 delivering nicotine into the bloodstream through the mucous membranes.

21 ‘*Nicotine Lollipops*’ means any sweetened, dissolvable confection infused  
22 with any amount of any form of nicotine and available as a skewered hard candy,  
23 for the purpose of delivering nicotine into the bloodstream.

24 ‘*Nicotine Water*’ means any bottled drinking water infused with any amount  
25 of any form of nicotine.

26 ‘*Orbs*’ means the brand name of dissolvable lozenge-type product made of  
27 finely ground and flavored tobacco that melts in the mouth within 30 minutes.

1           ‘*Retailer*’ means the seller of tangible personal property or consumable  
2 goods for consumption or use by the purchaser and not for resale.

3           ‘*Sticks*’ means the brand name of a dissolvable toothpick-shaped product  
4 made of finely ground and flavored tobacco that melts in the mouth within 10  
5 minutes.

6           ‘*Strips*’ means the brand name of dissolvable film-like product made of  
7 finely ground and flavored tobacco that melts in the mouth within 3 minutes.

8           **Section 4. § 90A102 Importation of Ingestible Tobacco Film Strips,  
9 Tobacco Sticks, Hard Candies, Nicotine Lollipops, Nicotine Lip Balm, and  
10 Nicotine Waters to Guam Illegal: Punished**

11           (a) A person commits a felony when he imports, attempts to import, or  
12 causes to import ingestible tobacco film strips, tobacco sticks, hard candies,  
13 nicotine lollipops, nicotine lip balm, and nicotine water into the territorial  
14 jurisdiction of Guam.

15           (b) Any ingestible tobacco film strips, tobacco sticks, hard candies, nicotine  
16 lollipops, nicotine lip balm, and nicotine water in violation of this Section shall be  
17 subject to seizure and forfeiture.

18           (1) Any property subject to forfeiture under this Section shall be seized by a  
19 peace officer, including Guam Customs Officer, upon process issued by the  
20 Superior Court, except that seizure without such process may be made when the  
21 seizure is incident to an arrest or a search under a search warrant or an inspection  
22 under an administrative inspection warrant; the property subject to seizure has been  
23 the subject of a prior judgment in a criminal injunction or forfeiture proceeding; or  
24 the peace officer has probable cause to believe that the property has been used or  
25 intended to be used in violation of this Section. In the event of a seizure pursuant to  
26 this Subsection, proceedings under Subsection (c) shall be instituted promptly.

1 (c) Property taken or detained under this Section shall not be repleviable, but  
2 shall be deemed to be in the custody of the government subject only to the orders  
3 and decrees of the Court. Whenever property is seized under the provisions of this  
4 Section, the government shall destroy all ingestible tobacco film strips, tobacco  
5 sticks, hard candies, nicotine lollipops, nicotine lip balm, and nicotine water seized  
6 and forfeited upon order of the Court.

7 (d) Any person found guilty of the importation, attempted importation or  
8 causing the importation of ingestible tobacco film strips, tobacco sticks, hard  
9 candies, nicotine lollipops, nicotine lip balm, and nicotine water to Guam shall be  
10 guilty of a felony and be subject to imprisonment for not more than five (5) years,  
11 a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00) per incident of  
12 importation, or both such fine and imprisonment.

13 **Section 5. § 90A103 Effective Date:** This Act shall take effect ninety (90)  
14 days after its enactment.