


MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

Bill No. 121 (EC)

Introduced by:

J. A. Lujan  
Mike Cruz, M.D. 

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AN ACT TO REPEAL AND RE-ENACT CHAPTER 6 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO THE LICENSING REQUIREMENTS FOR THE RETAIL AND WHOLESALE OF TOBACCO PRODUCTS; TO ADD A NEW ARTICLE 6 TO CHAPTER 6 OF TITLE 11 GUAM CODE ANNOTATED, TO RESTRICT IMPORTATION OF TOBACCO PRODUCTS TO MANUFACTURER'S REPRESENTATIVES; AND TO AMEND SECTION 26601(C) OF CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE TOBACCO TAX

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

**Section 1.** Chapter 6 of Title 11 of the Guam Code Annotated is hereby repealed and re-enacted to read as follows:

“Chapter 6

- |         |    |   |
|---------|----|---|
| Article | 1. | General Provisions                        |
|         | 2. | Licenses                                  |
|         | 3. | Issuance of Licenses                      |
|         | 4. | Sale or Distribution to Minors Prohibited |
|         | 5. | Enforcement                               |



1 (g) "Tobacco product" means any tobacco cigarette, cigar, pipe tobacco,  
2 smokeless tobacco, chewing tobacco or any other form of tobacco which may be  
3 utilized for smoking, chewing, inhalation or other means of ingestion.

4 (h) "Vending machine" means any mechanical, electrical or electronic  
5 device that, on insertion of money, tokens or any other form of payment,  
6 automatically dispenses tobacco products.

7 (i) "Wholesale" means the importation into or purchase on Guam from a  
8 manufacturer or other wholesale licensee of tangible personal property not for  
9 consumption or use by the purchaser but solely for resale or retail wholesale or  
10 retail sellers.

11 (j) "Wholesale License" means a license issued by the Director of the  
12 Department of Revenue and Taxation for the wholesale sale of tobacco products to  
13 retailers.

14 Section 6102. Applicability of Commercial Licenses Provisions and  
15 Requirements. Provisions and requirements of Chapters 70 and 72 of Title 11 of the  
16 Guam Code Annotated applicable to commercial licenses shall govern this Chapter  
17 in matters and provisions not specifically provided in this Chapter and when  
18 relevant.

19 Article 2. Licenses

20	Section 6200.	License: Required.
21	Section 6201.	Same: Classes and Fees.
22	Section 6202.	Same: Term.
23	Section 6203.	Same: Renewal.
24	Section 6204.	Same: Vending Machines.
25	Section 6205.	Same: Multiple.
26	Section 6206.	License: Privilege: Limitation.

1                   Section 6207.        Same: Limitation.

2                   Section 6208.        Display of License.

3                   Section 6200. License: Required.

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

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

9           (c)    Any person directly or indirectly engaged in the business of  
10 manufacturing tobacco products may not retail tobacco products, directly or  
11 indirectly, or hold a retail or wholesale license. It shall not be a violation of this  
12 Chapter for any such person engaged in the business of manufacturing tobacco  
13 products to import, export or sell for resale tobacco products to a duly licensed  
14 tobacco wholesaler.

15           Section 6201. Same: Classes and Fees. The Director is authorized to issue the  
16 following classes of licenses at the following fees, which shall be paid by the  
17 applicant at the time of application:

18           (a)    Annual Retail License \$ 40.00;

19           (b)    Annual Vending Machine Retail License \$ 20.00;

20           (c)    Annual Wholesaler License \$ 500.00.

21           Section 6202. Same: Term. Licenses shall be issued on an annual basis and  
22 shall expire on the thirty-first (31st) day of March following the date of issuance.  
23 The full fee shall be paid for any fraction of the year for which a license is issued.

24           Section 6203. Same: Renewal. A licensee may renew his license at the  
25 expiration thereof by the payment of the annual license fee set forth in this Chapter  
26 and by filing a renewal application. A licensee who fails to renew his license on or

1 before the thirty-first (31st) day of March of each year shall be assessed a late fee of  
2 Twenty Dollars (\$20.00) and a penalty of One Dollar (\$1.00) per each calendar day  
3 he is delinquent, which penalty shall become part of the renewal fee, and the license  
4 is automatically suspended, unless all payments for annual fee, late fee and the  
5 daily penalty are paid in full on or before April 30 of that year, in which case the  
6 license may be reinstated by the Director immediately. Unless the license is so  
7 reinstated, it is automatically revoked and the Director shall not issue a license  
8 except upon a new original application. Any licensee who fails to renew his or her  
9 license on or before the thirtieth (30th) day of April shall be required to discontinue  
10 the sales of tobacco products.

11 Additionally, any licensee who fails to renew his or her license on or  
12 before the thirtieth (30th) day of April shall be subject to an injunction issued by the  
13 Superior Court of Guam and to prosecution under §§70119. Such failure to renew  
14 while continuing the operation of the business shall constitute refusal and failure to  
15 obtain a license under the provisions of Division 3 of this Title.

16 Section 6204. Same: Vending Machines.

17 (a) The owner of a vending machine shall obtain a retail license and  
18 pay the fee required for each vending machine.

19 (b) Any licensee who violates Subsection (a) of this Section shall be  
20 fined Fifty Dollars (\$50.00) per violation

21 Section 6205. Same: Multiple. A licensee applying for retail licenses to operate  
22 more than one (1) premise or more than one (1) vending machine shall obtain a  
23 separate retail license for each premise and each vending machine, and shall pay the  
24 fee prescribed for each premise and each machine.

1 Section 6206. License: Privilege: Limitation. A licensee is limited to the  
2 privileges conferred by the license and is not authorized to exercise any other  
3 privileges.

4 Section 6207. Same: Limitation. A licensee is limited to the premises for  
5 which the license is issued and is not authorized to exercise the privileges conferred  
6 by the license at an additional or other premises.

7 Section 6208. Display of License.

8 (a) A licensee for sales of tobacco products, excluding sales through  
9 vending machines, shall prominently display the license on each licensed premise.

10 (b) The licensee for vending machines sales of tobacco products shall  
11 affix a retail license decal furnished by the Department in a prominent position on  
12 each vending machine.

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

15 Article 3. Issuance of Licenses.

16 Section 6300. License: Restrictions

17 Section 6301. Same: Same: Real Party in Interest.

18 Section 6302. Same: Same: Minors.

19 Section 6303. Same: Same: Prior Revokee.

20 Section 6304. Same: Same: Unfit Person.

21 Section 6305. Same: Application.

22 Section 6306. Application: Investigation.

23 Section 6307. Penalties for Selling Tobacco Products Without a License.

24 Section 6300. License: Restrictions.

25 (a) Except in the case vending machine retail license, the Director  
26 shall not issue a license to any person who is then holding a license of another class.

1 (b) No wholesaler within or outside of Guam or any officer,  
2 subsidiary, affiliate or other entity in which a wholesaler holds any ownership or  
3 interest, directly or indirectly by stock ownership, interlocking directors,  
4 trusteeship, loan, mortgage or lien on any real or person property, shall hold any  
5 tobacco license other than a wholesaler's license in Guam.

6 Section 6301. Same: Same: Real Party in Interest. The Director shall not issue  
7 a license of any class to an applicant who is not the real party in interest.

8 Section 6302. Same: Same: Minors. The Board shall not issue a license of any  
9 class to a person under eighteen (18) years of age.

10 Section 6303. Same: Same: Prior Revokee. Except in the case of a license  
11 revoked for non-payment of a renewal fee, the Director shall not issue a license of  
12 any class to any person who held a license of any class which was revoked within a  
13 one-year period prior to the date of the application.

14 Section 6304. Same: Same: Unfit Person. The Director shall not issue a license  
15 of any class to any person the Director deems unfit to hold a license.

16 Section 6305. Same: Application. An applicant for a license shall submit an  
17 application in writing to the Director, verified under oath and accompanied by the  
18 license fee.

19 Section 6306. Application: Investigation. Upon receipt of an application for a  
20 license and the license fee, the Director shall cause a thorough investigation to be  
21 made to determine whether or not the applicant and the premises qualify for a  
22 license.

23 Section 6307. Penalties for Selling Tobacco Products Without a License. In  
24 addition to any other penalties and fines that may be levied, including those under  
25 §6404 and 70120 of this Title, any person who violates §6200 shall be guilty of a  
26 misdemeanor as set forth in §70119 of this Title, and punished as follows:

1 (a) in the case of a first violation, by a fine of Two Hundred Fifty  
2 Dollars (\$250.00);

3 (b) in the case of a second violation, by a fine of Five Hundred  
4 Dollars (\$500.00);

5 (c) in the case of three (3) or more violations, a fine of not less than  
6 One Thousand Dollars (\$1,000.00), nor more than Two Thousand Five Hundred  
7 Dollars (\$2,500.00), and the person shall not be eligible to apply for a license for five  
8 (5) years after the date of the assessment of a fine.

9 Article 4. Sale or Distribution to Minors Prohibited

10 Section 6400. Sale or Distribution of Tobacco Products to Minors  
11 Prohibited.

12 Section 6401. Acceptable Forms of Identification.

13 Section 6402. Display of Prohibition on Sales to Minors.

14 Section 6403. Licensee Responsible for Employee Actions.

15 Section 6404. Penalties for Selling Tobacco Products to Minors.

16 Section 6405. Minors Prohibited from Possession, Use and Purchase of  
17 Tobacco Products.

18 Section 6406. Tobacco Education for Minors.



1           Section 6400. Sale or Distribution of Tobacco Products to Minors Prohibited.

2           (a)    It shall be a violation of this Chapter for any person to sell or  
3 distribute tobacco products to minors. It shall not be a violation of this Chapter for  
4 any person to refuse to sell or distribute tobacco products to any person whom the  
5 seller or the distributor reasonably believes to be under twenty-seven (27) years of  
6 age, and who is unable to produce acceptable photographic identification and proof  
7 that he or she is over the age of eighteen (18) years.

8           (b)    Vending machines selling tobacco products shall be placed in  
9 such a location that they are accessible only to persons over the age of eighteen (18)  
10 or are under the constant, direct supervision and unobstructed line-of-sight of the  
11 person authorizing the installation or placement of the tobacco vending machine  
12 upon premises he or she manages or otherwise controls, or his or her agent or  
13 employee. It shall be the responsibility of the supervising adult to ensure that  
14 minors do not purchase tobacco products from vending machines. For purposes of  
15 this Section, the person liable for selling or furnishing tobacco products to minors by  
16 a tobacco vending machine shall be the person authorizing the installation or  
17 placement of the tobacco vending machine upon premises he or she manages, or  
18 otherwise controls, and under circumstances in which he or she has knowledge, or  
19 should otherwise have grounds for knowledge, that the tobacco vending machine  
20 will be utilized by minors.

21           (c)    This Section does not prohibit a licensee or an employer from  
22 distributing tobacco products to any employee who handles tobacco products in the  
23 course of the commercial distribution or sale of the products. In any proceeding for  
24 the suspension or revocation of any license, and based upon a violation of this  
25 Section, proof that the defendant licensee or his agent or employee demanded and  
26 was shown, before furnishing any tobacco product to a minor, an identification

1 card, such person shall be a defense to such proceeding for the suspension or  
2 revocation of any license.

3 Section 6401. Acceptable Forms of Identification. For the purposes of this  
4 Chapter, the following instruments are the only acceptable types of instruments of  
5 identification as required in §6400:

6 (a) a valid unexpired driver's license issued by any state, territory or  
7 possession of the United States;

8 (b) an official identification issued by a Federal or state government  
9 with the individual's photograph and signature;

10 (c) an armed forces identification card;

11 (d) a valid, unexpired passport; and

12 (e) an alien registration receipt card (green card).

13 Section 6402. Display of Prohibition on Sales of Tobacco Products to Minors.  
14 All licensees shall post notice of this Chapter prohibiting the sale of tobacco  
15 products to minors.

16 (a) In the case of a retail operation, notices shall be publicly and  
17 conspicuously displayed in the licensee's place of business in letters at least two  
18 inches (2") in height.

19 (b) In the case of vending machine, licensee shall affix to the front of  
20 each vending machine a sign in letters at least one-half inch ( $\frac{1}{2}$ ") in height.

21 (c) Any licensee who violates this Section shall be fined Fifty Dollars  
22 (\$50.00) per violation.

23 Section 6403. Licensee Responsible for Employee Actions. Acts or omissions  
24 of an employee of a licensee that violate any provisions of this Chapter shall be  
25 deemed to be acts or omissions of the licensee.

26 Section 6404. Penalties for Selling or Distributing Tobacco Products to Minors.

1           (a) In addition to any other penalties and fines that may be levied,  
2 any person who violates §6400 of this Chapter shall be assessed penalties and/or  
3 have their license suspended as follows

4           i. in the case of a first violation in any five-year (5) period,  
5 the person shall be fined Five Hundred Dollars (\$500.00) and shall be notified in  
6 writing of penalties levied for further violations;

7           ii. in the case of a second violation in any five-year (5) period,  
8 the person shall be fined One Thousand Dollars (\$1,000.00) and, in the case of a  
9 licensee, the license shall be suspended for ninety (90) days;

10           iii. in the case of a third violation in any five (5) year period,  
11 the person shall be fined Two Thousand Five Hundred Dollars (\$2,500.00) and, in  
12 the case of a licensee, the license shall be suspended for one hundred eighty (180)  
13 days;

14           iv. in the case of four (4) or more violations within any five (5)  
15 year period, the person shall be fined Five Thousand Dollars (\$5,000.00) and, in the  
16 case of a licensee, the license shall be revoked. The revoked retailer shall be  
17 ineligible to apply for a new license for two (2) years after the effective date of the  
18 revocation.

19           (b) Failure to pay a fine levied under this Chapter within thirty (30)  
20 days of the date the fine becomes effective shall result in the suspension of the  
21 licensee's license until such fines are paid.

22           (c) During any suspension or revocation of a license under this  
23 Section, the licensee so suspended may not sell tobacco products and must remove  
24 all tobacco products from all areas covered by that license. In addition, any new  
25 application for a license to sell tobacco products while a licensee is suspended under  
26 this Chapter shall be denied.

1 Section 6405. Minors Prohibited from Possession, Use and Purchase of  
2 Tobacco Products. It shall be a violation of this Chapter for any minor to use or be  
3 in possession of tobacco products or attempting to purchase tobacco products using  
4 false identification.

5 Section 6406. Tobacco Education for Minors. Any minor who violates §6405 of  
6 this Chapter shall attend an education program on tobacco products to include  
7 smoking cessation information administered by the Department of Mental Health  
8 and Substance Abuse, Department of Public Health and Social Services, Department  
9 of Education or other government agencies with similar programs recognized by  
10 any or all of these departments.

11 Article 5. Enforcement.

12 Section 6500. Enforcement.

13 Section 6501. Notice.

14 Section 6502. Hearing.

15 Section 6503. Publication and Distribution of Laws and Rules.

16 Section 6504. Use of Collected Fees and Penalties for Youth Programs.

17 Section 6505. Youth Tobacco Education and Prevention Fund.

18 Section 6506. Report.

19 Section 6500. Enforcement. The primary responsibility for enforcement of this  
20 Chapter shall be with the Department of Revenue and Taxation ("DRT") in  
21 cooperation with the Department of Mental Health and Substance Abuse. Any  
22 person may register a complaint under this Section with DRT. The Director shall  
23 notify any establishment or individual subject to this Chapter of a complaint  
24 regarding that establishment's or individual's alleged violation of this Chapter, and  
25 shall keep a record of that notification.

1           (a) In carrying out its enforcement responsibilities, the Director or  
2 his or her designee shall conduct random, unannounced inspections at retail sites  
3 and may enlist the assistance of persons that are between twelve (12) and seventeen  
4 (17) years of age, upon written consent of their parents or legal guardians, in  
5 conducting these enforcement activities. Participation in these enforcement  
6 activities by a minor shall not constitute a violation of §6405 of this Chapter, and the  
7 minor is immune from prosecution or penalties thereunder, or under any other  
8 provision of law prohibiting the purchase of these products by minors.

9           (b) The Director shall adopt and publish guidelines for the use of  
10 minors in inspections conducted pursuant to this Section, that shall include, but not  
11 be limited to, all of the following:

12           i. the Director, or his or her designee, may, upon written  
13 consent of their parents or legal guardians, enlist the services of minors who are  
14 between twelve (12) and seventeen (17) years of age in random inspections to  
15 determine if sales of cigarettes or other tobacco products are being made to minors;

16           ii. a photograph or video recording of the minors shall be  
17 taken prior to each inspection or shift of inspections and retained by the Director or  
18 his or her designee for purposes of verifying appearances;

19           iii. the Director, or his or her designee, may use video  
20 recording equipment when conducting the inspections to record and document  
21 illegal sales or attempted sales;

22           iv. the minor, if questioned about his or her age, shall state his  
23 or her actual age and shall present a true and correct identification if verbally asked  
24 to present it (Any failure on the part of the minor to provide true and correct  
25 identification, if verbally asked for it, shall be a defense to any action pursuant to  
26 this Section.);

1                   v.     the minor shall be under the supervision of a regularly  
2 employed peace officer, or an adult duly authorized by the Director, or his or her  
3 designee, during the inspection;

4                   vi.    following the completion of the sale, or attempted sale, the  
5 peace officer, or an adult duly authorized by the Director, or his or her designee  
6 accompanying the minor, shall reenter the retail establishment and inform the seller  
7 of the random inspection and identify the minor to the seller; and

8                   vii.  failure to comply with the procedures set forth in this  
9 Section shall be a defense to any action brought pursuant to this Chapter.

10           Section 6501. Notice.  Unless otherwise provided, prior to the revocation or  
11 suspension of a license issued under this Chapter, the Director shall provide a notice  
12 to the holder of said license, via certified mail, return receipt requested. The notice  
13 shall contain the following information:

14                   (a)   the name and title of the person issuing the notice;

15                   (b)   the date on which the fine, suspension or revocation will become  
16 effective;

17                   (c)   the reason for the fine, revocation or suspension; that the licensee  
18 may request a hearing regarding the fine, revocation or suspension;

19                   (d)   that the request for a hearing shall be made in person or in  
20 writing via certified mail, return receipt requested and received by the Director  
21 within ten (10) days after receipt of the notice; and

22                   (e)   that failure to appear in person or through mail received by the  
23 Director within ten (10) days after receipt of the notice, or by the notice's return by  
24 the U.S. Postal Service shall act as a waiver of the right to a hearing and the fine,  
25 revocation or suspension will, if applicable, become effective on the date included in  
26 the notice.

1 Section 6502. Hearing. Except as otherwise specifically provided for herein,  
2 the Director shall conduct proceedings on any hearing required under the  
3 provisions of this Chapter in accordance with the provisions of the Administrative  
4 Adjudication Law, and shall have all of the powers granted in such Act.

5 (a) Upon receipt of the request for a hearing as provided in this  
6 Section, a hearing shall be held before a Hearings Officer appointed by the Director  
7 in accordance with the Administrative Adjudication Law. The hearing shall be set  
8 and conducted within forty-eight (48) hours of receipt of the request, holidays,  
9 Saturdays and Sundays not to be included. The hearing can be set for a later day if  
10 the applicant or licensee so requests, but no later than as required by law.

11 (b) At the hearing the applicant or licensee may contest the denial,  
12 fine, revocation or suspension.

13 (c) If the Hearings Officer finds that the applicant is not eligible for a  
14 license, the Hearings Officer shall declare the license application denied. If the  
15 Hearings Officer finds that the fine, suspension or revocation is in accordance with  
16 this Chapter, then that fine, suspension or revocation shall take effect immediately.  
17 The action of the Hearings Officer is final.

18 (d) If the applicant or licensee does not appear at the scheduled  
19 hearing, in person, or through a representative as allowed by the Hearings Officer,  
20 the Hearings Officer shall enter an order supporting the denial, fine, revocation or  
21 suspension of the licensee or applicant.

22 Section 6503. Publication and Distribution of Laws and Rules. The Director  
23 shall compile and provide a copy of the compilation of laws and rules concerning  
24 retail tobacco sales to every new licensee at no charge.

25 Section 6504. Use of Collected Fees and Penalties for Youth Programs. All  
26 fines and fees assessed and collected under this Chapter shall be distributed and

1 deposited in the following manner by DRT on the final working day of the months  
2 of March, June, September and December of each year:

3 (a) thirty percent (30%) to the Department of Parks and Recreation  
4 Off-Island Sports Fund;

5 (b) twenty percent (20%) to the Health and Human Services Fund;

6 (c) and fifty percent (50%) to the Youth Tobacco Education and  
7 Prevention Fund.

8 Section 6505. Youth Tobacco Education and Prevention Fund. There is  
9 created, separate and apart from any other funds of the government of Guam, under  
10 the administration and control of the Department, the Youth Tobacco Education and  
11 Prevention Fund ("YTEPF"). YTEPF shall be held in an account or accounts at a  
12 Guam financial institution, or institutions, separate and apart from all other  
13 accounts and funds of the government of Guam, and shall not be subject to the  
14 transfer authority of I Maga'lahañ Guåhan. One hundred percent (100%) of the  
15 funds in the YTEPF shall be utilized by the Department of Mental Health and  
16 Substance Abuse, for youth compliance monitoring and tobacco and drug  
17 prevention and education programs.

18 Section 6506. Report. The Director shall report monthly to the Department of  
19 Mental Health and Substance Abuse ("DMHSA") the list of all licenses granted and  
20 renewed, including the names and street addresses of the business or the location of  
21 the vending machine, the number of violations processed and the penalties  
22 imposed, and any other information that the Director and DMHSA agree upon.



1 Article 6. Prohibition on Importation

2 Section 6600. Who May Import.

3 Section 6601. Prohibitions.

4 Section 6602. Penalty.

5 Section 6600. Who May Import. Tobacco products may be brought into Guam  
6 from without Guam for delivery or use within Guam only when the tobacco  
7 products are imported by or consigned to a licensed wholesaler.

8 Section 6601. Prohibitions. The transportation or importation into Guam for  
9 delivery or use in Guam of tobacco products without payment of the tax provided  
10 by Chapter 26, Article 6, of this Code, or contrary to the provisions of Article, is  
11 hereby prohibited.

12 Section 6602. Penalty. Whoever transports or imports into Guam for delivery  
13 or use in Guam tobacco products in violation of this Article shall be punished as  
14 follows:

15 (a) in the case of a first violation, the person shall be guilty of a  
16 misdemeanor and may be fined not more than one thousand dollars (\$1,000.00) or  
17 imprisoned for not more than one year, or both;

18 (b) in the case of any subsequent violation, the person shall be guilty  
19 of a felony of the third degree and shall be fined not more than ten thousand dollars  
20 (\$10,000.00) or imprisoned for not more than five years, or both.

21 **Section 2.** Section 26601(c) of Article 6 of Chapter 26 of Title 11 of the Guam Code  
22 Annotated is hereby amended to read as follows:

23 “(c) Bonding. Any taxpayer holding an Annual Wholesaler  
24 License under Section 6201 of Title 11 of the Guam Code  
25 Annotated and against whom taxes are levied under this  
26 Article with respect to tobacco products may, by

1 complying with the rules and regulations promulgated by  
2 the Tax Commissioner, and by placing such tobacco  
3 products in a warehouse under bond, delay the payment of  
4 said taxes until the due date of the monthly tax return for  
5 the month in which the tobacco products are withdrawn  
6 from the warehouse and no interest shall commence to run  
7 thereon until such due date.

8 (1) Relief from tax upon export. When the taxes  
9 levied under this Article have not been paid with respect to  
10 any tobacco products because said tobacco products were  
11 placed in a warehouse under bond, the taxpayer may  
12 export such tobacco products from Guam without  
13 payment of the taxes levied under this Article and, subject  
14 to the conditions set forth in §§26604(a), 26604(b) and  
15 26605(d), be relieved of liability therefor upon submission  
16 of a claim for relief to the Tax Commissioner not later than  
17 the 20th day of the month following the month in which  
18 the tobacco products are withdrawn from the warehouse.”

19 **Section 3.** Severability. If any provision of this Law or its application to any  
20 person or circumstance is found to be invalid or contrary to law, such invalidity  
21 shall not affect other provisions or applications of this Law which can be given  
22 effect without the invalid provisions or application, and to this end the provisions of  
23 this Law are severable.