


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

Bill No. 142(EC)

Introduced by:

J. T. Won Pat 

**AN ACT TO AMEND SECTION 3306 OF ARTICLE 3,
CHAPTER 3, DIVISION 1 OF TITLE 11 GUAM CODE
ANNOTATED, RELATIVE TO PROHIBITING THE
ISSUANCE OF AN ON SALE LIQUOR LICENSE FOR
PREMISES LOCATED WITHIN A DISTANCE OF 500
FEET FROM ANY CHILDCARE CENTER OR
PRESCHOOL.**

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

2 **Section 1. Legislative Findings and Intent.** As of May 1, 2005, the
3 Alcohol Beverage Control Section at the Department of Revenue and Taxation
4 issued approximately four hundred sixty seven (467) general on sale business
5 licenses. These licenses allow various establishments to sell alcohol beverages
6 throughout Guam. Section 3306 of Article 3, Chapter 3, Division 1 of Title 11,
7 GCA, was enacted to prohibit the sale of alcoholic beverages on property
8 within five hundred (500) feet of any church, hospital, or school. *I Liheslaturan*
9 *Guåhan* finds that under this Act, the prohibition of on-sale liquor licenses
10 does not apply to establishments selling alcoholic beverages near childcare
11 centers or preschools where young children are usually cared for during the
12 day or early evening. This amendment provides for the inclusion of

1 established childcare centers or preschools in order to extend the protective
2 measures of the law. *I Liheslaturan Guåhan* further believes it is necessary to
3 prohibit the sale of alcoholic beverages within the property zone immediately
4 surrounding childcare centers or preschools, because of negative influences
5 such sale would impose upon them. The purpose of childcare centers and
6 preschools has been, and continues to be, the provision of socially accepted
7 services to the public, with no periphery intent to profit economically. Because
8 large numbers of children are cared for at these places, recent experience has
9 found that businesses possessing authorized vendor on-sale liquor licenses
10 have begun to locate themselves or their agents, on property on, or in close
11 proximity to childcare centers or preschools. This, as viewed by *I Liheslaturan*
12 *Guåhan* unfairly intrudes on the social and developmental sensibilities of
13 children who are frequently placed in these learning facilities for specific
14 purposes, none of which are economic in nature, and, thus, violates the
15 imaginary neutral zone surrounding these public places. It is therefore, the
16 intent of this legislation to ensure that neutral zones shall not be used for
17 purposes other than those directly provided by churches, hospitals, schools,
18 and now childcare centers or preschools.

19 **Section 2. §3306 of Article 3, Chapter 3, Division 1 of Title 11 Guam**
20 **Code Annotated is amended to read:**

21 **“§ 3306. Same: Same: Near Church, Hospital, School, Childcare**
22 **Center or Preschool. (a) The Board shall not issue an on-sale license for**
23 **premises located within a distance of five hundred (500) feet from any church,**
24 **hospital, or public or private school of general education where persons under**
25 **the age of eighteen (18) are taught, childcare center or preschool, the**

1 measurements to be taken in a straight line from the center of the nearest
2 entrance to the building used as such church, hospital, ~~or~~ school, childcare
3 center or preschool to the center of the nearest entrance of the premises for
4 which a license is applied; except that the provisions of this section shall not
5 prohibit the renewal of any valid on-sale license previously issued and in
6 effect at the time of a subsequent construction or establishment of such
7 church, hospital, ~~or~~ school, childcare center or preschool within five hundred
8 (500) feet of such licensed premises, and provided that such licensed premises
9 shall not subsequently be added to or enlarged; and provided that an on-sale
10 beer licensee coming under this exception shall not thereafter be issued a
11 general on-sale license.

12 **(b) Exception.** Notwithstanding the provisions of Subparagraph (a) of
13 this section, the Board may issue an on-sale license for premises located with a
14 distance of five hundred (500) feet from any church, hospital, ~~or~~ public or
15 private school of general education where persons under the age of eighteen
16 (18) are taught, childcare center or preschool, if the Board finds that the
17 premises to be licensed are such that would not disturb the church services, or
18 the hospital patients, or the school students, or the young cared or detract
19 from the peace and quiet of the neighborhood, and that the general benefit to
20 the ~~territory~~ community at large by the licensing of such premises would
21 outweigh any benefit to be derived from a strict enforcement of the
22 prohibition. No such exception may be made if the presiding official of the
23 church, hospital, ~~or~~ school, childcare center or preschool within the five
24 hundred (500) feet distance does not consent in writing to the waiver of such
25 prohibition.”

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