

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

Bill No. 364(CS)

Introduced by:

J. T. Won Pat  
R. J. Respicio  
B. J. Cruz  
A. B. Dela Cruz  
F. B. Aguon, Jr.

AN ACT TO ADD A NEW §3112(A)(18) TO TITLE 17 G.C.A., RELATIVE TO THE GUAM PUBLIC SCHOOL SYSTEM POLICY REGARDING ALCOHOL ON SCHOOL GROUNDS OR SCHOOL SPONSORED EVENTS; TO AMEND §18102(G) OF TITLE 16 G.C.A., CHAPTER 18, ARTICLE 1, RELATIVE TO REDUCE THE BODY ALCOHOL CONTENT LEVEL FROM 0.04% TO 0.02% FOR PERSONS UNDER THE AGE OF EIGHTEEN OPERATING A MOTOR VEHICLE; TO AMEND §18104 (A), TITLE 16 G.C.A., CHAPTER 18, ARTICLE 1, RELATIVE TO MANDATE A FOURTEEN (14) HOUR MINIMUM SUBSTANCE OR ALCOHOL ABUSE AWARENESS PROGRAM AND OTHER PENALTIES; TO AMEND § 18105, TITLE 16 G.C.A., CHAPTER 18, ARTICLE 1, RELATIVE TO MANDATE A FOURTEEN (14) HOUR MINIMUM SUBSTANCE OR ALCOHOL ABUSE AWARENESS PROGRAM AND OTHER PENALTIES; TO AMEND § 18106, TITLE 16 G.C.A., CHAPTER 18, ARTICLE 1, RELATIVE TO MANDATE A FOURTEEN (14) HOUR MINIMUM SUBSTANCE OR ALCOHOL ABUSE AWARENESS PROGRAM AND OTHER PENALTIES; TO AMEND § 18107, TITLE 16 G.C.A.,

CHAPTER 18, ARTICLE 1, RELATIVE TO MANDATE A FOURTEEN (14) HOUR MINIMUM SUBSTANCE OR ALCOHOL ABUSE AWARENESS PROGRAM AND OTHER PENALTIES; A NEW §18101 (J) IS ADDED TO TITLE 16 G.C.A., CHAPTER 18, RELATIVE TO DEFINE A HIGHLY INTOXICATED DRIVER; A NEW §18107.1 IS ADDED TO TITLE 16 G.C.A., CHAPTER 18, RELATIVE TO A HIGHLY INTOXICATED DRIVER AND PENALTIES; A NEW §1102 (RR) IS ADDED TO TITLE 16, CHAPTER 1, RELATIVE TO DEFINE A SCHOOL BUS; A NEW §18107.2 IS ADDED TO TITLE 16 G.C.A., CHAPTER 18, RELATIVE TO PERSONS OPERATING A SCHOOL BUS ARE DEEMED DRIVING UNDER THE INFLUENCE WITH A BLOOD ALCOHOL LEVEL OF 0.02% TO 0.07% AND PENALTIES; A NEW §18107.3 IS ADDED TO TITLE 16 G.C.A., CHAPTER 18, RELATIVE TO PERSONS OPERATING A COMMERCIAL MOTOR VEHICLE ARE DEEMED DRIVING UNDER THE INFLUENCE WITH A BLOOD ALCOHOL LEVEL OF 0.04% TO 0.07% AND PENALTIES; A NEW §3435 IS ADDED TO TITLE 11 G.C.A., RELATIVE TO ALLOWING MINORS TO DRINK.

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the vast majority of citizens on Guam drink legally and responsibly and  
4 without incident. However, minors who illegally consume or young adults  
5 who consume while on school premises remains a concern. *I Liheslaturan*  
6 *Guahan* also notes some instances of minors being provided with alcoholic  
7 beverages by other minors or by adults. In order to prevent underage

1 drinking, *I Liheslaturan Guahan* deems it necessary to provide the minors and  
2 young adults on our island with a safe learning environment, safe roads on  
3 which to drive and stringent consequences for the illegal or abusive  
4 consumption of alcohol. In further recognizing that minors should not engage  
5 in risky behaviors and that drinking below the age of eighteen (18) is illegal, *I*  
6 *Liheslaturan Guahan* hereby adopts a “Zero Tolerance” policy such that minors  
7 who are caught drinking shall be subject to penalties set forth in this Act.

8         In addition, surveys in the U.S. (National Academy of Sciences Report to  
9 Congress, 2003 and American Medical Association, 2005) indicate that two-  
10 thirds 2/3 of adolescents who drink get their alcohol from their parents’ home  
11 supplies, older siblings or from other persons above the legal drinking age. It  
12 is therefore important to make sure adults do not provide alcohol to minors  
13 until the minors reaches the legal drinking age of eighteen (18). While it is  
14 currently unlawful for any adult person, except a parent or guardian, to  
15 procure, sell, give away, or otherwise supply alcohol to minors under the age  
16 of 18, this act further prohibits any adult person from knowingly allowing a  
17 minor to drink or knowingly failing to stop a minor from drinking while on  
18 their premises, unless the person is the minor's parent or guardian or for the  
19 consumption by the minor for medicinal or religious purposes.

20         *I Liheslaturan Guahan* is also cognizant of the fact that many arrests for  
21 driving under the influence of alcohol concern persons who are repeat  
22 offenders or who are highly intoxicated, with blood alcohol content (BAC)  
23 levels far above the legal limit. This Act increases penalties for those repeat

1 offenders and adds graduated penalties for persons who are highly  
2 intoxicated and who pose serious dangers to the community when they  
3 operate a motor vehicle in such a condition.

4 *I Liheslaturan Guahan* recognizes that every week during the school year, tens  
5 of thousands children begin and end each day with a trip on a school bus. It is  
6 vital to provide maximum safety to children as they travel on Guam's school  
7 buses. Thus any person operating a school bus ought to be held to a higher  
8 standard than other motorists This Act reduces the legally permissible blood  
9 alcohol content from 0.08% to 0.02% for persons operating a school bus. *I*  
10 *Liheslaturan Guahan* further seeks to maximize safety for all persons who  
11 travel or otherwise use the public highways of Guam motorists by reducing  
12 the legally permissible blood alcohol content from 0.08% to 0.04% for persons  
13 operating a commercial motor vehicle.

14 **Section 2.** A new item (18) is hereby added to §3112(a) of Chapter 3 of  
15 Title 17, Guam Code Annotated as follows:

16 "(18) The Board shall develop a policy by June 30 2007 and shall establish  
17 penalties when a student is found to be in possession of alcohol; is found  
18 drinking alcohol on school grounds or while at school sponsored  
19 extracurricular activities, or events. Such policy shall include: stating that  
20 alcohol and alcohol use are not allowed on school grounds, at school-  
21 sponsored activities, and while students are representing the school;  
22 describing the consequences for violating the policy; and explaining how to  
23 assess and refer students who abuse alcohol to counseling or other treatment  
24 programs."

1       **Section 3.** Title 16 G.C.A. § 18102(g), Chapter 18, Article 1 is amended to  
2 read:

3       “(g)(1) Notwithstanding the other provisions of this section, a person  
4 under the age of eighteen (18) shall be guilty of a violation of subsections (b)  
5 or (d) of this section if such person shall be found within three (3) hours of his  
6 or her arrest for a violation of this section to have ~~four~~ two one-hundredths of  
7 one percent (~~0.04%~~) (0.02%) or more, by weight, of alcohol in his or her blood.

8       **(2)(a)** A person convicted for the first time of a violation of item (1) of  
9 this subsection shall be guilty of a misdemeanor and shall have his or her  
10 license or permit to operate a motor vehicle suspended for six (6) months.  
11 ~~Upon any subsequent conviction of the person while under the age of~~  
12 ~~eighteen (18), the person's license or permit to operate a motor vehicle shall be~~  
13 ~~suspended for one (1) year with no exception for occupational driving~~  
14 ~~privileges. Upon any conviction the court shall notify the Department of~~  
15 ~~Revenue and Taxation of such suspension of the person's privilege to drive~~  
16 ~~and confiscate the person's license or permit to operate a motor vehicle. In~~  
17 ~~addition to the required mandatory suspension of a person's license or permit~~  
18 ~~to operate a motor vehicle, the court may impose such additional penalty as~~  
19 ~~may be permitted by law for conviction of a misdemeanor. In addition, such~~  
20 ~~person shall be punished by detention in the custody of the Department of~~  
21 ~~Youth Affairs (“DYA”) for not less than a mandatory forty-eight (48) hours)~~  
22 ~~nor more than one (1) year and a fine of not less than one thousand dollars~~  
23 ~~(\$1,000) nor more than five thousand (\$5,000).~~

1        (b) Upon a second conviction of the person while under the age of  
2 eighteen (18), the person's license or permit to operate a motor vehicle shall be  
3 suspended for one (1) year with no exception for occupational driving  
4 privileges, such person shall be punished by detention in the custody of DYA  
5 for not less than a mandatory seven (7) days nor more than one (1) year and a  
6 fine of not less than one thousand dollars (\$1,000) nor more than five  
7 thousand (\$5,000).

8        (c) Upon a third conviction of the person while under the age of  
9 eighteen (18), the person's license or permit to operate a motor vehicle shall be  
10 revoked until the age of twenty-one (21), and a fine of not less than \$3,000 and  
11 not more than \$5,000.

12        (d) Upon conviction for a violation of items (a-c) of this subsection, a  
13 person shall be required to undergo an eight (8) hour minimum substance or  
14 alcohol abuse awareness program, including education and counseling, or  
15 other comparable program deemed appropriate by the court and all cost of  
16 the program shall be borne by the offender or the offender's parent or  
17 guardian.

18        (e) The court may require the offender or the offender's parent or  
19 guardian to pay restitution to persons injured or for property damaged.

20        (f) The court may impose such additional penalty as may be permitted  
21 by law for the conviction of a misdemeanor.

1        (g) This Section shall not apply to minors who are legal emancipated  
2 adults. Such person who violates §18102 of this Chapter shall be deemed as  
3 adults."

4        **Section 4.** Title 16 G.C.A. § 18104 (a), Chapter 18, Article 1 is amended to  
5 read:

6        "(a) If any person is convicted of a first violation of § 18102 of this  
7 Chapter, that person shall be guilty of a misdemeanor and shall be punished  
8 by imprisonment in the custody of the Department of Corrections ("DOC") or  
9 the Guam Police Department ("GPD") for not less than a mandatory forty-  
10 eight (48) hours nor more than one (1) year, ~~and~~ a fine of not less than One  
11 Thousand Dollars (\$1,000) nor more than Five Thousand Dollars (\$5,000),  
12 mandatory community service of seventy five (75) hours and court cost. The  
13 court shall order that the above persons undergo a fourteen (14) hour  
14 minimum substance or alcohol abuse awareness program, including  
15 education and counseling, or other comparable program deemed appropriate  
16 by the court and all cost for assessment or treatment shall be borne by the  
17 offender. In addition, the judge may impose any additional penalties,  
18 including requiring the offenders to pay restitution to persons injured or for  
19 property damaged.

20        **Section 5.** Title 16 G.C.A. §18105, Chapter 18, Article 1 is amended to  
21 read:

22        **"§18105. Second Conviction of § 18102; Punishment.** If any person is  
23 convicted of a violation of § 18102 of this Chapter and the offense occurred

1 within five (5) years of a separate conviction of a violation of said § 18102 or of  
2 conviction of a prior offense as defined in § 18101(c) of this Chapter, that  
3 person shall be guilty of a ~~misdemeanor~~ felony of the third degree and shall  
4 be punished by imprisonment in the custody of DOC or GPD for not less than  
5 a mandatory seven (7) days nor more than two (2) years, ~~and by~~ a fine of not  
6 less than Two Thousand Dollars (\$2,000) nor more than Five Thousand  
7 Dollars (\$5,000), mandatory community service of one hundred fifty (150)  
8 hours and pay court costs. The court shall order that the above persons  
9 undergo a fourteen (14) hour minimum substance or alcohol abuse awareness  
10 program, including education and counseling, or other comparable program  
11 deemed appropriate by the court and all cost for assessment or treatment  
12 shall be borne by the offender. In addition, the judge may impose any  
13 additional penalties, including requiring the offenders to pay restitution to  
14 persons injured or for property damaged. The person's privilege to operate a  
15 motor vehicle shall be suspended for one (1) year, with no exceptions for  
16 occupational driving privileges, by the Department of Revenue and Taxation  
17 pursuant to § 18124 of this Chapter.”

18 **Section 6.** Title 16 G.C.A. §18106, Chapter 18, Article 1 is amended to  
19 read:

20 **“§18106. Conviction of Violation of § 18102 Within Five Years After**  
21 **Two Violations; Punishment.** ~~(a)~~ If any person is convicted of a violation of §  
22 18102 of this Chapter and the offense occurred within five (5) years of two (2)  
23 separate convictions of a violation of said § 18102 or of two (2) separate



1 convictions of a prior offense as defined in § 18101(c) of this Chapter, or any  
2 combination thereof resulting in two (2) or more prior convictions, that person  
3 shall be guilty of a felony of the third degree and shall be punished by  
4 imprisonment in the custody of DOC or GPD for not less than a mandatory  
5 ninety (90) days and not more than five (5) years, ~~and by~~ a fine of not less than  
6 Three Thousand Dollars (\$3,000) nor more than ~~Five~~ Six Thousand Dollars  
7 ~~(\$5,000)~~ (\$6,000), mandatory community service of two hundred twenty five  
8 (225) hours and pay court costs. The court shall order that the above persons  
9 undergo a fourteen (14) hour minimum substance or alcohol abuse awareness  
10 program, including education and counseling, or other comparable program  
11 deemed appropriate by the court and all cost for assessment or treatment shall  
12 be borne by the offender. In addition, the judge may impose any additional  
13 penalties, including requiring the offenders to pay restitution to persons  
14 injured or for property damaged. The person's privilege to operate a motor  
15 vehicle shall be revoked by the Department of Revenue and Taxation  
16 pursuant to § 18201 of this Chapter for a period of not less than two (2) years  
17 but not more than five (5) years.

18 **Section 7.** Title 16 G.C.A. §18107, Chapter 18, Article 1 is amended to  
19 read:

20 **“§18107. Conviction of Violation of § 18102 Within Five Years of Three**  
21 **or More Violations of Designated Sections; Punishment.**

22 If any person is convicted of a violation of § 18102 of this Chapter and  
23 the offense occurred within five (5) years of three (3) or more separate

1 convictions of a violation of said § 18102 or of three (3) or more separate  
2 convictions of a prior offense as defined in § 18101(c) of this Chapter, or any  
3 combination thereof resulting in three (3) or more prior convictions, that  
4 person shall be guilty of a felony of a third degree and shall be punished by  
5 imprisonment in the custody of DOC or GPD for not less than a mandatory  
6 one (1) year nor more than six (6) years, ~~and by~~ a fine of not less than Four  
7 Thousand Dollars (\$4,000) nor more than Seven Thousand Dollars (\$7,000),  
8 mandatory community service of not less than two hundred fifty (250) hours  
9 and pay court costs. The court shall order that the above persons undergo a  
10 fourteen (14) hour minimum substance or alcohol abuse awareness program,  
11 including education and counseling, or other comparable program deemed  
12 appropriate by the court and all cost for assessment or treatment shall be  
13 borne by the offender. In addition, the judge may impose any additional  
14 penalties, including requiring the offenders to pay restitution to persons  
15 injured or for property damaged. The person's privilege to operate a motor  
16 vehicle shall be revoked permanently by the Department of Revenue and  
17 Taxation pursuant to § 18201 of this Chapter ~~for a period of not less than five~~  
18 ~~(5) years.~~

19 **Section 8.** A new §18101 (j) is added to Title 16, Chapter 18 of the Guam  
20 Code Annotated is hereby added to read:

21 “(j) Highly intoxicated driver means a person whose measurable amount  
22 of alcohol is 0.15 or more grams of alcohol per one hundred milliliters or cubic  
23 centimeters of the person’s blood or 0.15 or more grams of alcohol per two

1 hundred ten liters of the person's breath, as measured at the time of the  
2 offense, or within three (3) hours of time of the offense."

3 **Section 9.** A new §18107.1 to Title 16, Chapter 18 of the Guam Code  
4 Annotated is hereby added to read:

5 **"§18107.1. Highly Intoxicated Drivers; Punishment.** (a) A person  
6 convicted for the first time of a violation of §18102 of this Chapter and who  
7 was a highly intoxicated driver, shall be guilty of a misdemeanor and shall be  
8 punished by imprisonment in the custody of the Department of Corrections  
9 ("DOC") or the Guam Police Department ("GPD") for not less than a  
10 mandatory seventy two (72) hours nor more than one (1) year, a fine of not  
11 less than one thousand five hundred dollars (\$1,500) nor more than six  
12 thousand five hundred dollars (\$6,500), mandatory community service of one  
13 hundred fifty (150) hours and pay court costs. A court shall order that the  
14 above persons undergo a fourteen (14) hour minimum substance or alcohol  
15 abuse awareness program, including education and counseling, or other  
16 comparable program deemed appropriate by the court and all cost for  
17 assessment or treatment shall be borne by the offender. In addition, the judge  
18 may impose any additional penalties, including requiring the offenders to pay  
19 restitution to persons injured or for property damaged. The person's  
20 privilege to operate a motor vehicle shall be suspended for one (1) year, with  
21 no exceptions for occupational driving privileges, by the Department of  
22 Revenue and Taxation.

1 (b) If any person is convicted of a violation of §18102 of this Chapter and  
2 was a highly intoxicated driver, and the offense occurred within five (5) years  
3 of a separate conviction of a violation of said §18102 or of conviction of a prior  
4 offense as defined in §18101(c) of this Chapter, that person shall be guilty of a  
5 third degree felony and shall be punished by imprisonment in the custody of  
6 DOC or GPD for not less than a mandatory ten (10) days nor more than three  
7 (3) years, a fine of not less than two thousand five hundred dollars (\$2,500),  
8 nor more than seven thousand dollars (\$7,000), mandatory community service  
9 of two hundred twenty five (225) hours and pay court costs. The court shall  
10 order that the above persons undergo a fourteen (14) hour minimum  
11 substance or alcohol abuse awareness program, including education and  
12 counseling, or other comparable program deemed appropriate by the court  
13 and all cost for assessment or treatment shall be borne by the offender. In  
14 addition, the judge may impose any additional penalties, including requiring  
15 the offenders to pay restitution to persons injured or for property damaged.  
16 The person's privilege to operate a motor vehicle shall be revoked for a period  
17 not less than five (5) year or up permanently revocation by the Department of  
18 Revenue and Taxation"

19 **Section 10.** A new §1102 (rr) to Title 16, Chapter 1 of the Guam Code  
20 Annotated is hereby added to read:

21 "(rr) "School bus" means every motor vehicle owned by or under the  
22 control of a governmental agency or a private school and regularly operated  
23 for the transportation of children to or from school or a school activity or

1 privately owned and operated for compensation for the transportation of  
2 children to or from school or a school activity.

3 **Section 11.** A new §18107.2 to Title 16, Chapter 18 of the Guam Code  
4 Annotated is hereby added to read:

5 **“§18107.2. Intoxicated School Bus Drivers; Punishment.** (a) It is  
6 unlawful for any person who has 0.02% to 0.07%, by weight, of alcohol in his  
7 or her blood at the time of operating or in actual physical control of a school  
8 bus, unless such person can prove that his or her condition was caused by  
9 ingestion of prescription medication. A person convicted pursuant to this  
10 section shall be that person shall guilty of a misdemeanor and shall be  
11 punished by imprisonment in the custody of the Department of Corrections  
12 ("DOC") or the Guam Police Department ("GPD") for not less than a  
13 mandatory forty eight (48) hours nor more than one (1) year, a fine of not less  
14 than one thousand dollars (\$1,000) nor more than five thousand dollars  
15 (\$5,000), mandatory community service of seventy five (75) hours and pay  
16 court costs. The court shall order that the above persons undergo a fourteen  
17 (14) hour minimum substance or alcohol abuse awareness program, including  
18 education and counseling, or other comparable program deemed appropriate  
19 by the court and all cost for assessment or treatment shall be borne by the  
20 offender. In addition, the judge may impose any additional penalties,  
21 including requiring the offenders to pay restitution to persons injured or for  
22 property damaged.

1 (b) The court may order that any person punished under this section,  
2 who is to be punished by imprisonment by DOC or GPD, be imprisoned on  
3 days other than days of regular employment of the person, as determined by  
4 the court.

5 (c) Any person who has been granted probation under the conditions of  
6 § 18301 of this Chapter, may, after six (6) months have elapsed since the  
7 commencement of participation in the treatment program, petition the court  
8 to have the restriction on that person's privilege to operate a motor vehicle  
9 removed, and the court may, for good cause shown, order the Department of  
10 Revenue and Taxation to remove the restrictions upon a showing that the  
11 person has successfully participated in the treatment program and complied  
12 with the terms and conditions of probation, has given proof of insurance, and  
13 has made a showing to the court that there is little likelihood of a repeat  
14 offense.

15 (d) The court shall suspend and confiscate the person's operator's or  
16 chauffeur's license or permit and shall notify the Department of Revenue and  
17 Taxation that the privilege to operate a motor vehicle of a person punished  
18 under this section has been suspended for six (6) months.

19 (e) In any prosecution under this section, it is a rebuttable presumption  
20 that the person had 0.02% to 0.07%, by weight, of alcohol in his or her blood at  
21 the time of driving the school bus if the person had 0.02% to 0.07%, by weight,  
22 of alcohol in his or her blood at the time of performance of a chemical test  
23 within three hours after driving."

24 **Section 12.** A new §18107.3 to Title 16, Chapter 18 of the Guam Code  
25 Annotated is hereby added to read:

1           **“§18107.3 Intoxicated Commercial Motor Vehicle Drivers; Punishment.**

2   It is unlawful for any person who has 0.04% to 0.07%, by weight, of alcohol in  
3   his or her blood at the time of operating or in actual physical control of a  
4   commercial motor vehicle, unless such person can prove that his or her  
5   condition was caused by ingestion of prescription medication. A person  
6   convicted pursuant to this section shall be that person shall guilty of a  
7   misdemeanor and shall be punished by imprisonment in the custody of the  
8   Department of Corrections ("DOC") or the Guam Police Department ("GPD")  
9   for not less than a mandatory forty eight (48) hours nor more than one (1)  
10   year, a fine of not less than one thousand dollars (\$1,000) nor more than five  
11   thousand dollars (\$5,000), mandatory community service of seventy five (75)  
12   hours and pay court costs. The court shall order that the above persons  
13   undergo a fourteen (14) hour minimum substance or alcohol abuse awareness  
14   program, including education and counseling, or other comparable program  
15   deemed appropriate by the court and all cost for assessment or treatment shall  
16   be borne by the offender. In addition, the judge may impose any additional  
17   penalties, including requiring the offenders to pay restitution to persons  
18   injured or for property damaged.

19           (b) The court may order that any person punished under this section,  
20   who is to be punished by imprisonment by DOC or GPD, be imprisoned on  
21   days other than days of regular employment of the person, as determined by  
22   the court.

1 (c) Any person who has been granted probation under the conditions of  
2 § 18301 of this Chapter, may, after six (6) months have elapsed since the  
3 commencement of participation in the treatment program, petition the court  
4 to have the restriction on that person's privilege to operate a motor vehicle  
5 removed, and the court may, for good cause shown, order the Department of  
6 Revenue and Taxation to remove the restrictions upon a showing that the  
7 person has successfully participated in the treatment program and complied  
8 with the terms and conditions of probation, has given proof of insurance, and  
9 has made a showing to the court that there is little likelihood of a repeat  
10 offense.

11 (d) The court shall suspend and confiscate the person's operator's or  
12 chauffeur's license or permit and shall notify the Department of Revenue and  
13 Taxation that the privilege to operate a motor vehicle of a person punished  
14 under this section has been suspended for six (6) months.

15 (e) In any prosecution under this section, it is a rebuttable presumption  
16 that the person had 0.04% to 0.07%, by weight, of alcohol in his or her blood at  
17 the time of driving the commercial motor vehicle if the person had 0.04  
18 percent or more, by weight, of alcohol in his or her blood at the time of  
19 performance of a chemical test within three hours after driving.

20 **Section 13.** A new §3435 to Title 11 of the Guam Code Annotated is  
21 hereby added to read:

22 “§3435. **Allowing Minors to Drink.** An adult person is guilty of a  
23 misdemeanor if he knowingly allows or provides a person under the age of  
24 eighteen (18) to drink or knowingly fails to stop a minor from drinking on



1 their premises, unless such adult person is the minor's parent or guardian, or  
2 given by his or her physician or dentist for medicinal purposes, or given to the  
3 minor to be used for religious services and the amount consumed is the  
4 minimal amount necessary for the religious service, and further provided, that  
5 such minor is legally declared as an emancipated adult."