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**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
**2008 (SECOND) Regular Session**

Bill No. 347 (LS)

Introduced by:

R.J. Respicio  
J.P. Guthertz  
B.J.F. Cruz  
T.R. Muña Barnes

2008 AUG -4 AM 11:16 am

**AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED CHAPTER 2 § 2113 RELATIVE TO INCLUDING NON-PRESCRIBED CONTROLLED SUBSTANCES TO THE LIST OF ITEMS THAT SHALL NOT BE PURCHASED WITH PUBLIC ASSISTANCE FUNDS, AND TO IMPLEMENTING RANDOM TESTING OF WELFARE RECIPIENTS FOR NON-PRESCRIBED CONTROLLED SUBSTANCES**

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

2 **Section 1. Title 10 Guam Code Annotated Chapter 2 § 2113 is**  
3 ***amended* to read:**

4 **“§ 2113. No Use of Public Assistance Funds for the Purchase**  
5 **of Alcoholic Beverages, Non-prescribed Controlled Substances and**  
6 **Tobacco Products.**

7 (a) The use of public welfare assistance program funds for  
8 the purchase of alcoholic beverages, non-prescribed controlled  
9 substances or tobacco products is prohibited.

1 (b) A welfare recipient who violates subsection (a) hereof  
2 shall be penalized as follows:

3 (1) A first offense shall result in the revocation of  
4 benefits from the program in question for a period not to  
5 exceed three (3) months.

6 (2) A second offense shall result in the revocation of  
7 benefits from the program in question for a period not to  
8 exceed six (6) months.

9 (3) A third offense shall result in the permanent  
10 revocation of benefits from the program in question.

11 (c) A business vendor who violates subsection (a) hereof  
12 shall be penalized as follows:

13 (1) A first offense shall result in a penalty of Two  
14 Hundred Dollars (\$200.00) for each violation.

15 (2) A second offense shall result in a penalty of Five  
16 Hundred Dollars (\$500.00) for each violation.

17 (3) A third offense shall result in a penalty of One  
18 Thousand Dollars (\$1,000.00) for each violation.

1 (4) A fourth offense shall result in the permanent  
2 revocation of the vendor's right to participate in the  
3 program in question.

4 (d) The Director of Public Health and Social Services shall  
5 enforce this Section. The Director shall approve the imposition  
6 of the aforementioned penalties as well as the reconsideration  
7 of said penalties following an appeal. The Director shall use  
8 existing appeal procedures when applicable.

9 (e) The Director shall periodically review each program  
10 and its beneficiaries and vendors regarding compliance  
11 herewith.

12 (f) The Director shall implement a random testing  
13 program of welfare recipients for use of non-prescribed  
14 controlled substances and shall include in each fiscal year  
15 budget request the funding necessary to conduct such a  
16 program beginning with Fiscal Year 2010.

17 (g) The Director shall notify current public welfare  
18 recipients and vendors, in writing, regarding the prohibitions  
19 and penalties imposed by this Section. Said notice shall include,

1 but not be limited to, news media sources and electronic  
2 means.”

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