

MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN  
TWENTY-NINTH GUAM LEGISLATURE  
2007 (FIRST) REGULAR SESSION

2007 APR -6 AM 11:19



Bill No. 91(LS)  
Introduced by:

A. B. PALACIOS, SR.

AN ACT RELATIVE TO PROHIBITING THE USE OF PUBLIC WELFARE ASSISTANCE FUNDS FOR THE PURCHASE OF TOBACCO PRODUCTS AND ALCOHOLIC BEVERAGES, PROVIDING PENALTIES AND FINES FOR NON-COMPLIANCE BY WELFARE RECIPIENTS AND BUSINESS VENDORS, AND REQUIRING PROPER REGULATION OF THESE PROVISIONS BY THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

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

**Section 1. Legislative Findings and Intent.**

1            *I Liheslaturan Guåhan* finds that it was recently revealed through media  
2 sources that individuals who are receiving public welfare assistance are not  
3 prohibited from utilizing their welfare benefits/funds from purchasing  
4 alcoholic beverages or tobacco products. The public welfare assistance  
5 program has been in place for many years and administered by the  
6 Department of Public Health and Social Services to temporarily assist  
7 individuals and families in their time of need through providing funds for  
8 basic necessities, i.e. food, water, clothing, medicinal needs, etc. It is believe  
9 that the public welfare assistance program was not meant for the purchase of  
10

1 tobacco products and alcoholic beverages, which do not constitute basic living  
2 necessities.

3 Therefore, this provision would henceforth make it illegal and restrict  
4 the use of any funds provided by locally financed public welfare assistance  
5 programs for purchasing alcoholic beverages and tobacco products, and  
6 further establishes fines and penalties for both the welfare recipient and  
7 business vendor for non-compliance with this provision.

8 **Section 2. Prohibition on the Use of Any and All Funds Received**  
9 **Through the Public Welfare Assistance Program in the Purchase of**  
10 **Alcoholic Beverages and Tobacco Products.**

11 The following restrictions shall apply in the administration of public  
12 welfare benefits through the Department of Public Health And Social Services:

13 a.) The use of any and all public welfare assistance program funds for  
14 the purchase of alcoholic beverages or tobacco products shall hereby be  
15 prohibited. The following penalties and fines shall be applicable for  
16 non-compliance with the provision contained herein:

17 i.) Each welfare recipient found to be in violation of the  
18 prohibition and restriction on the purchase of alcoholic  
19 beverages and tobacco products with public welfare  
20 assistance funds shall be penalized in accordance with the  
21 following provisions:

1 a.) First Time Offense, shall result in the revocation of  
2 public welfare benefits for the specific program for  
3 a period not to exceed three (3) months.

4 b.) Second Time Offense, shall result in the revocation  
5 of public welfare benefits for the specific program  
6 for a period not to exceed six (6) months.

7 c.) Third Offense, shall result in the revocation of  
8 public welfare benefits for the specific program for  
9 a period not to exceed one (1) year.

10 d.) Fourth Offense, or more, shall result in the  
11 indefinite (lifetime) revocation of public welfare  
12 benefits for the specific program.

13 ii.) Each business vendor found to be in violation of the  
14 prohibition and restriction on the sale of alcoholic beverages  
15 and tobacco products with the use of public welfare  
16 assistance funds shall be penalized in accordance with the  
17 following provisions:

18 e.) First Time Offense, shall result in a financial  
19 penalty of Two Hundred Dollars (\$200.00) for each  
20 identified offense.

21 f.) Second Time Offense, shall result in a financial  
22 penalty of Five Hundred Dollars (\$500.00) for each  
23 identified offense.

1 g.) Third Time Offense, shall result in a financial  
2 penalty of One Thousand Dollars (\$1,000.00) for  
3 each identified offense.

4 h.) Fourth Time Offense, or more, shall result in the  
5 indefinite (lifetime) revocation of servicing public  
6 welfare recipients for the specific program.

7 The Department of Public Health and Social Services shall be  
8 responsible for ensuring the proper enforcement and compliance of the  
9 provisions contained herein. Such enforcement shall include periodic review  
10 of the program and its respective beneficiaries. The Director of Public Health  
11 and Social Services shall be the approval authority for the imposition of the  
12 aforementioned penalties, or for the reconsideration of any penalties assessed  
13 following the appeal process.

14 Existing procedures of appeal relevant to other public welfare assistance  
15 programs administered by the Department of Public Health and Social  
16 Services shall be utilized, wherein applicable, in entertaining appeals by  
17 public welfare recipients or business vendors in reference to the provisions  
18 contained herein.

19 **Section 3. Community Public Notification.**

20 The Department of Public Health and Social Services shall provide  
21 written notification to existing public welfare beneficiaries and the business  
22 community on the newly established prohibitions and penalties associated  
23 with the unlawful use of public welfare funds for the purchase of alcoholic

1 beverages and tobacco products. The public notification of information shall  
2 include, but may not be limited, to the use of news media sources and  
3 electronic means.

4 **Section 4. Severability Clause.**

5 If any of the provisions of this Act or the application thereof to any  
6 person or circumstance is held invalid, such invalidity shall not affect any  
7 other provision or application of this Act which can be given effect without  
8 the invalid provision or application, and to this end the provisions of this Act  
9 are severable.