

I MINA'TRENTAI UNU NA LIHESLATURAN GU HA N
2011 (FIRST) Regular Session

Bill 129-3165

Introduced by:

F. F. Blas, Jr. *FF*

2011 MAR 31 AM 9:22
epm

AN ACT TO ADD SUBSECTION Q TO §50110,
CHAPTER 50 OF TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO PROHIBITED ACTS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that, under Public Law 29-26, it has adopted a comprehensive Guam Pesticides Act
4 intended to provide safeguards against contamination of Guam's groundwater and
5 surface water, and against loss of biodiversity and incidence of immunological effects,
6 cancers and other serious health effects. Thereafter, Public Law 30- 197 was passed
7 to approve the Regulations to implement the Guam Pesticide Act. *I Liheslaturan*
8 *Guåhan* further finds that the Regulations have had the unintended consequence of
9 creating discriminatory adverse economic impact on certain products, not based on the
10 product which are not deceptive or intended to deceive the consumer.

11 These are products which the regulations specifically find "are not considered
12 to be pesticides unless pesticidal claim is made on their labeling or in connection with
13 their sale and distribution", being more specifically "deodorizers, bleaches, and
14 cleaning agents". *I Liheslaturan Guåhan* finds that distinction is one of form and not
15 substance and that the Guam Pesticides Act should not have adverse economic impact

1 on one product and not another simply because of nondeceptive claims made about
2 the product.

3 Therefore, *I Liheslaturan Guåhan* desires to exempt such products from certain
4 requirements of the Guam Pesticides Act, and regulations, regarding the importation,
5 licensing, handling and record keeping of such products.

6 **Section 2.** Subsection q is hereby *added* to §50110 of Chapter 50 of Title 10
7 of the Guam Code Annotated to read as follows:

8 “(q) The provisions of §50107 of this Chapter, (relative to Licensing,
9 Importation and Sale of Restricted Use Pesticides, Certification and Record
10 Keeping) and of §§50112 and 50114 (relative to Notice of Arrival of Pesticides
11 and Devices and Shipments Arriving without Notice of Arrival) *shall not* apply
12 to any person to the extent such person may import, distribute, sell, *or* offer for
13 sale in Guam any product not considered to be a pesticide but for a pesticidal
14 claim made on the labeling or in connection with the sale of distribution of the
15 product.”