

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2011 (First) Regular Session

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ATB/PMW

Bill No. 267-3(cor)

Introduced by:

B.J.F. Cruz



**AN ACT TO AMEND §90A101 AND §90A102 OF CHAPTER  
90A OF TITLE 10 OF THE GUAM CODE ANNOTATED  
RELATIVE TO THE PROHIBITION AND SALE OF CANDY  
CIGARETTES.**

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

**Section 1.** Item §90A100 of Chapter 90A of Title 10 of the Guam Code  
Annotated is hereby *amended* to read as follows:

“§ 90A100. Title.

This Chapter shall be known, and may be cited, as the “Prohibition of  
Ingestible Tobacco Film Strips, Tobacco Sticks, Tobacco Hard Candies, Nicotine  
Lollipops, Nicotine Lip Balm, ~~and~~ Nicotine Water, and Candy Cigarettes.”

**Section 2.** Item §90A101 of Chapter 90A of Title 10 of the Guam Code  
Annotated is hereby *amended* to read as follows:

§ 90A101. Definitions.

“(a) Candy Cigarettes means a candy made out of chalky sugar, bubblegum  
or chocolate, wrapped in paper as to resemble cigarettes

1           ~~(a)~~ (b) Distributor means any person who imports tangible personal property  
2 or consumable goods and distributes to a retailer for resale.

3           ~~(b)~~ (c) Nicotine means a colorless, oily, water-soluble, highly toxic, liquid  
4 alkaloid, C<sub>10</sub>H<sub>14</sub>N<sub>2</sub>, found in tobacco and valued as an insecticide. Nicotine has  
5 powerful pharmacologic effects, including increased heart rate, heart stroke  
6 volume, and oxygen consumption by the heart muscle, as well as powerful  
7 psychodynamic effects, such as euphoria, increased alertness, and a sense of  
8 relaxation. Nicotine is also powerfully addictive.

9           ~~(c)~~ (d) Nicotine Lip Balm means any emollient product infused with any  
10 amount of any form of nicotine designed to be used on the lips for the purpose of  
11 delivering nicotine into the bloodstream through the mucous membranes.

12           ~~(d)~~ (e) Nicotine Lollipop means any sweetened, dissolvable confection  
13 infused with any amount of any form of nicotine, and available as a skewered hard  
14 candy, for the purpose of delivering nicotine into the bloodstream.

15           ~~(e)~~ (f) Nicotine Water means any bottled drinking water infused with any  
16 amount of any form of nicotine.

17           ~~(f)~~ (g) Orbs means the brand name of a dissolvable lozenge-type product  
18 made of finely ground and flavored tobacco that melts in the mouth within thirty  
19 (30) minutes.

20           ~~(g)~~ (h) Retailer means the seller of tangible personal property or consumable  
21 goods for consumption or use by the purchaser and not for resale.

22           ~~(h)~~ (i) Sticks means the brand name of a dissolvable toothpick-shaped  
23 product made of finely ground and flavored tobacco that melts in the mouth within  
24 ten (10) minutes.

25           ~~(i)~~ (j) Strips means the brand name of a dissolvable film-like product made  
26 of finely ground and flavored tobacco that melts in the mouth within three (3)  
27 minutes.”

1           **Section 3.** Item §90A102 of Chapter 90A of Title 10 of the Guam Code  
2 Annotated is hereby *amended* to read as follows:

3           § 90A102. Importation of Ingestible Tobacco Film Strips, Tobacco Sticks,  
4 Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balms, ~~and~~ Nicotine  
5 Water and candy cigarettes to Guam Illegal: Punished.

6           (a) A person commits a felony when he imports, attempts to import, or  
7 causes to import ingestible tobacco film strips, tobacco sticks, tobacco hard  
8 candies, nicotine lollipops, nicotine lip balms, ~~and~~ nicotine water and candy  
9 cigarettes into the territorial jurisdiction of Guam.

10           (b) Any ingestible tobacco film strips, tobacco sticks, tobacco hard candies,  
11 nicotine lollipops, nicotine lip balms, ~~and~~ nicotine water and candy cigarettes in  
12 violation of this Section shall be subject to seizure and forfeiture.

13           (1) Any property subject to forfeiture under this Section shall be  
14 seized by a peace officer, including Guam Customs & Quarantine Officers,  
15 upon process issued by the Superior Court, except that seizure without such  
16 process may be made when the seizure is incident to an arrest or a search  
17 under a search warrant or an inspection under an administrative inspection  
18 warrant; the property subject to seizure has been the subject of a prior  
19 judgment in a criminal injunction or forfeiture proceeding; or the peace  
20 officer has probable cause to believe that the property has been used or  
21 intended to be used in violation of this Section. In the event of a seizure  
22 pursuant to this Subsection, proceedings under Subsection (c) shall be  
23 instituted promptly.

24           (c) Property taken or detained under this Section shall not be repleviable, but  
25 shall be deemed to be in the custody of the government subject only to the orders  
26 and decrees of the Court. Whenever property is seized under the provisions of this  
27 Section, the government shall destroy all ingestible tobacco film strips, tobacco

1 sticks, tobacco hard candies, nicotine lollipops, nicotine lip balms, ~~and~~ nicotine  
2 water and candy cigarettes seized and forfeited upon order of the Court.

3 (d) Any person found guilty of the importation, attempted importation or  
4 causing the importation of ingestible tobacco film strips, tobacco sticks, tobacco  
5 hard candies, nicotine lollipops, nicotine lip balms, ~~and~~ nicotine water and candy  
6 cigarettes to Guam shall be guilty of a felony and be subject to imprisonment for  
7 not more than five (5) years, a fine not to exceed Twenty-five Thousand Dollars  
8 (\$25,000.00) per incident of importation, or both such fine and imprisonment.

9 **Section 4.** Effective Date. This Act shall take effect thirty (30) days after its  
10 enactment.

