

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

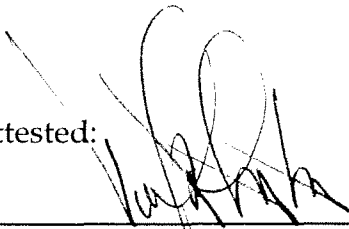
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 159-30 (COR)**, "AN ACT TO ADD A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE IMPORTATION AND SALE OF INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER", was on the 2nd day of July, 2010, duly and regularly passed.



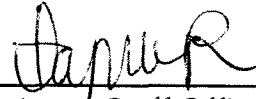
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July, 2010, at
6 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 159-30 (COR)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
Judith T. Won Pat, Ed. D.
F. B. Aguon, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio

AN ACT TO *ADD* A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE IMPORTATION AND SALE OF INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that tobacco use is the leading cause of preventable, early death in America. Every
4 year in our nation, tobacco causes over four hundred thousand (400,000) deaths, and

1 eight million six hundred thousand (8,600,000) Americans have chronic illnesses
2 linked to tobacco. A fifty percent (50%) reduction in tobacco use by minors would
3 prevent over ten million (10,000,000) of today's children from becoming daily
4 smokers. This would save over three million (3,000,000) of them from premature
5 death due to tobacco-induced disease. A reduction in youth tobacco use would result
6 in approximately Seventy-five Billion Dollars (\$75,000,000,000) in savings
7 attributable to reduced health care costs. Tobacco manufacturers routinely advertise
8 to the youth tobacco products as being socially acceptable and healthful. Therefore, it
9 is the intent of *I Liheslaturan Guåhan* to prohibit the importation and sale of all orally
10 dissolvable tobacco products and nicotine water and nicotine lip balm. In effect, this
11 prohibition will prevent these products from reaching consumers under the age of
12 eighteen (18) years, to whom they are most aggressively being marketed.

13 **Section 2.** A new Chapter 90A is hereby *added* to Title 10, Guam Code
14 Annotated, to read:

15 **“CHAPTER 90A**

16 **§90A100. Title.**

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

20 **§90A101. Definitions.**

21 (a) *Distributor* means any person who imports tangible personal
22 property *or* consumable goods and distributes to a retailer for resale.

23 (b) *Nicotine* means a colorless, oily, water-soluble, highly toxic,
24 liquid alkaloid, C₁₀H₁₄N₂, found in tobacco and valued as an
25 insecticide. Nicotine has powerful pharmacologic effects, including
26 increased heart rate, heart stroke volume, and oxygen consumption by the
27 heart muscle, as well as powerful psychodynamic effects, such as

1 euphoria, increased alertness, and a sense of relaxation. Nicotine is also
2 powerfully addictive.

3 (c) *Nicotine Lip Balm* means any emollient product infused with
4 any amount of any form of nicotine designed to be used on the lips for
5 the purpose of delivering nicotine into the bloodstream through the
6 mucous membranes.

7 (d) *Nicotine Lollipop* means any sweetened, dissolvable
8 confection infused with any amount of any form of nicotine, and
9 available as a skewered hard candy, for the purpose of delivering nicotine
10 into the bloodstream.

11 (e) *Nicotine Water* means any bottled drinking water infused
12 with any amount of any form of nicotine.

13 (f) *Orbs* means the brand name of a dissolvable lozenge-type
14 product made of finely ground and flavored tobacco that melts in the
15 mouth within thirty (30) minutes.

16 (g) *Retailer* means the seller of tangible personal property *or*
17 consumable goods for consumption *or* use by the purchaser and *not* for
18 resale.

19 (h) *Sticks* means the brand name of a dissolvable toothpick-
20 shaped product made of finely ground and flavored tobacco that melts in
21 the mouth within ten (10) minutes.

22 (i) *Strips* means the brand name of a dissolvable film-like
23 product made of finely ground and flavored tobacco that melts in the
24 mouth within three (3) minutes.

25 **§90A102. Importation of Ingestible Tobacco Film Strips, Tobacco**
26 **Sticks, Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balms, and**
27 **Nicotine Water to Guam Illegal: Punished.**

1 (a) A person commits a felony when he imports, attempts to
2 import, *or* causes to import ingestible tobacco film strips, tobacco sticks,
3 tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine
4 water into the territorial jurisdiction of Guam.

5 (b) Any ingestible tobacco film strips, tobacco sticks, tobacco
6 hard candies, nicotine lollipops, nicotine lip balms, and nicotine water in
7 violation of this Section *shall* be subject to seizure and forfeiture.

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

20 (c) Property taken *or* detained under this Section *shall not* be
21 repleviable, but *shall* be deemed to be in the custody of the government
22 subject only to the orders and decrees of the Court. Whenever property is
23 seized under the provisions of this Section, the government *shall* destroy
24 all ingestible tobacco film strips, tobacco sticks, tobacco hard candies,
25 nicotine lollipops, nicotine lip balms, and nicotine water seized and
26 forfeited upon order of the Court.

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

8 **§90A103. Effective Date.** This Act *shall* take effect ninety (90) days
9 after its enactment.”