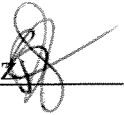


I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Resolution No. 329-33 (COR)

Introduced by:

B. J.F. Cruz 

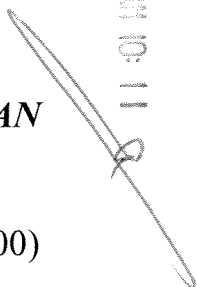
Relative to expressing *I Liheslaturan Guåhan's* unequivocal support for the United Nations World Health Organization Framework Convention on Tobacco Control (WHO-FCTC) in its efforts to address the global tobacco epidemic; and to requesting that the Obama Administration support the WHO-FCTC, and submit it to the United States Senate for ratification; and to further requesting that the U.S. Senate ratify the WHO-FCTC.

1 **BE IT RESOLVED BY *I MINA' TRENTAI TRES NA LIHESLATURAN***
2 ***GUÅHAN:***

3 **WHEREAS**, Every year, tobacco takes the lives of six million (6,000,000)
4 people across the world. Ten percent (10%), or six hundred thousand (600,000) of
5 those that die annually are merely victims of second-hand smoke (World Health
6 Organization, 2015). In the United States alone, forty two thousand (42,000) of the
7 four hundred and eighty thousand (480,000) people that die every year from
8 smoking-related diseases did not use tobacco directly, but rather, were
9 involuntarily exposed to cigarette smoke (Centers for Disease Control and
10 Prevention, 2015); and

11 **WHEREAS**, In a 2011 report analyzing various countries' current tobacco
12 control policies, the World Health Organization projected that in fifteen (15) years,
13 the annual global mortality rate will rise to approximately eight (8) million people,
14 eighty percent (80%) of whom will be residents of low and middle-income nations;
15 and

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1 **WHEREAS**, In addition to risk of mortality, there are significant health
2 risks and chronic diseases associated with direct tobacco use and exposure to
3 second-hand smoke. According to a 2014 report from the U.S. Surgeon General,
4 smokers, and those exposed to second-hand smoke, suffer a wide range of chronic
5 diseases, such as diabetes; cancer of the liver, lung, and prostate; respiratory
6 diseases, including asthma, chronic obstructive pulmonary disease, emphysema,
7 bronchitis, and tuberculosis; and cardiovascular diseases including aneurysms,
8 stroke, and coronary heart disease.

9 **WHEREAS**, The U.S. Surgeon General (2014) further reports that, to
10 combat the harmful effects of tobacco use, the United States spends approximately
11 one hundred seventy six billion dollars (\$176,000,000,000) on public and private
12 healthcare, thirty billion nine hundred million dollars (\$30,900,000,000) on annual
13 federal and local government Medicaid payments, and forty-five billion dollars
14 (\$45,000,000,000) on Medicare. This tremendous expense is further compounded
15 by the one hundred and fifty one billion dollars (\$151,000,000,000) the U.S. loses
16 every year, due to tobacco's effect on work productivity. According to a 2014
17 report published by the *American Journal on Preventative Medicine*, this colossal
18 cost leaves each American household with an annual tax burden of nine hundred
19 and fifty six dollars (\$956); and

20 **WHEREAS**, Although these statistics reflect the economic strain of tobacco
21 addiction, the tobacco industry remains an unrelenting and profitable enterprise in
22 the United States, with reports from the U.S. Federal Trade Commission (2015)
23 indicating that, each year, over nine billion six hundred million dollars
24 (\$9,600,000,000) go toward tobacco advertisements;

25 **WHEREAS**, According to the *Journal of National Cancer Institute* (1995),
26 this relentless tobacco advertisement is a stranglehold on our nation's youth, who
27 are more vulnerable to smoking, and more inclined to smoke after exposure to
28 advertisements rather than from peer influence. Consequently, as reported by the

1 *Journal of the American Medical Association* (1998), tobacco marketing is
2 responsible for over thirty percent (30%) of underage tobacco “experimentation”
3 with sixteen and four tenths percent (16.4%) of boys and fifteen percent (15%) of
4 girls in high school using tobacco products (National Youth Risk Behavior Survey,
5 2013) and contributing one billion two hundred million dollars (\$1,200,000,000) in
6 cigarette packet sales (*American Journal of Public Health*, 1999); and

7 **WHEREAS**, An analysis of tobacco use on the island of Guam reveals
8 further startling statistics, in comparison to stateside data. Of all the U.S. states and
9 territories, Guam maintains the highest rate of tobacco consumption, with
10 approximately thirty percent (30%) of the population smoking daily (Henry J.
11 Kaiser Family Foundation, 2014). Among our island’s youth, sixty-six percent
12 (66%) are victims of involuntary exposure to cigarette smoke (Guam Behavioral
13 Health and Wellness Center [GBHWC]). This astonishingly high rate is
14 responsible for the death of at least one individual per day on Guam (Guam
15 Prevention Education and Community Empowerment Office [PEACE]). Moreover,
16 tobacco consumption causes sixty percent (60%) of Guam’s cancer cases
17 (GBHWC), and leaves the Chamorro, Guam’s indigenous people, with the highest
18 rate of lung and oral cancer (PEACE); and

19 **WHEREAS**, These statistics reflect the horrific reality of the global tobacco
20 epidemic and demonstrate the demand for sweeping comprehensive reform. In
21 2003, the World Health Organization, in recognition of the devastating effects of
22 tobacco addiction across the world as well as the rampant growth of tobacco
23 consumption in middle and low income countries, adopted the Framework
24 Convention on Tobacco Control (WHO-FTCT, “the Convention,” “the Treaty”),
25 the first treaty sponsored by the World Health Organization; and

26 **WHEREAS**, After opening in 2003, the WHO-FTCT swiftly gained the
27 signatures of one hundred and sixty eight (168) countries, or Signatories, making it
28 a historic, international achievement. By February 27, 2005, when the FTCT

1 entered into force, all countries that had signed and ratified the Treaty were bound
2 to full implementation of the Treaty under international law; and

3 **WHEREAS**, Currently, there are one hundred and eighty (180) countries, or
4 ninety percent (90%) of the global population, that have since signed and ratified
5 the Treaty, and are, therefore, legally bound Parties to the Convention; and

6 **WHEREAS**, The WHO-FTC provides a series of “regulative measures” to
7 reduce the supply and demand of tobacco across the globe. By providing policy
8 guidelines, which include increasing the price and tax of tobacco products,
9 prohibiting tobacco marketing and underage sales, and mandating ingredient
10 disclosure of tobacco products in the participating countries of the Convention, the
11 WHO-FTCT empowers participating countries to achieve effective results in
12 reducing the stranglehold of tobacco addiction in their respective jurisdictions; and

13 **WHEREAS**, Moreover, to raise awareness on the consequences of tobacco
14 consumption and promote policy surveillance, the WHO-FTCT also calls for
15 continual research, dissemination of findings, and technical assistance for
16 implementation of evidence-based practices for each Party’s respective
17 populations; and

18 **WHEREAS**, Eleven (11) years after entry into force, the WHO-FTCT has
19 made significant achievements within participating countries in the Western
20 Pacific Region. According to the World Health Organization (2015), since
21 implementing the Treaty, nationwide smoke-free legislation was passed in
22 Vietnam, Cambodia and Mongolia while China, Lao People's Democratic
23 Republic, Philippines, Malaysia and Fiji have passed several smoke-free policies at
24 the municipal level; and

25 **WHEREAS**, Since becoming Party to the Convention, Australia has enacted
26 radical change relative to tobacco advertisement through the Tobacco Plain
27 Packaging Act in 2011. As a result, Australia became the first country mandating
28 plain cigarette packaging, quickly inspiring other countries to follow suit (World

1 Health Organization, 2015). According to the Australian Government’s
2 Department of Health, tobacco clearances declined eleven percent (11%) following
3 the enactment of the Tobacco Plain Packaging Act. Likewise, in three years,
4 Australia witnessed a three percent (3%) reduction in prevalence of tobacco use
5 among individuals fourteen (14) years and above; and

6 **WHEREAS**, According to the World Health Organization, similar
7 successful legislation in other Parties to the Convention include the enactment of
8 pictorial health warnings on cigarette cartons in the countries of the Philippines,
9 Brunei Darussalam, Fiji, Malaysia, Mongolia, New Zealand, Samoa, Singapore,
10 Solomon Islands, Vanuatu and Vietnam (World Health Organization, 2015);
11 Tobacco marketing, including point-of-sale advertising, has also been banned in
12 the countries of Tuvalu, Vanuatu and Vietnam (World Health Organization, 2015);
13 and

14 **WHEREAS**, Despite signing the Treaty prior to the signature deadline in
15 2004, the United States has yet to ratify the Treaty, joining only six other countries
16 (Argentina, Cuba, Haiti, Morocco, Mozambique, and Switzerland) that have signed
17 but are not Party to the Convention and, therefore, not legally bound to the
18 Convention’s policy guidelines; and

19 **WHEREAS**, Several efforts to send the WHO-FCTC for ratification to the
20 U.S. Senate, were made, including in 2005, under the advocacy of then Senator
21 Barack Obama to President George W. Bush. These efforts were ultimately
22 ignored and have failed to revive under President Barack Obama’s past and current
23 terms; and

24 **WHEREAS**, On January 12, 2016, in his final State of the Union address,
25 President Obama declared his commitment to fighting cancer in the United States
26 by passionately proposing to “make America the country that cures cancer, once
27 and for all.” As a result, the President tasked Vice President Joe Biden to chair
28 “Mission Control,” a national initiative to expedite cancer research by expanding

1 both public and private resources and increasing access to data among “cancer
2 fighters,” comprised of scientists, researchers, and physicians; and

3 **WHEREAS**, Vice President Biden, whose personal experience with the loss
4 of his son to cancer informed his public pursuit of a cancer cure, repeatedly spoke
5 on the moral imperative to fight for millions of Americans whose loved ones have
6 been personally affected by the deadly disease. In his efforts to spearhead this
7 initiative, the Vice President has visited the Abramson Cancer Center at the
8 University of Pennsylvania’s Perelman School of Medicine, spoken at the World
9 Economic Forum in Davos, Switzerland, and continues to meet with several key
10 stakeholders and legislators regarding federal funding for cancer research; and

11 **WHEREAS**, According to the American Cancer Society, lung cancer deaths
12 surpass all other cancer deaths in America, and killed one hundred and fifty nine
13 thousand two hundred and sixty (159,260) people in 2014 alone. As the leading
14 preventable form of cancer in the world, this smoking-induced cancer warrants
15 significant attention and calls for a consolidated action plan that extends beyond
16 national initiatives; and

17 **WHEREAS**, Therefore, if President Obama and Vice President Biden
18 sincerely seek to fight cancer, as they have passionately proclaimed, President
19 Obama and the U.S. Senate must unequivocally champion the United States’
20 participation in the WHO-FTCT to eradicate tobacco addiction in the United States
21 and across the world; and

22 **WHEREAS**, In the face of such overwhelming evidence for tobacco
23 control, the United States, in its negligence to ratify the Treaty, and therefore,
24 legally bind itself to the Convention’s policy guidelines, has not only failed to
25 maintain its role as the global leader of tobacco reform, but has also obstructed
26 progress and justice for U.S. citizens dying and suffering chronic diseases derived
27 from tobacco; and

1 **WHEREAS**, Despite Guam’s local policymakers, in recognition of the
2 startling statistics on the island and across the world, implementing legislation on
3 tobacco control, including increasing tobacco taxes (Guam Public Law No. 30-80);
4 banning underage tobacco sales and distribution (P.L. 28-170; P.L. 32-160);
5 developing early intervention, mentorship, and Tobacco Cessation programs (P.L.
6 31-132); and prohibiting smoking in public places (P.L. 33-121), the people of
7 Guam have been unjustly prevented from implementing comprehensive reform due
8 to the United States’ failure to ratify the FCTC; and

9 **WHEREAS**, In consideration of the inexcusable deaths and diseases
10 derived from tobacco that continue across the world, the people of Guam and their
11 duly elected representatives from the Thirty-Third (33rd) Guam Legislature,
12 urgently call upon the United States to fight this global tobacco epidemic; now
13 therefore, be it

14 **RESOLVED**, that *I Mina’Trentai Tres na Liheslaturan Guåhan* does
15 hereby support the implementation and guidelines of the World Health
16 Organization Framework Convention on Tobacco Control on Guam, in the United
17 States, and throughout the world; and be it further

18 **RESOLVED**, that *I Mina’Trentai Tres na Liheslaturan Guåhan* does
19 hereby, on behalf of the people of Guam, request that President Barack Obama
20 submit the World Health Organization Framework Convention on Tobacco Control
21 to the United States Senate for ratification prior to the Senate’s fall recess; and be it
22 further

23 **RESOLVED**, that *I Mina’Trentai Tres na Liheslaturan Guåhan* does
24 hereby, on behalf of the people of Guam, request that the United States Senate
25 ratify the World Health Organization Framework Convention on Tobacco Control
26 prior to their fall recess; and be it further

27 **RESOLVED**, that the Speaker of *I Liheslaturan Guåhan* certify, and the
28 Secretary of the Legislature attest to, the adoption hereof and that copies of the

1 same be thereafter transmitted to the to the Honorable Barack Obama, President
2 of the United States; to the Honorable Vice President Joseph R. Biden, Vice
3 President of the United States; to the Honorable John F. Kerry, United States
4 Secretary of State; to the Honorable Samantha Power, United States Ambassador
5 to the United Nations; to the Honorable Paul D. Ryan, Speaker of the United
6 States House of Representatives; to the Honorable Mitch McConnell, Majority
7 Leader of the United States Senate; to the Honorable Nancy Pelosi, Minority
8 Leader, United States House of Representatives; to the Honorable Lamar
9 Alexander, Chairman of the Senate Health, Education, Labor and Pensions
10 Committee; to Dr. Margaret Chan, Director-General of the World Health
11 Organization; to the Honorable Congresswoman Madeleine Z. Bordallo, Guam
12 Delegate to the U.S. House of Representative; and to the Honorable Edward J.B.
13 Calvo, *I Maga'lahen Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES
OF *I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN* ON THE ____
DAY OF APRIL 2016.**

JUDITH T. WON PAT, Ed.D.
Speaker

RORY J. RESPICIO
Chairperson, Committee on Rules

TINA ROSE MUNA BARNES
Legislative Secretary