



SENATOR DENNIS G. RODRIGUEZ, JR.

January 13, 2016

2016 JAN 13 AM 9:53

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'Trentai Tres Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

Rory J. Respicio

RE: Supplemental Addendum to Committee Report – Bill No. 143-33(COR), as Substituted; and further Substituted by the Committee on Health, Economic Development, Homeland Security, and Senior Citizens as further Substituted; to reflect change to Bill title.

Dear Speaker Won Pat:

Transmitted herewith, for your consideration, is the **Supplemental Addendum to the Committee Report on Bill 143-33 (COR) - An act to provide increased enforcement of the Natasha Protection Act of 2005 Relative to Smoking Regulations, by Amending §77302 of Article 3 of Chapter 77 of 10 GCA, and §90105, §90107, §90109, §90114 of Chapter 90, 10 GCA, and, to provide for Enforcement Training, and Citizen Suits for Enforcement, by Adding a New § 90109.1 and § 90109.2 to chapter 90, 10 GCA; Sponsored by Senator Dennis G. Rodriguez, Jr., and referred to the Committee on Health, Economic Development, Homeland Security and Senior Citizens. Bill No. 143-33(COR), as introduced, was publicly heard on September 11, 2015.**

Committee votes are as follows:

- 7 TO PASS
- _____ NOT TO PASS
- _____ ABSTAIN
- _____ TO REPORT OUT ONLY
- _____ TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments



**Supplemental Addendum to
COMMITTEE REPORT
ON**

BILL NO. 143-33 (COR)

**Supplemental Addendum to Committee Report –
Bill No. 143-33(COR), as Substituted; and further
Substituted by the Committee on Health, Economic
Development, Homeland Security, and Senior
Citizens as further Substituted; to reflect change of
Bill title.**

**An act to provide increased enforcement of the Natasha
Protection Act of 2005 Relative to Smoking
Regulations, by Amending §77302 of Article 3 of
Chapter 77 of 10 GCA, and §90105, §90107, §90109,
§90114 of Chapter 90, 10 GCA, and, to provide for
Enforcement Training, and Citizen Suits for
Enforcement, by Adding a New § 90109.1 and § 90109.2
to Chapter 90, 10 GCA.**




SENATOR DENNIS G. RODRIGUEZ, JR.

January 13, 2016

MEMORANDUM

To: ALL MEMBERS
Committee on Health, Economic Development, Homeland Security and Senior Citizens

From: Senator Dennis G. Rodriguez, Jr. 
Committee Chairperson

Subject: Supplemental Addendum to Committee Report – Bill No. 143-33(COR), as Substituted; and further Substituted by the Committee on Health, Economic Development, Homeland Security, and Senior Citizens as further Substituted; to reflect change to Bill title.

Transmitted herewith, for your consideration, is the **Supplemental Addendum to the Committee Report on Bill 143-33 (COR) - An act to provide increased enforcement of the Natasha Protection Act of 2005 Relative to Smoking Regulations, by Amending §77302 of Article 3 of Chapter 77 of 10 GCA, and §90105, §90107, §90109, §90114 of Chapter 90, 10 GCA, and, to provide for Enforcement Training, and Citizen Suits for Enforcement, by Adding a New § 90109.1 and § 90109.2 to chapter 90, 10 GCA; Sponsored by Senator Dennis G. Rodriguez, Jr.** This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 143-33(COR)
- Copy of Substitute Bill No. 143-33(COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 143-33(COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse'!

Attachments



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

Supplemental Addendum to Committee Report on Bill No. 143-33(COR), as Substituted; and further Substituted by the Committee on Health, Economic Development, Homeland Security, and Senior Citizens as further Substituted; to reflect change of Bill to title. Bill 143-33 (COR) - An act to provide increased enforcement of the Natasha Protection Act of 2005 Relative to Smoking Regulations, by Amending §77302 of Article 3 of Chapter 77 of 10 GCA, and §90105, §90107, §90109, §90114 of Chapter 90, 10 GCA, and, to provide for Enforcement Training, and Citizen Suits for Enforcement, by Adding a New § 90109.1 and § 90109.2 to chapter 90, 10 GCA.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 1/13				
V. ANTHONY ADA Vice Chairman		✓ 1/13				
BENJAMIN J.F. CRUZ		✓				
RORY J. RESPICIO		✓ 1/18/16				
TINA ROSE MUNA BARNES		✓				
THOMAS C. ADA						
FRANK B. AGUON, Jr.						
NERISSA B. UNDERWOOD		1-13-16				
FRANK F. BLAS, Jr.						
THOMAS A. MORRISON		✓ 1/13				
BRANT T. MCCREADIE						



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE REPORT DIGEST

Bill No. 143-33 (COR)

- I. OVERVIEW:** The Committee on Health, Economic Development, Homeland Security and Senior Citizens conducted a public hearing on September 11, 2015. The hearing convened at 9am in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **Bill 143-33 (COR)- An act to amend §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training; Sponsored by Senator Dennis G. Rodriguez, Jr.**

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on September 2, 2015 (5-day notice), and again on September 8, 2015 (48-hour notice)

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator Benjamin J.F. Cruz	Committee Member
Senator Nerissa B. Underwood	Committee Member

The public hearing on agenda item Bill No. 143-33(COR) was reconvened at 2:03pm.

II. SUMMARY OF TESTIMONY & DISCUSSION.

Senator Dennis Rodriguez: I would like to recognize Ms. Genevieve Garrett. Who is the mother the name sake of the no smoking, The Natasha Protection Act of Guam. So thank you very much for being here this afternoon. Bill 143 was introduced by myself and a few other colleagues, Senator Won Pat, Respicio, Barnes, McCreadie, Tony Ada, Vice Speaker Cruz, Senator Morrison, and Senator Underwood. I thank them for co-sponsoring the bill. What this bill does is there are three (3) components of the Bill. The first component is that it extends the enforcement of the Natasha Protection Act. If the bill passes it will empower the CAPE volunteers, private security personnel to be able to enforce the Natasha Protection Act. As you know enforcement has been a big problem with the police department there are other higher priorities that are attended to first and so we want to be able to expand this enforcement by having these individuals to be able to enforce the law. But



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no before they go through a comprehensive training. That is part of the Bill which calls for training for these individuals. The second part of the bill is to include bars as a no smoking establishment. It expands the clean air act it helps them protect from second hand smoke. The entertainers the industry workers who work in those places sometimes they don't have a choice. It's their livelihood they have to be there. So we want to be able to have their voices heard as well. The third Component of this Bill now makes the smoking in a vehicle when a child is present it is a primary offense. The law now states that it's a secondary offense the police officer would have to cite the first violation in order to cite someone who is smoking in a vehicle when a child is present. So that is really the three (3) components of the bill. I want to thank Liz Guerrero the NCD Consortium force, the tobacco Coalition we have worked very closely it has taken a very long time. Liz will tell you to put this together. We have also reached out to the industry people and to the bars. Of course we don't have the full support you can't please everybody. As much as possible I have reached out to them and we continue to reach out to other sectors in the community before we move this into the floor because I think it's important that we get as much input for the community. Now I would like to acknowledge the four (4) people in front of us to please provide their testimony. Ms. Genevieve Garret, Ms. Cathy Castro, Dr. Taitano, and Mr. Tyrone. Please state your name when you testify. Ms. Garret

Genevieve Garret: Thank you for the opportunity to testify today, My name is Genevieve Leon Guerrero Garret, I'm the mother to the deceased Natasha Leon Guerro Perez, the name sake to no smoking in restaurants here on Guam. For the Senators today who might not know the background of the Natasha Protection Act, please allow me the opportunity to share the heart of the child behind the law. My daughter passed away from Osteosarcoma nine (9) years ago. She was eleven (11) years old at the time of her diagnosis. She had a rare form of bone cancer that eventually overtook her lungs. At the time we sought treatment in Michigan and finally New York Cities Memorial Sloan Kettering. Eventually after the reoccurrence of the cancer to her lungs on numerous occasions, there was little hope for a cure or an extended gift of life, so we decided to return back to Guam. Tash was very fortunate though that she was well enough when we did come back for her to attend the Academy of our Lady of Guam and she was able to go to school until her sophomore year, she ranked in the top 10 in her class, she loved eating, she enjoyed her favorites, firefly, if you remember that restaurant and the Japanese foods outside of her grandmother's red rice and fried chicken. She enjoyed reading but being long compromised discouraged her from being more physically active. So reading and writing became her favorite past time activity. She excelled in Language Arts, if you would just allow me just to read, only because I think it's important that you hear her voice. One of her last essays that she wrote and I'll just reach a portion. I have a copy of the book for those who may not know on her one (1) year death anniversary we had put together a series of her writings and our story together of her journey through cancer more of a faith based book fetish for coffee. In the mean time to, the payless saw community foundation had funded it and all the proceeds always went to Cancer Related Activities and given to children or people with cancer. This is Tasha's essay called Unrealistically Real. (Natasha's essay, Unrealistically Real, read by Ms. Genevieve L.G.



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Garret, from the Book, "Let Go and Let God"). It goes on but you kind of get her humor and you kind of get the gist of the spirit of the child and the essay. Stepping back in time eleven (11) years ago, December 2005. The popularity of the Natasha Protection Act was not embraced by businesses for the fear of the end of tourism as we know it and calls to the radio stations echoed the same response. Senator Lou Leon Guerrero, Senator Judi Won Pat, and Senator BJ Cruz were not popular for this legislation at the time. If you recall, our Attorney General in 2006 even placed a restraining, to prevent the Natasha Protection Act to moving forward, I'm sorry. On June 9, 2006, Attorney Mike Phillips represented and defended the Natasha Protection Act in the Superior Court of Guam as a personal capacity, as a private citizen in order to enforce the law. Superior Court Judge, Steven Unpingco dismissed the case filed by the Office of the Attorney General. I don't know if you remember if anyone else in this room recalls. What you may not recall was on that same day that the case was being heard, my daughter passed away that morning. Many people became passionate about the Natasha Protection Act after her death, I recalled a week before her passing my daughter shared, It's not going to go through mom. I responded, sometimes people are willing to take a stand after a child dies. Although Tash did not know that her hopes for a smoke free environment would be a law before her death. Here we are today, ten (10) years later perhaps a bit more support from our community, I might even go on the limb here and say that a few businesses establishment would even, few would contest the updated legislation. I doubt but a handful of citizens would even call the radio station like that did ten (10) years ago. The revisions to the Natasha Protection Act will provide the needed enforcement and education necessary to embrace the intention and the spirit of the law. Sometimes we need to be reminded not just about how or why we need certain laws to being supported. But sometimes we need to be reminded who the people these laws are intended to protect. Thank you for listening.

Senator Dennis G. Rodriguez, Jr.: Thank you. Thank you very much Gene for that. (Recognized Cathy.)

Catherine Marie Rivera Castro: Good afternoon. Hafa Adai Senator Rodriguez, Senator Underwood, and Vice Speaker BJ Cruz. (Read Written Testimony)

Dr. John Ray Taitano: Thank you, I'm wearing my white coat today for the effect and I hope it works.(Read Written Testimony). I'm also the president for of the Cancer Council of the Pacific Islands and they asked me to render a testimony for that to. (Read Written Testimony for Cancer Council of the Pacific Islands.) Thank you very much.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Doc. (Recognized Mr. Wayne Brown.)

Wayne Brown: My name is Wayne Brown, I'm with the Department of Public Health Social Services, NCD "Community Gardening Group." Innocently, I'd say three (3) maybe three (3 1/2) and half, four (4) years working with the other groups of course that's Alcohol, Tobacco, etc., Cancer. I was fortunate enough to observe and pay attention to our other groups. Like I said, innocently

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enough, eating healthy, living healthy incubuses all what we do. Losing so many friends, twenty eight (28) in one year, fourteen (14) the next, ten (10) the next, and this year alone I lost six (6), but I managed to save three (3). Long story made short because I am trying to keep this brief. I'm all for the Natasha Act, however the wording may be. One of my concerns is enforcement. I've had enough problems with GPD, rent a cops, security personnel, PSA Denanche, I can go down the whole list. I see obviously violations. I've had run ins with them myself and well for an example, I have personalized handicap license plates, even the Airport Police hassles me about my placard, I don't need a placard, it's in the glove box, because it's a personalized handicap licenses plate, the enforcement of this is related to that other issue, if you can't enforce it's not going to do any good. My neighborhood store, I'm not going to mention the name, I know the owners. We had an issue, so he called me and he says Wayne, can you help us out on something, I go sure. So I go back into the security room and I'm watching my neighbor adults buying the cigarettes and beer and they think it's okay to go out into the parking lot to give it to the underage kids. Now, how are you going to enforce that? So when I confronted the neighbors, I tell them straight out. I saw it on the video camera, now I know where the kids are getting the beer and the cigarettes and littering the neighborhood. Okay that's another area that however your wording is, make it punishable and make it stick, cause they're underage but the adults are still going to do it. Say for example, I've been approached many times, let's say a six pack of beer is eight (8) dollars, the kids will offer you ten (10) or twelve (12). Let's say the average price for a pack up cigarettes is six (6) bucks or chewing tobacco, whatever you want to call it. I'll leave out the E-Cigarettes that's another issue. They're going to do the same thing, they're going to have an adult buy it and only because I've seen in it in a video surveillance camera. I witnessed it, so however your wording is, if the store security personnel sees it, enforce it. Because the adult is buying it for the underage people. The bone cancer thing, this hits really close to home because it was my next door neighbor, I moved from Barrigada to Mangilao. The whole family, ohana smokers. Man, the whole family is on the welfare, you name it, QUEST, SNAP, Food Stamps, assistance, whatever, fundraisers. I'm only bringing this up because of the bone cancer thing, it hits home. A child went to the mainland, I think it was 2012/2013, now the poor kid has to go back off-island again, we thought it was in remission. So the parents went ahead and made another baby and the cancer runs in the whole family, they already lost three (3) uncles. So to me it's related whether the smoking is direct or second hand but the awareness is not there, that doesn't give you the right to go and make another baby. I'm done.

Senator Dennis G. Rodriguez, Jr.: Thank you very much. Do you have any questions for him? We have a bunch of you that have signed up for written testimony, so we'll ensure that we include your written testimony in our committee report, I'll call the one's that marked oral testimony. There's one name here, Luke, please if you can come forward. KayleeTerlaje, Mr. Gillan.

Luke Duenas: Buenas and Hafa Adai, Chairman Rodriguez, and honorable Senators of the 33rd Guam Legislature. This testimony is presented on behalf of the Social Work Student Alliance of the University of Guam. So I say thanks to you for my opportunity to present this testimony in support

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of Bill 143-33. My name is Luke Duenas and I am a Senior in the Social Work program, I've been smoke free for seven years and since then have experience second hand smoke when standing downwind when an individual is smoking. People should not have to be inconvenience nor have to walk around to avoid the smoke being admitted by a person who is not in compliance with the law that prohibits smoking within twenty (20) feet of the service entrance of business establishments. It is our organizations position that business owners should take action and responsibility to ensure that security providers receive the necessary training as proposed in this amendment of the Natasha Act of 2005. We feel there's a lack of compliance for most business establishments to properly post signs of the law. Considering the fact that this is the tenth (10th) year review of the Natasha Protection Act of 2005, it begs the question, what excuses are there for business establishments not being able to abide by the law and give the courtesy to it's none smoking patients? Along with security personnel and volunteers to enforce the provision of the Natasha Act, we should see an increase in the sanctioning of smokers violating this law. Hence this amendment is necessary to improve our islands communities overall. The proposed expansion on the Natasha Protection Act of 2005 allows community volunteers to assess the enforcement of the provision of the law. This is to be applauded, however the bill requires that volunteers to be citizens of the United States and residence of Guam. We propose that residence that are interested in volunteering to enforce this law, to be allowed to do so without being citizens of the United States. This will open up possibilities to none U.S. citizens who would like to contribute to the health of our local community, it would afford them the opportunity to assist and become further integrate into our island society. Hence, recommends broadening the requirements to be simple residence of Guam. Thank you.

KayleeTerlaje: Hafa Adai, my name is KayleeTerlaje. The Social Work Student Alliance stands in support of expanding the Natasha Protection Act of 2005 and hopes of increasing its provisions for enforcement, University of Guam, tobacco free. We see these signs posted around campus but we do not see it being enforced, whether it's in the parking lot between buildings or under the tree in front of the library. Smoking is still a commence occurrence on campus. As students of the University, UOG is one of the places in our everyday lives where we feel we should be safe from the harmful effects of smoking. It is not uncommon to see people whether staff or student look the other way when the act of smoking is visible. We are in favor of expanding the act because it serves as a voice for those of us who may not have much of a choice otherwise. With the amendment to the Natasha Protection Act of 2005, we hope to see more security personnel and community volunteers enforcing the smoking ban on campus. We hope to feel the lift of polluted air clouding our campus. Thank you.

MokihanaKahele: Hafa Adai, my name MokihanaKahele, the Social Work Student Alliance is in full support of expanding the Natasha Protection Act of 2005. We stand before you to insist on enforcement of restricting the use of Tobacco products in motor vehicles in the presence of minors. Considering extremely high smoking rates it is not uncommon to find an individual smoking in the presence of a child. Tobacco use in vehicles should be viewed as a form of child abuse. To say that

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second hand smoke is an inconvenience is an understatement when it has to potential to seriously harm an individual. Not only does it have the potential to harm or to be harmful but it is found to be deadly in regards to its exposure amongst children and adults alike. Second hand smoke causes numerous diseases in children including asthma and pneumonia which results in avoidable medical care. Second hand smoke is a major cause of sudden infant death syndrome, cancerous diseases and heart attacks all of which are medical issues affecting our community in high rates. When a child is exposed to second hand smoke in a vehicle the small concentrated space increases the legality of the child's exposure to second hand smoke derived from tobacco products. It is because the proposed expansion to the Natasha Protection Act of 2005 which greatly benefits our community in ensuring a healthier environment for Guam that the Social Work Student Alliance stands in support of this bill. Si Yu'os Ma'ase.

Dennis G. Rodriguez, Jr.: Thank you very much for the testimony and Mr. Gillan before you continue, I just want to highlight your part of the testimony, this past week and Sunday. I was at one of the mall's parking lot waiting for my wife at Payless and I was showing Senator Underwood a picture. There was a couple who had a child, they were parked, so if a cop would come over or a peace officer they wouldn't be able to cite them because they aren't moving, there isn't any other violation. The only violation was that the mother and father had the three (3) week old baby, the mother was holding and was smoking, both of them were smoking. So of course I don't have the training but I politely asked them if they could stop and I just told them why, they were nice so I was lucky, I didn't get beat up. (Picture Shown on iphone), this happened Sunday, I said boy, we're set to have this hearing today and I saw it before my eyes and that just motivated me even more to that say that we need this type of legislation so thank you very much for your testimony. Okay, Mr. Gillan.

Jim Gillan: Thank you Senator, it's nice to see you again and we're talking the same story again but it's also to see these University students, starting to get involved and raising their voice and all these folks in the nice purple shirts who have continued to send this message and have educated numerous people, Guam Cancer Care who helped people through the maze of getting care and assistance. You know it's all there but the only problem is, we still have a high smoking rate. We still have a high utilization of tobacco and then we have probably the most infamous example of the tobacco industry trying to recruit new addicts with e-cigarettes. So what do we really need to do? We've taxed it beyond my even wildest dreams and I guess we can tax it some more but that just seems to have the an interim, small term effect although it has an effect. I think that one of the problems that we have as a territory of the United States is that we don't have much to say about what comes into our territory in terms of products. If the United States would just have the gumption signed, that framework convention on tobacco control, we'd have a lot more to say about how things are advertised, where they're placed, because it's really what you see every day is what stays in your head and when it continues to, you go to any mom and pop store and you see the windows are plastered with tobacco and alcohol and beer and ads, you can't even see into the store. So until we do something about that and about our ability to deal with the Federal Government in terms of what we

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allow into our territory and we had the same problem with America Samoa and a little bit with the CNMI but at least our brothers and sisters on the FSN and the Marshalls and Palau have a lot more to say about how things are done there and until we get that, until we can say to somebody in a mom and pop store all your cigarette products have to be in the back behind at a curtain just like you do with the x-rated films. We're just not going to have that impact and there's so many other countries that signed this convention and I mean we're embarrassed and the same men who sits in the White House now as a senator was demanding that the congress do something about this and now as a president and I guess being more aware with the realities of economics and free trade and all of this nice sounding stuff. Doesn't realize, well he does but I don't know if it gets any better because we're talking about big dollars, big money, and as a small community of 176,000 people I guess we don't amount to much, I know and I applaud you Vice Speaker twice now that you've sponsored a Resolution and it made it very clear that we really demand some action on this and they just don't pay attention, so I don't know if we again look at certain parts of that framework convention and again try to enact some of those with clean air and smoking in front of public buildings and these kinds of things, that has some effect but until we make the product very difficult to access, until we actually put packaging that shows what the effects are, we run these ads and sometimes, decent time slots where you see what the effects of smoking have done to people with strokes and heart disease and all of these but the money spent on messaging means nothing because the tobacco industry is just continue to work and is way ahead of the curb on us and I wish I had a solution to this but a whole of society thing, it's not just tobacco control, I mean you're right, you see a couple in a car parked and they're smoking. I do my old man shuffle into the Tumon area every day, younger and younger people smoking and with their children right there, it's not just a Manamko thing anymore, our kids are still smoking in fairly high numbers and it's almost to a point where I almost throw my hands as a public health guy and I say what do we do about it? I don't want to be the person who is kind of like, they call me the food police and they call me the health police and all this kind of stuff but really we got to start looking at what ability we have to control to what comes into where we live and a lot of it is beyond our control. We had a situation with, you know it's not directly related to this but it's related to our relationship with the United States, we had two merge Coby contacts from Korea and I know that was all played up in the media but we have no way to control, protect, our borders we're stuck between two countries, the United States and South Korea and we had to take the brunt and the expense of trying to control the access to those context. So again we need to re-work our relationship with the United States, we have to have some way of again determining how we're going to and what is going to be allowed into our territory. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Director Gillan. Thank you very much sir, thank you. Dr. McNinch, Marilu Martinez, Juanita Blaz.

Dr. Ron McNinch: Thank you Senators, My name is Ron McNinch and I'm talking to you today just as a general private citizen just with some general views. I did need to point out Director Gillan also the cop police, he's been assigned that role certainly by the people of Guam to, you know he

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does where many hats aside from Public Health. In general I went through the Bill and I did a basic overview of the bill, there's a lot of details that need to be worked out on this bill in order for it to be functional and I do have some pretty strong concerns about it. I think that it needs to go and really be worked with all the right people in the right room to really make it a piece of legislation that will really work for Guam and that's really my input for today is that I do have, I think conceptionally it's public health or having a public that has access to good health is good, restricting tobacco, fine. It's just working out the details to make this policy effective and functional and practice, not so much through enforcement of externals but enforcement of internals, I think that is people know the right thing to do and the right thing to do is not to smoke around kids and the right thing to do is not to smoke in cars with kids and things like that and I'd much prefer to see groups like our young Social Workers enforcing those kinds of things than to see police officers enforce them and so the penalty might be that, rather than be fined, they have to receive some sort of training or parental education or something like that. We need to talk about moral alternatives than simply looking it at from the normal context of policemen is going to fine somebody for doing something wrong or something like that. So that's my input, I just believe that more communication, some more discussion on this particular bill would make it a much better bill in my view than it currently is and that's all I have to say today. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Doc., Ms. Martinez.

Marilu Martinez: Good afternoon, my name is Marilu Martinez. I represent a rather non-profit organization called, the Women's Resource Center and we support this bill whole heartedly and we also ask your consideration through a request of adding the following to Section 11, 90114 of Chapter 90 and that line in number 90114 reads, prohibition of smoking in a vehicle when a child is present and we would like for you to consider adding, "and/or a pregnant women." Also under that, Section (a), "smoking is prohibited in a motor vehicle if a child is 17 years of age or younger and include and/or a pregnant women regardless of age, present in the vehicle regardless of whether the vehicle is moving or stationary." So we all have sisters, daughters, cousins, and family, sister in laws, of child bearing age, as well as children or grandchildren, nephews or nieces that who maybe under age and thanks to the enactment of laws like the Natasha Protection Act, there are more public places building rooms and recreational areas where one can comfortably and healthfully be in or close to without being exposed to second hand cigarette smoke. There are numerous medical studies and research which point to the adverse affect caused by second hand smoke affecting not only the pregnant mother but also her unborn baby. The official journal of the American Academy of Pediatrics put out a Pediatric publication in 2011 entitled, "Second Hand Smoke an Adverse Fetal Outcomes in Non-Smoking Pregnant Mother, a Meta Analysis," and their work was supported by the UK center for tobacco control studies and this was their conclusions. "Our result provide confirmatory evidence that there are further adverse effects of maternal second hand smoke exposure during pregnancy on the health of the fetus through increase risks of congenital malformations still birth and possible other adverse fetal outcomes." In the written copy that I sent over email I provide

Chairman, Committee on Health, Economic Development, Homeland Security & Senior Citizens

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SENATOR DENNIS G. RODRIGUEZ, JR.

a copy of this article. Throughout my young adult years, I experienced, skull pounding and throbbing, headaches and sinus issues whenever I was around second hand smoke but what was also puzzling was that I would experience the same symptoms when I would be in a room where there would not be any cigarette smoke. Though the room did omit a smell of cigarette smoke. I later discovered that this same symptoms I experienced when there would be only lingering smell of the cigarette in the room but no smoke, were cause not by second smoke but from what is referred to as third hand smoke. Today there are emerging medical studies that pinpoint and claim that third hand smoke also causes risks and dangerous to the unborn babies lungs and general health. Once such study I cite is from the Los Angeles Biomedical Research Institute and Harvard, UCLA Medical Center. One of their studies found that prenatal exposure to toxic components of a newly recognize category of tobacco known as, third hand smoke. Can have a serious and even more negative impact on an infant's lung development as postnatal or childhood exposure is to smoke. Their study went onto point out that third hand smoke comes about from the newly formed toxins from tobacco smoke which remains on furniture in the upholstery on cars, clothing, and other surfaces long after smokers have finished their cigarettes. These still toxins they say lingers of homes, hotels, and cars. Used by smokers where children, the elderly, and other vulnerable people may be exposed to the toxins without their realizing the dangers. They advise that pregnant women should avoid places where third hand smoke is found so as to protect their unborn. They conclude that based on their study, "prenatal disruption of lung development could lead to asthma and other respiratory ailments and can last a life time." When I experienced my headaches, I could chose to move out of the room or not to enter a room that I know may have had smokers but the unborn cannot do that and they rely on the decisions of their pregnant mother. Our children, the unborn, and born babies are not only our future but they are our most precious gifts from God. Therefore, when you take measures to protect them from the chemicals and toxins admitted by our lifestyles, we ultimately also protect and save guard our environment as well. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you Ms. Martinez. Juanita?

JuanitaBlaz: Hafa Adai, my son's going to get mad. I'm here on behalf of, Island Girl Power as well as myself as a mother of six (6) and we are here. Can you say your name, I'm Jophis. He's Jophis and so with my work of fifteen (15) years with Island Girl Power one of our main missions has been to reduce the usage of alcohol and tobacco among our young ladies and of course inspiring the community to make positive choices and it's through the work with Public Health and NCD and also our work with PEACE that we've been able to work towards a future with programs possibly funded in order to achieve those missions but you know what Mr. Gillan had said about our environmental situations, if we don't change social norms then it would almost be detrimental for us to try to enforce laws and will always come up with not being able to enforce them or having a difficult time getting the communities buy in on these laws. It will be us against them and so changing the social norms goes back to everything Mr. Gillan said about signage. You pass by the mom and pops stores, you have situations where people are trying to quit are constantly bombarded by media that focuses

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SENATOR DENNIS G. RODRIGUEZ, JR.

on promoting cigarettes and alcohol. So we really want to make a change and have our communities appear healthier as to convince the communities to become healthier. You must first provide the environment that fosters healthy living in order to encourage people to stay on the right track. People who are on drug and alcohol recovery a lot of the times fall back on cigarettes as a way to coup and we if we allow them to continue to coup with cigarettes then it allows them to have health risks that will eventually effect the whole family. We're collecting signatures to also increase the smoking age to twenty-one (21) and we're going to continue to collect the signatures, the petition from kids and adults until that law comes up or that bill comes up for review but I really want to encourage the senators to just support the organizations that are out there, NCD, the Peace Office, we need all the support we can get so programs as small as ours, we have a lot of name recognition but we also have a lot of volunteers and so funding for paid staff so that we can do more is not as easily accessible but you have treatment that is funded but prevention is not really on the radar still, not as much. So I just encourage you to support what you can to allow us to continue to fight the good fight and do the right thing in the community. The Natasha Act was a beautiful blessing in 2005 but I constantly walk into stores with my children and right at the entrance are people smoking, twenty (20) feet is almost funny because you walk in and you bring the smoke in with you when you go into the store. You go to a public establishment, a Government agency, you come out of Revenue and Taxation and you're bombarded with smoke because they are twenty (20) feet away but they're still at the entrance. So let's just try to enforce it but even then it's a far cry from what the healthy environment we want. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Juanita and to Jofis. Thank you. Dr. Annette David is not here but Chris Surla to read her testimony and if there's anyone else that wishes to provide oral testimony I invite you to please come forward.

Chris Surla: Sorry Dr. (Annette) David apologizes for not being able to be here, her flight got delayed but she did text us her written testimony. Thank you for allowing me to read it. As chair of the Guam State Epidemiology (Unaudible) work group, member of the ACIS advisory group and a Public Health Physician for health partners. I strongly and fully support Bill143-33. Guam's data consistently highlights tobacco related cancer as a major cause of death, disease and suffering for our community. Cancerous from tobacco comes from direct exposure and second hand exposure. The Natasha Act was a milestone legislative protection against second hand smoke but it's exceptions represent gaps that leaves certain groups of our people at risk. Removing the exemptions from Bars closes the largest gap and makes the laws protective function more equitable. Enforcement is also critical. A poorly or inconsistently enforce law leaves our community to the arms from second hand smoke. Addressing enforcement capacity and expanding the enforcement authority is essential for the law to work effectively. Finally protecting children in vehicles from second hand smoke is an ethical responsibility making smoking in these vehicles a primary violation extends the legal protection to a highly vulnerable group. In the event that their parents and families fail to keep them safe from second hand smoke. These revisions to the Natasha Act showcase the enlightened



SENATOR DENNIS G. RODRIGUEZ, JR.

leadership of our senators who recognize that our committee need healthy people to achieve economic and social progress. Thank you Senator Rodriguez and colleagues for your championship for a healthier and prosperous Guam. Thank you.

Senator Dennis G. Rodriguez, Jr.: Thank you very much Chris and thank you to Dr. David for that. Anyone else wish to provide Oral testimony? Please come forward. Vice Speaker any comments or questions? Okay, if there's no one else we can conclude this public hearing but before that I just want to thank you all again, the UOG students who are here, NCD, you guys know that you're truly our inspiration in getting all these initiatives to move forward and I don't believe in coincidence right but when we introduced this the Bill number Rosie was the first to notice that, 143, it was about love right? So it's about loving our community, loving our neighbors. I would just like to thank you all again for your support in coming today but also helping craft this legislation. We may need to tweak it a little bit more, get more input from the community. We want to make sure that no one feels like they were left out. So again, I want to give the community more time to provide testimony but my commitment is to move this forward so that we can finally get this through. So Senator Underwood, Vice Speaker, thank you also. This now concludes our Public Hearing, for those who wish to provide written testimony, you may do so and provide directly to my office. The time now is 3pm, we are adjourned.

Fiscal Note: Waiver received, dated July 14, 2015 (attached).

II. FINDINGS AND RECOMMENDATIONS

The Committee included a provision on this "as further substituted" version to authorize the A.B. Won Pat Guam International Airport Authority the ability to provide, pursuant to Board action, a separate fully enclosed room designated for smoking. This provision further stipulates that it shall be a non-serviced room where food and drinks cannot be served.









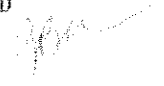
The Committee on Health, Economic Development, Homeland Security and Senior Citizens, hereby **reports out Substitute Bill No. 143-33(COR), as Substituted; and further Substituted by the Committee on Health, Economic Development, Homeland Security, and Senior Citizens as further Substituted; to reflect change to Bill title,** with the recommendation to

To PASS

MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 143-33 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 
J.T. WON PAT, ED. 
R.J. RESPICO 
T.M. BARNES 
B. MCCREADIE 
V.A. ADA 
B.J.F. CRUZ 
T. MORRISON 
N.B. UNDERWOOD 

AN ACT TO AMEND § 77302 OF ARTICLE 3, CHAPTER 77 AND §§ 90105, 90107, 90109, AND 90114 OF CHAPTER 90, BOTH OF TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW §§ 9010.1 AND 90109.2 TO CHAPTER 90, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE NATASHA PROTECTION ACT OF 2005 TO SMOKING REGULATIONS; PROVIDING INCREASED ENFORCEMENT; AND PROVIDING FOR ENFORCEMENT TRAINING.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Subsection (a) of § 90109 of Chapter 90, Title 10, Guam Code
3 Annotated, is hereby *amended*, to read:

4 "§ 90109. Enforcement.

5 (a) This Chapter may be enforced by:

6 (1) Any peace officer as defined by 8 GCA § 5.55; and

1 (2) Any employee of the Department of Public Health and Social
2 Services when authorized in writing by the Director of Public Health and
3 Social Services to enforce the provisions of this chapter; and

4 (3) Any employee of the Guam Environmental Protection Agency
5 when authorized in writing by the Administrator of the Guam Environmental
6 Protection Agency to enforce the provisions of this Chapter; and

7 (4) Any citizen acting under the authority of 8 GCA § 20.20;

8 (5) A Citizen Assisted Police Enforcement (C.A.P.E.) volunteer, as
9 provided pursuant to § 77302 of Article 3 of Chapter 77, Title 10, Guam
10 Code Annotated;

11 (6) All security officers employed by the government of Guam, or
12 performing security work for the government of Guam or employed by
13 private entity pursuant to their employer's contract, for any government of
14 Guam agency, authority or department, by whatever name, both autonomous
15 and line agencies, of the government of Guam;

16 (7) Private security personnel employed by private security companies
17 which have elected to provide security services for business establishments
18 desiring to enforce the Natasha Protection Act, and who have been duly
19 trained by a qualified government identified entity for the execution of such
20 responsibilities; and

21 (8) Private security personnel employed by business establishments
22 which have elected to provide security services to include compliance with
23 the Natasha Protection Act, and who have been duly trained by a qualified
24 government identified entity for the execution of such responsibilities.

1 (b) With the exception of situations arising under the provisions of
2 subparagraph (a)(4) of § 90109 of this chapter, enforcement of this chapter shall be
3 undertaken subject to the provisions of 8 GCA Chapter 25.”

4 **Section 2.** A new subsection (c) is added to § 90109 of Chapter 90, 10
5 GCA, to read:

6 “(c) The Director of a government of Guam agency, authority, department or
7 instrumentality, by whatever name, both autonomous and line agencies, shall be
8 authorized to delegate the authority and responsibility to an employee to
9 additionally serve and function as a designated no-smoking enforcement officer for
10 the purpose of ensuring compliance with this Chapter in and around a government
11 facility.”

12 **Section 3.** A new § 90109.1 is hereby *added* to Chapter 90 of Title 10,
13 Guam Code Annotated, to read:

14 “§ **90109.1. Enforcement Training.** The Bureau of Community Health
15 Services of the Department of Public Health and Social Services, in conjunction
16 with the Peace Project of the Guam Behavioral Health and Wellness Program *shall*
17 develop the minimum criteria for a basic training program for private security
18 personnel, as provided pursuant to Items (7) and (8) of § 90109(a) of this Chapter,
19 which shall, at a minimum provide for:

- 20 (1) An understanding of 10 GCA Chapter 90;
- 21 (2) The proper issuance of smoking violation citations;
- 22 (3) Obtain a certificate demonstrating the completion of a required course
23 of instruction and training that includes training in measures to avoid
24 dangerous confrontations with violators of this Section; and

1 (4) Other basic training deemed appropriate for safe and proper
2 enforcement.

3 **Section 4.** A new § 90109.2 is hereby *added* to Chapter 90 of Title 10,
4 Guam Code Annotated, to read:

5 “§ 90109.2. Citizen’s Suits. (a) Any person may commence a civil action
6 on his behalf:

7 (1) Against any person (including the United States, and any other
8 governmental instrumentality or agency, to the extent permitted by law) who
9 is alleged to be in violation of any permit, standard, regulation, condition,
10 requirement, prohibition, or order which has become effective pursuant to
11 this Chapter.

12 Any action under paragraph (a)(1) of this Section *shall* be brought in
13 the Superior Court of Guam. The Superior Court *shall* have jurisdiction,
14 without regard to the amount in controversy or the citizenship of the parties,
15 to enforce the permit, standard, regulation, condition, requirement or
16 prohibition, as provided pursuant to this Chapter.”

17 **Section 5.** § 77302 of Article 3 of Chapter 77, Title 10, Guam Code
18 Annotated, is hereby *amended*, to read:

19 “§ 77302. **Volunteers.**

20 Pursuant to § 3401.1 (h) of Article 4, Chapter 3 of Title 16, Guam Code
21 Annotated, the Chief of Police is authorized to recruit volunteers to assist the
22 Guam Police Department in the enforcement of the accessible parking and littering
23 laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking
24 activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to
25 these duties, the Chief of Police shall authorize the use of volunteers to patrol the

1 school campuses of the Guam Department of Education during non-school hours.
2 The volunteers shall take no enforcement action during their patrol of the school
3 campuses, and shall notify the police of suspicious activity or crimes in progress.
4 The Superintendent of Education shall cooperate with the Chief of Police to
5 implement this Section.

6 The Chief of Police is further authorized to recruit volunteers to assist the
7 Guam Police Department with traffic direction, security, and crowd control for
8 events such as, but not limited to, the Guam Ko'ko' Road Race, the Guam-
9 Micronesia Island Fair, and the Liberation Day Parade, Volunteers are required to
10 obtain a certificate from the Chief of Police demonstrating the completion of a
11 required course of instruction and training that includes training relative to traffic
12 direction and crowd control."

13 **Section 6.** A new Item (13) is *added* to § 90105(a), Prohibition of Smoking
14 in Public Places, of Chapter 90, Title 10, Guam Code Annotated, to read:

15 "(13) Bars."

16 **Section 7.** The new Item (13) of § 90105(a) of Chapter 90, Title 10, Guam
17 Code Annotated, as *added* pursuant to Section 6 of this Act, *shall* become effective
18 November 1, 2015.

19 **Section 8.** Subsection (c) of § 90105, Chapter 90, Title 10, Guam Code
20 Annotated, is *amended*, to read:

21 "(c) Smoking may be permitted within twenty (20) feet of the entrance or
22 exit of a public place only if such smoking area is an open outdoor patio
23 contiguous to the public place and is controlled by the proprietor or management of
24 the public place.

1 (1) This Subsection shall not apply to a location that would place the
2 smoking area within twenty (20) feet of the public entrance of another public
3 place not controlled by the proprietor or management.

4 (2) This Subsection shall not apply to government of Guam agencies
5 and facilities, which shall comply with the twenty (20) feet prohibition
6 pursuant to 10 GCA § 90105(a)."

7 **Section 9.** Subsection (a) of § 90107, Chapter 90, Title 10, Guam Code
8 Annotated, is *amended* to read:

9 “(a) Notwithstanding any other provisions of this Chapter, the
10 following areas shall not be subject to the smoking restrictions of this
11 Chapter:

12 ~~(1) Bars.~~

13 ~~(2) Private residences, except when used as child care facility~~
14 ~~or health care facility.~~

15 ~~(3) Hotel and motel rooms rented to guests.~~

16 ~~(4) Retail tobacco stores.~~

17 ~~(5) A private enclosed office work place occupied exclusively~~
18 ~~by one (1) or more smokers.”~~

19 **Section 10.** Subsection (h) of § 2401.1 of Chapter 3, Title 16, Guam Code
20 Annotated, is *amended* to read:

21 “(h) *Volunteers Authorized to Issue Citations.* The Chief of Police shall
22 recruit volunteers who desire to assist the Guam Police Department in the
23 enforcement of this Section. The volunteer shall:

24 (1) be at least eighteen (18) years of age;

1 (2) be a citizen of the United States and a resident of Guam;

2 (3) not have been convicted of a felony or crime of family violence;

3 (4) obtain a certificate from the Chief of Police demonstrating the
4 completion of a required course of instruction and training that includes
5 training in measures to avoid dangerous confrontations with violators of this
6 Section. In addition, training shall include the enforcement of litter control
7 laws and the Natasha Protection Act pursuant to 10 GCA Chapter 90. The
8 course of instruction and training shall be at no cost to the volunteer.
9 Retired "uniformed personnel" are exempted from this subsection; and

10 (5) satisfy any other qualifications and requirements established by
11 the Chief of Police."

12 **Section 11.** § 90114 of Chapter 90, Title 10, Guam Code Annotated, is
13 *amended* to read

14 **"§ 90114. Prohibition of Smoking in a Vehicle When a Child is Present.**

15 (a) Smoking is prohibited in a motor vehicle if a child who is seventeen (17)
16 years of age or younger is present in the vehicle, regardless of whether the vehicle
17 is moving or stationary.

18 (b) A person who is in violation of Subsection (a) of this § 90114 shall, upon
19 conviction thereof, be subject to a maximum fine of One Hundred Dollars
20 (\$100.00) for a first offense.

21 (c) The court may suspend the fine for a violation of this Section if:

22 (1) the person has not previously been convicted of a violation of this
23 Section; and

1 (2) the person proves to the Court that the person has enrolled in a
2 smoking cessation program or its equivalent.

3 (d) A person who is in violation of Subsection (a) of this § 90114 shall, upon
4 conviction thereof, be subject to a maximum fine of Two Hundred Dollars
5 (\$200.00) for a second offense. The fine shall not be suspended by the court for
6 second or subsequent offenses.

7 (e) A person who is in violation of Subsection (a) of this § 90114 shall, upon
8 conviction thereof, be subject to a maximum fine of Five Hundred Dollars
9 (\$500.00) for a third offense, and for each additional violation thereafter.

10 (f) Enforcement of this Section by a local law enforcement officer shall be
11 conducted whenever a violation is witnessed. ~~only as a secondary action when the~~
12 ~~vehicle has been detained for another suspected violation.~~

13 (g) Three (3) or more violations of this Section may be used as a basis for or
14 evidence of child abuse or neglect.

15 (h) All fines paid, upon a conviction pursuant to a violation of this § 90114,
16 shall be deposited in the Guam Cancer Trust Fund (P. L. 30-80, codified in Title
17 11, Chapter 26, Guam Code Annotated, as amended), and shall be expended
18 pursuant to applicable law and regulations pertaining to the Fund.

19 **Section 12. Severability.** *If any provision of this Act or its application to*
20 *any person or circumstance is found to be invalid or contrary to law, such*
21 *invalidity shall not affect other provisions or applications of this Act which can be*
22 *given effect without the invalid provisions or application, and to this end the*
23 *provisions of this Act are severable.*

**MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session**

**Bill No. 143-33 (COR), as Substituted
by Committee on Health, Economic
Development, Homeland Security,
and Senior Citizens**

Introduced by:

**D.G. RODRIGUEZ, JR.
J.T. WON PAT. Ed.D.
R.J. RESPICIO
T.M. BARNES
B. MCCREADIE
V.A. ADA
B.J.F. CRUZ
T. MORRISON
N.B. UNDERWOOD, Ph.D.**

**AN ACT TO PROVIDE INCREASED ENFORCEMENT OF
THE NATASHA PROTECTION ACT OF 2005 RELATIVE TO
SMOKING REGULATIONS, BY AMENDING §77302 OF
ARTICLE 3 OF CHAPTER 77 OF 10 GCA, AND §90105,
§90107, §90109, §90114 OF CHAPTER 90, 10 GCA, AND, TO
PROVIDE FOR ENFORCEMENT TRAINING, AND CITIZEN
SUITS FOR ENFORCEMENT, BY ADDING A NEW § 90109.1
AND § 90109.2 TO CHAPTER 90, 10 GCA.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Subsection (a) of § 90109 of Chapter 90, Title 10, Guam Code

Annotated, is hereby *amended*, to read:

“§ 90109. Enforcement.

(a) This Chapter may be enforced by:

(1) Any peace officer as defined by 8 GCA § 5.55; and

1 (2) Any employee of the Department of Public Health and Social
2 Services when authorized in writing by the Director of Public Health and
3 Social Services to enforce the provisions of this chapter; and

4 (3) Any employee of the Guam Environmental Protection Agency
5 when authorized in writing by the Administrator of the Guam Environmental
6 Protection Agency to enforce the provisions of this chapter; and

7 ~~(4) Any citizen acting under the authority of 8 GCA § 20.20;~~

8 (4) A Citizen Assisted Police Enforcement (C.A.P.E.) volunteer, as
9 provided pursuant to § 77302 of Article 3 of Chapter 77, Title 10, Guam
10 Code Annotated;

11 (5) All security officers employed by the government of Guam, or
12 performing security work for the government of Guam or employed by
13 private entity pursuant to their employer's contract, for any government of
14 Guam agency, authority or department, by whatever name, both autonomous
15 and line agencies, of the government of Guam;

16 (6) Private security personnel employed by private security
17 companies which have elected to provide security services for business
18 establishments desiring to enforce the Natasha Protection Act, and who have
19 been duly trained by a qualified government identified entity for the
20 execution of such responsibilities; and

21 (7) Private security personnel employed by business establishments
22 which have elected to provide security services to include compliance with
23 the Natasha Protection Act, and who have been duly trained by a qualified
24 government identified entity for the execution of such responsibilities.

1 (b) ~~The~~ ~~With the exception of situations arising under the provisions of~~
2 ~~subparagraph (a)(4) of § 90109 of this chapter,~~ enforcement of this chapter shall be
3 undertaken subject to the provisions of 8 GCA Chapter 25.”

4 **Section 2.** A new subsection (c) is *added* to § 90109 of Chapter 90, 10
5 GCA, to read:

6 “(c) The Director of a government of Guam agency, authority, department
7 or instrumentality, by whatever name, both autonomous and line agencies, shall be
8 authorized to delegate the authority and responsibility to an employee to
9 additionally serve and function as a designated no-smoking enforcement officer for
10 the purpose of ensuring compliance with this Chapter in and around a government
11 facility.”

12 **Section 3.** A new § 90109.1 is hereby *added* to Chapter 90 of Title 10,
13 Guam Code Annotated, to read:

14 **“§ 90109.1. Enforcement Training.** (a) The Bureau of Community Health
15 Services of the Department of Public Health and Social Services, in conjunction
16 with the Peace Project of the Guam Behavioral Health and Wellness Center and the
17 Guam Police Department shall develop the minimum criteria for a basic training
18 program for private security personnel, as provided pursuant to Items (7) and (8) of
19 § 90109(a) of this Chapter, which shall, at a minimum provide for:

20 (1) An understanding of 10 GCA Chapter 90;

21 (2) The proper issuance of smoking violation citations;

22 (3) Obtain a certificate demonstrating the completion of a required course of
23 instruction and training that includes training in measures to avoid
24 dangerous confrontations with violators of this Section.; and

1 (4) Other basic training deemed appropriate for safe and proper
2 enforcement.

3 (b) The training program criteria developed by the Bureau of Community
4 Health Services of the Department of Public Health and Social Services, in
5 conjunction with the Peace Project of the Guam Behavioral Health and Wellness
6 Center and the Guam Police Department pursuant to this Section shall be
7 submitted to I Liheslaturan Guåhan for informational purposes sixty (60) days
8 prior to the date of implementation.”

9 **Section 4.** A new § 90109.2 is hereby *added* to Chapter 90 of Title 10,
10 Guam Code Annotated, to read:

11 “§ 90109.2. Citizen’s Suits. (a) Any person may commence a civil action
12 on his behalf:

13 (1) Against any person (including the United States, and any other
14 governmental instrumentality or agency, to the extent permitted by law) who
15 is alleged to be in violation of any permit, standard, regulation, condition,
16 requirement, prohibition, or order which has become effective pursuant to
17 this Chapter.

18 Any action under paragraph (a)(1) of this Section shall be brought in
19 the Superior Court of Guam. The Superior Court shall have jurisdiction,
20 without regard to the amount in controversy or the citizenship of the parties,
21 to enforce the permit, standard, regulation, condition, requirement or
22 prohibition, as provided pursuant to this Chapter.”

23 **Section 5.** § 77302 of Article 3 of Chapter 77, Title 10, Guam Code
24 Annotated, is hereby *amended*, to read:

1 **“§ 77302. Volunteers.**

2 Pursuant to § 3401.1 (h) of Article 4, Chapter 3 of Title 16, Guam Code
3 Annotated, the Chief of Police is authorized to recruit volunteers to assist the
4 Guam Police Department in the enforcement of the accessible parking and littering
5 laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking
6 activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to
7 these duties, the Chief of Police shall authorize the use of volunteers to patrol the
8 school campuses of the Guam Department of Education during non-school hours.
9 The volunteers shall take no enforcement action during their patrol of the school
10 campuses, and shall notify the police of suspicious activity or crimes in progress.
11 The Superintendent of Education shall cooperate with the Chief of Police to
12 implement this Section.

13 The Chief of Police is further authorized to recruit volunteers to assist the
14 Guam Police Department with traffic direction, security, and crowd control for
15 events such as, but not limited to, the Guam Ko'ko' Road Race, the Guam-
16 Micronesia Island Fair, and the Liberation Day Parade, Volunteers are required to
17 obtain a certificate from the Chief of Police demonstrating the completion of a
18 required course of instruction and training that includes training relative to traffic
19 direction and crowd control.”

20 **Section 6.** A new Item (13) is *added* to § 90105(a), Prohibition of Smoking
21 in Public Places, Chapter 90 of Title 10, Guam Code Annotated, to read:

22 “(13) Bars, except as provided pursuant to § 90107(b) of this Chapter. The
23 enforcement of this Item shall become effective January 1, 2017.”

24 **Section 7.** 10 GCA § 90105(c) is *amended*, to read:

1 “(c) Smoking may be permitted within twenty (20) feet of the entrance or
2 exit of a public place only if such smoking area is an open outdoor patio
3 contiguous to the public place and is controlled by the proprietor or management of
4 the public place.

5 (1) This subsection shall not apply to a location which would place
6 the smoking area within twenty (20) feet of the public entrance of another
7 public place not controlled by the proprietor or management.

8 (2) This subsection shall not apply to government of Guam agencies
9 and facilities, which shall comply with the twenty (20) feet prohibition
10 pursuant to 10 GCA § 90105(a).”

11 **Section 8.** §90107, Title 10, Guam Code Annotated, is *amended* to read:

12 “(a) Notwithstanding any other provisions of this Chapter, the following
13 areas shall not be subject to the smoking restrictions of this Chapter:

14 ~~(1) Bars.~~

15 (1 2) Private residences, except when used as child care facility or
16 health care facility.

17 (2 3) Hotel and motel rooms rented to guests.

18 (3 4) Retail tobacco stores.

19 (4 5) A private enclosed office work place occupied exclusively by
20 one (1) or more smokers.

21 (b) Bars may provide a separate enclosed non-service room, where
22 beverages and food are not allowed, for smoking provided it shall be segregated
23 and adequately ventilated with a smoke ventilation device for the size of the room
24 pursuant to § 90103 apart from the main bar where service is provided.”

1 **Section 9.** Subsection (h) of § 2401.1 of Chapter 3, Title 16, Guam Code
2 Annotated, is *amended* to read:

3 “(h) **Volunteers Authorized to Issue Citations.** The Chief of Police shall
4 recruit volunteers who desire to assist the Guam Police Department in the
5 enforcement of this Section. The volunteer shall:

- 6 (1) be at least eighteen (18) years of age;
- 7 (2) be a citizen of the United States and a resident of Guam;
- 8 (3) not have been convicted of a felony or crime of family violence;
- 9 (4) obtain a certificate from the Chief of Police demonstrating the
10 completion of a required course of instruction and training that includes
11 training in measures to avoid dangerous confrontations with violators of this
12 Section. In addition, training shall include the enforcement of litter control
13 laws and the Natasha Protection Act pursuant to 10 GCA Chapter 90. The
14 course of instruction and training shall be at no cost to the volunteer.
15 Retired “uniformed personnel” are exempted from this subsection; and
- 16 (5) satisfy any other qualifications and requirements established by
17 the Chief of Police.”

18 **Section 10.** § 90114 of Chapter 90, Title 10, Guam Code Annotated, is
19 *amended* to read

20 **“§ 90114. Prohibition of Smoking in a Vehicle When a Child is Present.**

21 (a) Smoking is prohibited in a motor vehicle if a child who is seventeen (17)
22 years of age or younger is present in the vehicle, regardless of whether the vehicle
23 is moving or stationary.

1 (b) A person who is in violation of Subsection (a) of this § 90114 shall,
2 upon conviction thereof, be subject to a maximum fine of One Hundred Dollars
3 (\$100.00) for a first offense.

4 (c) The court may suspend the fine for a violation of this Section if:

5 (1) the person has not previously been convicted of a violation of this
6 Section; and

7 (2) the person proves to the court that the person has enrolled in a
8 smoking cessation program or its equivalent.

9 (d) A person who is in violation of Subsection (a) of this § 90114 shall, upon
10 conviction thereof, be subject to a maximum fine of Two Hundred Dollars
11 (\$200.00) for a second offense. The fine shall not be suspended by the court for
12 second or subsequent offenses.

13 (e) A person who is in violation of Subsection (a) of this § 90114 shall, upon
14 conviction thereof, be subject to a maximum fine of Five Hundred Dollars
15 (\$500.00) for a third offense, and for each additional violation thereafter.

16 (f) Enforcement of this Section by a local law enforcement officer shall be
17 conducted whenever a violation is witnessed. ~~only as a secondary action when the~~
18 ~~vehicle has been detained for another suspected violation.~~

19 (g) Three (3) or more violations of this Section may be used as a basis for or
20 evidence of child abuse or neglect.

21 (h) All fines paid, upon a conviction pursuant to a violation of this §90114,
22 shall be deposited in the Guam Cancer Trust Fund (P. L. 30-80, codified in Title

1 11, Chapter 26, Guam Code Annotated, as amended), and shall be expended
2 pursuant to applicable law and regulations pertaining to the Fund.

3 **Section 11.** § 90109(a)(4) of Chapter 90, Title 10, Guam Code Annotated is
4 hereby repealed:

5 ~~“(4) Any citizen acting under the authority of 8 GCA § 20.20;”~~

6 **Section 12. Severability.** If any provision of this Act or its application to
7 any person or circumstance is found to be invalid or contrary to law, such
8 invalidity shall not affect other provisions or applications of this Act which can be
9 given effect without the invalid provisions or application, and to this end the
10 provisions of this Act are severable.

MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (FIRST) Regular Session

Bill No. 143-33 (COR), as further Substituted
by Committee on Health, Economic
Development, Homeland Security,
and Senior Citizens

Introduced by:

D.G. RODRIGUEZ, JR.
J.T WON PAT. Ed.D.
R.J RESPICIO
T.M BARNES
B. MCCREADIE
V.A. ADA
B.J.F. CRUZ
T. MORRISON
N.B. UNDERWOOD, Ph.D.

**AN ACT TO PROVIDE INCREASED ENFORCEMENT OF
THE NATASHA PROTECTION ACT OF 2005 RELATIVE TO
SMOKING REGULATIONS, BY AMENDING §77302 OF
ARTICLE 3 OF CHAPTER 77 OF 10 GCA, AND §90105,
§90107, §90109, §90114 OF CHAPTER 90, 10 GCA, AND, TO
PROVIDE FOR ENFORCEMENT TRAINING, AND CITIZEN
SUITS FOR ENFORCEMENT, BY ADDING A NEW § 90109.1
AND § 90109.2 TO CHAPTER 90, 10 GCA.**

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

2 **Section 1.** Subsection (a) of § 90109 of Chapter 90, Title 10, Guam Code

3 Annotated, is hereby *amended*, to read:

4 **“§ 90109. Enforcement.**

5 (a) This Chapter may be enforced by:

6 (1) Any peace officer as defined by 8 GCA § 5.55; and

1 (2) Any employee of the Department of Public Health and Social
2 Services when authorized in writing by the Director of Public Health and
3 Social Services to enforce the provisions of this chapter; and

4 (3) Any employee of the Guam Environmental Protection Agency
5 when authorized in writing by the Administrator of the Guam Environmental
6 Protection Agency to enforce the provisions of this chapter; and

7 ~~(4) Any citizen acting under the authority of 8 GCA § 20.20;~~

8 (4) A Citizen Assisted Police Enforcement (C.A.P.E.) volunteer, as
9 provided pursuant to § 77302 of Article 3 of Chapter 77, Title 10, Guam
10 Code Annotated;

11 (5) All security officers employed by the government of Guam, or
12 performing security work for the government of Guam or employed by
13 private entity pursuant to their employer's contract, for any government of
14 Guam agency, authority or department, by whatever name, both autonomous
15 and line agencies, of the government of Guam;

16 (6) Private security personnel employed by private security
17 companies which have elected to provide security services for business
18 establishments desiring to enforce the Natasha Protection Act, and who have
19 been duly trained by a qualified government identified entity for the
20 execution of such responsibilities; and

21 (7) Private security personnel employed by business establishments
22 which have elected to provide security services to include compliance with
23 the Natasha Protection Act, and who have been duly trained by a qualified
24 government identified entity for the execution of such responsibilities.

1 (b) ~~The~~ ~~With the exception of situations arising under the provisions of~~
2 ~~subparagraph (a)(4) of § 90109 of this chapter,~~ enforcement of this chapter shall be
3 undertaken subject to the provisions of 8 GCA Chapter 25.”

4 **Section 2.** A new subsection (c) is *added* to § 90109 of Chapter 90, 10
5 GCA, to read:

6 “(c) The Director of a government of Guam agency, authority, department
7 or instrumentality, by whatever name, both autonomous and line agencies, shall be
8 authorized to delegate the authority and responsibility to an employee to
9 additionally serve and function as a designated no-smoking enforcement officer for
10 the purpose of ensuring compliance with this Chapter in and around a government
11 facility.”

12 **Section 3.** A new § 90109.1 is hereby *added* to Chapter 90 of Title 10,
13 Guam Code Annotated, to read:

14 “§ 90109.1. Enforcement Training. (a) The Bureau of Community Health
15 Services of the Department of Public Health and Social Services, in conjunction
16 with the Peace Project of the Guam Behavioral Health and Wellness Center and the
17 Guam Police Department shall develop the minimum criteria for a basic training
18 program for private security personnel, as provided pursuant to Items (7) and (8) of
19 § 90109(a) of this Chapter, which shall, at a minimum provide for:

20 (1) An understanding of 10 GCA Chapter 90;

21 (2) The proper issuance of smoking violation citations;

22 (3) Obtain a certificate demonstrating the completion of a required course of
23 instruction and training that includes training in measures to avoid
24 dangerous confrontations with violators of this Section.; and

1 (4) Other basic training deemed appropriate for safe and proper
2 enforcement.

3 (b) The training program criteria developed by the Bureau of Community
4 Health Services of the Department of Public Health and Social Services, in
5 conjunction with the Peace Project of the Guam Behavioral Health and Wellness
6 Center and the Guam Police Department pursuant to this Section shall be
7 submitted to I Liheslaturan Guåhan for informational purposes sixty (60) days
8 prior to the date of implementation.”

9 **Section 4.** A new § 90109.2 is hereby *added* to Chapter 90 of Title 10,
10 Guam Code Annotated, to read:

11 “§ 90109.2. Citizen’s Suits. (a) Any person may commence a civil action
12 on his behalf:

13 (1) Against any person (including the United States, and any other
14 governmental instrumentality or agency, to the extent permitted by law) who
15 is alleged to be in violation of any permit, standard, regulation, condition,
16 requirement, prohibition, or order which has become effective pursuant to
17 this Chapter.

18 Any action under paragraph (a)(1) of this Section shall be brought in
19 the Superior Court of Guam. The Superior Court shall have jurisdiction,
20 without regard to the amount in controversy or the citizenship of the parties,
21 to enforce the permit, standard, regulation, condition, requirement or
22 prohibition, as provided pursuant to this Chapter.”

23 **Section 5.** § 77302 of Article 3 of Chapter 77, Title 10, Guam Code
24 Annotated, is hereby *amended*, to read:

1 **“§ 77302. Volunteers.**

2 Pursuant to § 3401.1 (h) of Article 4, Chapter 3 of Title 16, Guam Code
3 Annotated, the Chief of Police is authorized to recruit volunteers to assist the
4 Guam Police Department in the enforcement of the accessible parking and littering
5 laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking
6 activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to
7 these duties, the Chief of Police shall authorize the use of volunteers to patrol the
8 school campuses of the Guam Department of Education during non-school hours.
9 The volunteers shall take no enforcement action during their patrol of the school
10 campuses, and shall notify the police of suspicious activity or crimes in progress.
11 The Superintendent of Education shall cooperate with the Chief of Police to
12 implement this Section.

13 The Chief of Police is further authorized to recruit volunteers to assist the
14 Guam Police Department with traffic direction, security, and crowd control for
15 events such as, but not limited to, the Guam Ko'ko' Road Race, the Guam-
16 Micronesia Island Fair, and the Liberation Day Parade. Volunteers are required to
17 obtain a certificate from the Chief of Police demonstrating the completion of a
18 required course of instruction and training that includes training relative to traffic
19 direction and crowd control.”

20 **Section 6.** A new Item (13) is *added* to § 90105(a), Prohibition of Smoking
21 in Public Places, Chapter 90 of Title 10, Guam Code Annotated, to read:

22 “(13) Bars, except as provided pursuant to § 90107(b) of this Chapter. The
23 enforcement of this Item shall become effective January 1, 2017.”

24 **Section 7.** 10 GCA § 90105(c) is *amended*, to read:

1 “(c) Smoking may be permitted within twenty (20) feet of the entrance or
2 exit of a public place only if such smoking area is an open outdoor patio
3 contiguous to the public place and is controlled by the proprietor or management of
4 the public place.

5 (1) This subsection shall not apply to a location which would place
6 the smoking area within twenty (20) feet of the public entrance of another
7 public place not controlled by the proprietor or management.

8 (2) This subsection shall not apply to government of Guam agencies
9 and facilities, which shall comply with the twenty (20) feet prohibition
10 pursuant to 10 GCA § 90105(a).”

11 **Section 8.** §90107, Title 10, Guam Code Annotated, is *amended* to read:

12 “(a) Notwithstanding any other provisions of this Chapter, the following
13 areas shall not be subject to the smoking restrictions of this Chapter:

14 ~~(1) Bars.~~

15 (1 2) Private residences, except when used as child care facility or
16 health care facility.

17 (2 3) Hotel and motel rooms rented to guests.

18 (3 4) Retail tobacco stores.

19 (4 5) A private enclosed office work place occupied exclusively by
20 one (1) or more smokers.

21 (b) The A.B. Won Pat Guam International Airport Authority is the
22 only facility, pursuant to Board action that may provide a separate, fully
23 enclosed non-service room, where beverages and food are not allowed, for
24 smoking provided it shall be segregated and adequately ventilated with a
25 smoke ventilation device for the size of the room pursuant to § 90103 apart

1 from the main bar where service is provided. In addition, an air curtain shall
2 be placed above the entrance and exit doors of the room to minimize the
3 release of smoke into other areas of the facility.

4 **Section 9.** Subsection (h) of § 2401.1 of Chapter 3, Title 16, Guam Code
5 Annotated, is *amended* to read:

6 “(h) Volunteers Authorized to Issue Citations. The Chief of Police shall
7 recruit volunteers who desire to assist the Guam Police Department in the
8 enforcement of this Section. The volunteer shall:

9 (1) be at least eighteen (18) years of age;

10 (2) be a citizen of the United States and a resident of Guam;

11 (3) not have been convicted of a felony or crime of family violence;

12 (4) obtain a certificate from the Chief of Police demonstrating the
13 completion of a required course of instruction and training that includes
14 training in measures to avoid dangerous confrontations with violators of this
15 Section. In addition, training shall include the enforcement of litter control
16 laws and the Natasha Protection Act pursuant to 10 GCA Chapter 90. The
17 course of instruction and training shall be at no cost to the volunteer.
18 Retired “uniformed personnel” are exempted from this subsection; and

19 (5) satisfy any other qualifications and requirements established by
20 the Chief of Police.”

21 **Section 10.** § 90114 of Chapter 90, Title 10, Guam Code Annotated, is
22 *amended* to read

23 “§ 90114. Prohibition of Smoking in a Vehicle When a Child is Present.

1 (a) Smoking is prohibited in a motor vehicle if a child who is seventeen (17)
2 years of age or younger is present in the vehicle, regardless of whether the vehicle
3 is moving or stationary.

4 (b) A person who is in violation of Subsection (a) of this § 90114 shall,
5 upon conviction thereof, be subject to a maximum fine of One Hundred Dollars
6 (\$100.00) for a first offense.

7 (c) The court may suspend the fine for a violation of this Section if:

8 (1) the person has not previously been convicted of a violation of this
9 Section; and

10 (2) the person proves to the court that the person has enrolled in a
11 smoking cessation program or its equivalent.

12 (d) A person who is in violation of Subsection (a) of this § 90114 shall, upon
13 conviction thereof, be subject to a maximum fine of Two Hundred Dollars
14 (\$200.00) for a second offense. The fine shall not be suspended by the court for
15 second or subsequent offenses.

16 (e) A person who is in violation of Subsection (a) of this § 90114 shall, upon
17 conviction thereof, be subject to a maximum fine of Five Hundred Dollars
18 (\$500.00) for a third offense, and for each additional violation thereafter.

19 (f) Enforcement of this Section by a local law enforcement officer shall be
20 conducted whenever a violation is witnessed. ~~only as a secondary action when the~~
21 ~~vehicle has been detained for another suspected violation.~~

1 (g) Three (3) or more violations of this Section may be used as a basis for or
2 evidence of child abuse or neglect.

3 (h) All fines paid, upon a conviction pursuant to a violation of this §90114,
4 shall be deposited in the Guam Cancer Trust Fund (P. L. 30-80, codified in Title
5 11, Chapter 26, Guam Code Annotated, as amended), and shall be expended
6 pursuant to applicable law and regulations pertaining to the Fund.

7 **Section 11.** § 90109(a)(4) of Chapter 90, Title 10, Guam Code Annotated is
8 hereby repealed:

9 ~~“(4) Any citizen acting under the authority of § GCA § 20.20;”~~

10 **Section 12. Severability.** If any provision of this Act or its application to
11 any person or circumstance is found to be invalid or contrary to law, such
12 invalidity shall not affect other provisions or applications of this Act which can be
13 given effect without the invalid provisions or application, and to this end the
14 provisions of this Act are severable.



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
 Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Friday, September 11, 2015 2pm

•Bill 143-33 (COR)- Introduced by Sen. Dennis G. Rodriguez, Jr. / Judith T. Won Pat, Ed.d / Rory J. Respicio / Tina Rose Muña Barnes / Brant T. McCreadie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.

An act to amend §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
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Bill Reyes	<i>[Signature]</i>	DPHS NCD			X			
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SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Friday, September 11, 2015 **2pm**

•Bill 143-33 (COR)- Introduced by Sen. Dennis G. Rodriguez, Jr. / Judith T. Won Pat, Ed.d / Rory J. Respicio / Tina Rose Muña Barnes / Brant T. McCreadie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.

An act to *amend* §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to *add* a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
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Lakita Cortes		NCD			✓		858-6147	valencia@yom.com
Mari Sermeo		SWSA		✓			758-1278	mari_sermeo@me.com
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✓ Ron McNich			✓	✓			488-8889	gonzalez@gmail.com
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Chalonia Lauren		Guam Council on			✓		969-2223	chala@guamcouncil.com
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SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
 Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

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PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
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✓ Mokitiana Kahela	[Signature]	SWSA	X	X	X		689 6554	mokitiana.kahela@swsa.gm
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LAWRENCE FLAM	[Signature]	DPHSS		X	X		735-7335	lawrence.flam@dpshs.gm
Elizabeth Morrison	[Signature]	DPHSS			X		735 7303	emorrison@dpshs.gm
Alyssa Uncangco	[Signature]	DPHSS			X		735-7089	alyssa.uncangco@dpshs.gm
✓ Maribel D. Marfisi	[Signature]	WRC	X		X		482-6768	maribel.dmarfisi@wrc.gm



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
 Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Friday, September 11, 2015 2pm

•Bill 143-33 (COR)- Introduced by Sen. Dennis G. Rodriguez, Jr. / Judith T. Won Pat, Ed.d / Rory J. Respicio / Tina Rose Muña Barnes / Brant T. McCreadie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.

An act to *amend* §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to *add* a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
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SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
 COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Friday, September 11, 2015 2pm

•Bill 143-33 (COR)- Introduced by Sen. Dennis G. Rodriguez, Jr. / Judith T. Won Pat, Ed.d / Rory J. Respicio / Tina Rose
 Muña Barnes / Brant T. McCreadie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.

An act to amend §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
✓ Terry Adams	<i>[Signature]</i>	Guam Chamber of Commerce		✓	✓		476-7576	terry.adams@guamchamber.com
✓ Joan Taitano	<i>[Signature]</i>	Guam Chamber of Commerce					300-0811	joan.taitano@guamchamber.com



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH, ECONOMIC DEVELOPMENT, HOMELAND SECURITY & SENIOR CITIZENS
Mina'trentai Tres Na Liheslaturan Guåhan • 33rd Guam Legislature

PUBLIC HEARING DATE / Friday, September 11, 2015 **2pm**

•Bill 143-33 (COR)- Introduced by Sen. Dennis G. Rodriguez, Jr. / Judith T. Won Pat, Ed.d / Rory J. Respicio / Tina Rose Muña Barnes / Brant T. McCreddie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.

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PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
Dr. Annette Davis * via Chris Sarlo			✓		✓			

Name: Garrett, Genevieve L.G.
Address: 928A Cross Island Road
Santa Rita, Guam 96915
Email: guamcookies@guam.net
Phone: 688 2426

Thank you for the opportunity to share my testimony today. My name is Genevieve Leon Guerrero Garrett. I am the mother to the deceased, Natasha L.G. Perez, the namesake for "No Smoking" on Guam.

For the senators today who might not know the background of the "Natasha Protection Act" please allow me the opportunity to share the heart of the child behind this law. My daughter passed away from cancer, Osteosarcoma, nine years ago. She was eleven years old at the time of her diagnosis.

Tash had a rare form of bone cancer that eventually overtook her lungs. At the time, we sought treatment in Michigan and finally at New York City's Memorial Sloan Kettering. Eventually after the reoccurrence of the cancer to her lungs and with little hope for either a cure or extended gift of life we decided returned back home.

Tash was fortunate that she was able to attend the Academy of Our Lady of Guam till her sophomore year. She ranked in the top ten students in her class. Tash loved eating. She enjoyed her favorites, Firefly Restaurant and Japanese foods outside of her grandmother's red rice and fried chicken. She enjoyed reading. Being lung compromised discouraged her from being more physically active, so reading became her favorite pass time activity. She excelled in Language Arts. Please allow me to reading a portion of one of her last essays. It is entitled, "Unrealistically Real".

Stepping back in time, eleven years ago, December 2005, the popularity of the "Natasha Protection Act" was not embraced by businesses for fear of the end of tourism and calls to radio stations echoed the same response. Senator Lou Leon Guerrero, Senator Judy Won Pat, and Senator B. J. Cruz were not popular for this legislation at the time. If you recall, our Attorney General in 2006 even placed a Restraining Order to prevent the "Natasha Protection Act" to moving forward.

On June 9, 2006, Attorney Mike Phillips represented and defended the "Natasha Protection Act" in the Superior Court of Guam in his personal capacity as a private citizen to having the law enforced. Superior Court Judge Steven Unpingoco dismissed the civil case filed by the Office of the Attorney General. Do you remember?

Natasha passed away that same morning. She was 15 years old.

Many people became passionate about the "Natasha Protection Act" after her death. I recalled a week before her passing my daughter shared, "it is not going to go through, Mom". I responded, "sometimes people are willing to take a stand when a child a dies".

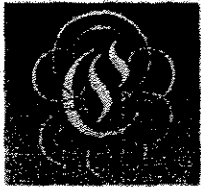
Although Tash did not know that her hopes for a smoke free environment would be a law before her death.

Here we are today, ten years later. Perhaps with a bit more support from our community. I might even go out on the limb here and share that few business establishments would even contest the revisions of this updated legislation. I doubt if but a handful of citizens would even call the radio stations. The revisions to the Natasha Protection Act will provide the needed enforcement and education necessary to embrace the intention and spirit of the law.

Sometimes we need to be reminded not just about how or why we need certain laws to being supported. Sometimes we need to be reminded who the people that these laws are intended to protect.

Thank you for listening

A handwritten signature in cursive script, reading "Guadalupe Guerrero Parrett". The signature is written in dark ink and is positioned below the typed text "Thank you for listening".



Catherine M. R. Castro

224 Roy T. Damian Jr. Street ☉ Mongmong, Guam 96910

Senator Dennis Rodriguez Jr.

Hafa Adai Senator Rodriguez

My name is Catherine Marie Rivera Castro. I am writing in support of Bill No. 143-33 (COR).

My youngest son (although an adult) was diagnosed with a rare form of bone cancer and has been battling this disease for several years. He currently is in the mainland undergoing active treatment and has yet to be in remission. Since his diagnosed I have been very outspoken about cancer/health issues in our community as well as different medical and health concerns and challenges facing our people. My son, has had to travel off island for treatment numerous times, that was not available here and so we are very familiar with the struggles, hardships and burdens it places not only on the individual fighting for their lives but the family as well.

I know for a fact, how being on an island where oftentimes limited resources regarding specialize healthcare can often affect the outcome of one's recovery. So it is very imperative that we find ways to lead healthier lifestyles and promote an environment conducive of minimizing health related conditions and diseases. Ultimately, in doing this, it not only makes each of us healthier, but makes it an easier burden on our healthcare system, our finances and resources.

As a mother and now a grandmother, a bill such as this, is one that I am very much in favor of. Being a responsible adult/parent and ensuring the well-being of those we love and care for is one of our primary responsibilities and obligation. To make the environment they live in a healthier one is one way of fulfilling this.

I have seen how second hand smoking can cause physical hardship to those that are within the vicinity of the smoker. More often than not, when entering an establishment I will see someone standing around smoking near the entrance. I personally have experienced where I must cross their paths in order to enter. Although in certain instances there are visible signs that smoking is prohibited within 20ft of the entrance, yet it is simply ignored. It causes me much distress and difficulty in breathing even if it is only momentarily as I enter the establishment. I shudder to think what this exposure and situation would do to those that are experiencing medical and health issues. These individuals must live with their health challenges and it should be our moral and ethical obligation to do what we can to assist them in improving their quality of life.

I am aware that enforcement will be a challenge and prove to be difficult at best. However, this should never be a reason to not make the attempt to try and enforce the law. As well as provide assistance and support to those that are attempting to enforce the law. I am never one to be afraid of a challenge especially if it means improving the lives of all within our community. For those battling medical hardships, their efforts should be focused on simply battling their health issues. For the rest of us, we should all unite to fight the battle of improving their quality of life by building and providing a safer and healthy community to live in. Ultimately we all WIN!

I respect the rights of the smoker, however I also feel that the non-smoker is often placed in a position where the choice is not so clear cut. Yet, if we all work together to allow the smoker a reasonable place to smoke taking into consideration protecting the non-smoker we can appease all.

Regarding the matter of making smoking in a vehicle where a minor is present to become a Primary Offence. I feel that this will protect the rights of the minor for most often they have no say if the smoking should cease or not. I also wish to bring up another concern that this provision should include pregnant women in the vehicle. Data has shown that second and third hand smoke is detrimental and damaging to the health and safety of the unborn child. There have been studies that these unborn babies upon birth are born with birth defects, severe medical complications and numerous health conditions. Yet, they have no say about the exposure to the smoke. Once again, we have a moral and ethical obligation to protect them.

I keep you and all your fellow colleagues in the Legislature in my heart of prayers as you continue to improve the quality of life for each of us one law at a time.

Blessings & Peace.



Cathy Rivera Castro

Tel: 671.477.6872/Home * 671.686.6872:Mobile

Help make a **FIGHTER** be a **SURVIVOR!**

*Create and Support Awareness for **Sarcoma - Bone Cancer***

*Wear a **Yellow Ribbon** for **DRE** - Andre Jon Rivera Castro.*



Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Bill 143: Smoking Bill Testimony

Ron McNinch <govguam@gmail.com>

Fri, Sep 11, 2015 at 12:06 PM

To: "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Speaker Won Pat <speaker@judiwonpat.com>, "Rory J. Respicio" <roryforguam@gmail.com>, Tina Muna Barnes <tinamunabarnes@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Office of Senator Tony Ada <senatorTonyada@guamlegislature.org>, "B.J.F. Cruz" <senadotbjcruz@gmail.com>, Tommy Morrison <tommy@senatormorrison.com>, Nerissa Bretania Underwood <nb.underwood@yahoo.com>

Ron McNinch, PhD, SPHR, CFE

11 September 2015

PO Box 5224

Mangilao, Guam 96923

Memo to Guam Legislature

RE: Testimony Related to Bill 143 and Smoking Policy

Dear Senators,

After reviewing Bill 143, I have the following suggestions and input. I have divided this input into major sections. In general, I believe that a lot more work needs to be done before this bill goes forward. There *should* have been a number of key and operative details resolved at lower levels before this hearing today. There *should* have been roundtable or detail discussions with several agency and constituent groups. I have been following this legislation and have not seen these points discussed to an appropriate point of action.

The following is a basic summary of points:

1) Enforcement: In effect, this bill seeks to create a set of enforceable rules related to adult smoking behavior. There are major conceptual gaps in this enforcement scheme. There are far better ways to enforce these types of concepts than the proposed methods. Since this process did not take the time or effort to consider these alternatives, or the implications of the current process, I am very concerned on a number of levels. In effect, this bill proposes that people who are not peace officers engage in direct encounter enforcement. This is simply a bad practice and this should have been addressed earlier.

2) Bars: As I have said in earlier correspondence, extending no smoking rules to bars should have been treated as a separate issue in a stand alone process. In effect, the legislature has ignored a number of critical stakeholders and citizen groups in this process. In our recent opinion poll of voters, extending this concept to bars is not supported. There are significant economic and business implications from this type of move. Further, every adult has a basic amount of personal liberty. Bars appear to have been added as an afterthought in this bill and I doubt that proper consideration or vetting was done on this concept.

3) Parents: Why are police or law enforcement expected to regulate the behavior of parents or adults toward

9/11/2016

Gmail - Bill 143: Smoking Bill Testimony

children? It is far more likely other methods, such as social services enforcement, would be more appropriate.

Finally, I want to say that many years ago, I lobbied the Guam Legislature to pass the Natasha Act. I believe that it is a fitting memorial to this young woman and I am pleased that children are no longer exposed to smoking. To improve the Natasha Act, I would like to request that the Guam Legislature take as much time and effort as the original act required.

Sincerely, Ron McNinch

Ron McNinch, PhD, SPHR, CFE

671- 488-8889



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

SEP 09 2015

Honorable Dennis G. Rodriguez, Jr.
Committee on Health & Human Services, Health Insurance Reform,
Economic Development, and Senior Citizens
33rd Guam Legislature
176 Serenu Avenue Suite 107
Tamuning, Guam, USA 96931

Re: Letter of Support for Bill 143-33

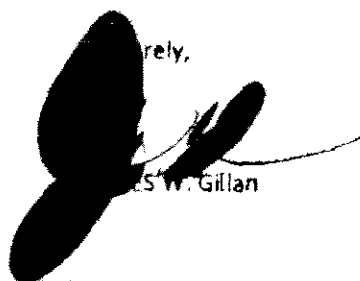
Dear Senator Rodriguez,

The Department of Public Health and Social Services supports Bill 143-33. The present law lacks comprehensive protection from second hand smoke exposure. There is no safe level of exposure to second hand smoke. Since 1964, 2.5 million non-smokers have died due to second hand smoke related illnesses (2014 Surgeon General's Report). Brief exposure immediately places a person at risk for developing lung cancer, and cardiovascular diseases.

Furthermore, the enforcement of tobacco control policies is absent. DPHSS receives numerous reports from community members complaining of persistent violations to the Natasha Protection Act. Currently, enforcement of the Natasha Protection Act is left solely to Peace Officers who are occupied with higher priorities.

The passage of Bill 143-33 will solve many of these second hand smoke exposure issues. Prohibiting smoking in bars helps improve the health of workers and the general population while providing no adverse effects on the economic performance of restaurants and bars. The community will have more protection from violators of the Natasha Protection Act to safeguard their ability to breathe smoke free air. Finally, it protects those who are unable to protect themselves from second hand smoke. No longer will an employee of a bar establishment have to choose between their health and their paycheck; and no longer will children have to be exposed to second hand smoke in vehicles.

The passing of Bill 143-33 is essential in preventing the harmful effects of smoking and helping decrease the health burdens associated with second hand smoke. On behalf of the Department of Public Health and Social Services, I applaud you Senator for introducing Bill 143-33. I also encourage all Senators to vote yes on this bill to assist Guam's community in striving to attain the highest quality of life.

Sincerely,

James W. Gillan

Statistics and Facts on Tobacco Use

- **Guam Data:**
 - Guam's adult smoking rates continue to be significantly higher than the United States' average. The 2013 Behavioral Risk Factor Surveillance System (BRFSS) reports that 26.5 % of the Guam adult population currently smokes cigarettes versus 19% in the U.S.
 - Diseases that continue to have the highest mortality on Guam, such as heart disease, cancer, stroke, and diabetes are either a direct cause of tobacco use or it compounds the severity of these diseases (Guam State Epidemiological Outcomes Workgroup).
 - Guam Cancer Data (2007-2012) reports that 56% of Guam's adult cancers are tobacco-related. (Pacific Regional Cancer Registry 2007-2012)
- **National Data:**
 - Tobacco use is the leading cause of preventable death within the nation
 - Tobacco smoke contains more than 7,000 chemicals, including hundreds that are toxic and about 70 that can cause cancer.
 - Exposure to secondhand smoke from burning tobacco products causes diseases and premature death among nonsmokers.
 - Implementation of smoke-free legislation decreases respiratory symptoms in workers
 - Smoke-free policies and regulations do not have an adverse economic impact on the hospitality industry.
 - Many people in the United States are still exposed to Secondhand smoke
 - During 2011-2012, about 58 million nonsmokers in the United States were exposed to secondhand smoke.
 - During 2011-2012, 2 out of every 5 children ages 3 to 11 in the United States were exposed to secondhand smoke regularly
 - In 2006, the U.S. Surgeon General concluded that eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke
 - The World Health Organization reported that the only effective strategy to reduce exposure to tobacco smoke to safe levels in indoor environments and to provide an acceptable level of protection from the dangers of secondhand smoke exposure is implementing a 100% smoke-free environment. Ventilation and smoking areas, whether separately ventilated from nonsmoking areas or not, do not reduce exposure to a safe level of risk and are not recommended.

Source: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/index.htm

Honorable Dennis G. Rodriguez, Jr.
Committee on Health & Human Services, Health Insurance Reform,
Economic Development, and Senior Citizens
32nd Guam Legislature
176 Serena Avenue Suite 107
Tamuning, Guam, USA 96931

Re: Letter of Support for Bill 143-33

Dear Senator Rodriguez,

Hafa Adai! As the Executive Director of the Guam Cancer Care and resident of Guam, I strongly support Bill 143-33 (An act to amend § 77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam code annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam code annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulations; providing increased enforcement; and providing for enforcement training).

Currently, smoking regulations and enforcement can be described as permissive in nature. As such, it is still quite easy to smoke just about anywhere on Guam. This does not only affect the smokers' health, but also nonsmokers that are being exposed to secondhand smoke.

According to the Centers for Disease Control and Prevention (CDC), secondhand smoke causes about 3,000 deaths from lung cancer and tens of thousands of deaths from heart disease to non-smokers. Since 1964, approximately 2,500,000 nonsmokers have died from health problems caused by exposure to secondhand smoke. Moreover, the American Cancer Society stated that children are exposed to more secondhand smoke than adults. In fact, CDC stated that in 2011-2012, two out of every five children ages 3-11 were exposed to secondhand smoke regularly. Children exposed to secondhand smoke can develop respiratory symptoms, are at greater risk for Sudden Infant Death Syndrome, and may develop the habit of smoking in their adulthood.

Increasing the types of enforcers that can enforce the law, providing trainings to properly train enforcers on smoking regulations and procedures, and closing down loopholes in the law will ensure a stronger policy, leading to a healthier community.

Lung cancer is the number one cause of death on Guam for both men and women. It is a cancer that is PREVENTABLE not only to the individual themselves, but most especially to the those exposed to second hand smoke, many of whom have no voice. As a community, we need to be advocates for cancer prevention.

Bill 143-33 is critical in preventing the harmful effects of smoking in our community. This bill will also help decrease health burdens associated with secondhand smoke, especially to children who are the most vulnerable. I commend you for making the right choice for our people and we encourage your colleagues to do the same. Please act now and pass Bill 143-33.

Thank you,



Terry Cuabo
Executive Director, Guam Cancer Care
tcuabo@guamecancercare.org, 969-2223

Honorable Dennis G. Rodriguez, Jr.
Committee on Health & Human Services, Health Insurance Reform,
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32nd Guam Legislature
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I do have a good friend, a hardworking single mother, non-smoker, working double job as a waiter in a restaurant to support her 2 kids, been missed diagnose of tuberculosis, went to the Philippines and found out it is a lung cancer, stage 3, went to chemo treatment and unable to survive after a year from being diagnosed. Doctors from the Philippines said this is a case of secondhand smoke as she's been exposed to people that are smoking in the restaurant she's been working. This happen before smoking been banned in the public restaurant. My friend died before she reached her 45yrs.of age.

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Thank you,

/s/

Veronica Alave
P.O Box 10592 Tamuning, GU 96931
Mobile #987-1654

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Committee on Health & Human Services, Health Insurance Reform,
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/s/

Erani P. Zamiga
PO BOX 26587 Barrigada Guam 96921
(671)788-0025

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Committee on Health & Human Services, Health Insurance Reform,
Economic Development, and Senior Citizens
32nd Guam Legislature
176 Serenu Avenue Suite 107
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Thank you.

/s/
Myrna R. Hablero
Diagnostic Laboratory Services
ITC Bldg. Ste. 105
Tamuning, Guam 96913
646-5770

September 8, 2015

Charles H. Morris, MPH, RD, LDN
P.O. Box 5033, U.O.G. Station
Mangilao, GU 96923

Honorable Dennis G. Rodriguez
Committee on Health & Human Resources, Health Insurance Reform,
Economic Development, & Tourism
32nd Guam Legislature
176 Sereno Avenue Suite 10
Tamuning, Guam, USA 96969

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Increasing the types of enforcers that can enforce the law, providing trainings to properly train enforcers on smoking regulations and procedures, and closing down loopholes in the law will ensure a stronger policy, leading to a healthier community.

Bill 143-33 is critical in preventing the harmful effects of smoking in our community. This bill will also help decrease health burdens associated with secondhand smoke, especially to children who are the most vulnerable. I commend you for making the right choice for our people and we encourage your colleagues to do the same. Please act now and pass Bill 143-33.

Thank you,



Charles H. Morris, MPH, RD, LDN



September 1, 2015

Honorable Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development, Homeland Security,
and Senior Citizens
33rd Guam Legislature
176 Sereno Avenue Suite 107
Tamuning, Guam, USA 96931

Re: Cancer Coalition Letter of Support for Bill 143-33

Dear Senator Rodriguez,

Thank you for sponsoring Bill 143-33 (An act to amend § 77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam code annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam code annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulations; providing increased enforcement; and providing for enforcement training).

Currently, smoking regulations and enforcement can be described as permissive in nature. As such, it is still quite easy to smoke just about anywhere on Guam. This does not only affect the smokers' health, but also nonsmokers that are being exposed to secondhand smoke.

According to the Centers for Disease Control and Prevention (CDC), secondhand smoke causes about 3,000 deaths from lung cancer and tens of thousands of deaths from heart disease to non-smokers. Since 1964, approximately 2,500,000 nonsmokers have died from health problems caused by exposure to secondhand smoke. Moreover, the American Cancer Society stated that children are exposed to more secondhand smoke than adults. In fact, CDC stated that in 2011-2012, two out of every five children ages 3-11 were exposed to secondhand smoke regularly. Children exposed to secondhand smoke develop respiratory symptoms, are at greater risk for Sudden Infant Death Syndrome, and may develop the habit of smoking in their adulthood.

Increasing the types of enforcers that can enforce the law, providing trainings to properly train enforcers on smoking regulations and procedures, and closing down loopholes in the law will ensure a stronger policy, leading to a healthier community.

Therefore, Bill 143-33 is critical in preventing the harmful effects of smoking in our community. This bill will also help decrease health burdens associated with secondhand smoke, especially to children who are the most vulnerable. The Guam Comprehensive Cancer Control Coalition strongly supports this bill. We commend you for making the right choice for our people and we encourage your colleagues to do the same. Please act now and pass Bill 143-33.

Sincerely,

M. Kavita Hemlan, MSW
Coordinator
Guam Comprehensive Cancer Control Coalition

Ms. Kavita Hemlan, Re
Vice Chairperson
Guam Comprehensive Cancer Control Coalition

Social Work Student Alliance
Division of Social Work, House #31 Dean's Circle
UOG Station, University of Guam 96923

Support for Bill 143-33 (COR)
Expanding the Natasha Protection Act of 2005
From
Social Work Student Alliance (SWSA)

Buenas yan hafa adai Chairman Rodriguez and honorable Senators of the 33rd Guam Legislature:

This testimony is presented on behalf of the Social Work Student Alliance (SWSA) of the University of Guam. SWSA thanks-you for this opportunity to present testimony in support of Bill 143-33 (COR). My name is Luke Duenas and I am a senior in the social work program. I have been smoke-free for seven years now and since then, I have experienced second hand smoke when standing downwind from an individual who is smoking. People should not have to be inconvenienced nor have to walk around to avoid the smoke being emitted by a person who is not in compliance with the law that prohibits smoking within 20ft from the service entrance of business establishments.

It is our organization's position that business owners should take action and responsibility to ensure that security providers receive the necessary training as proposed in this amendment to the Natasha Protection Act of 2005. We feel there is a lack of compliance from most business establishments to properly post signs of the law. Considering the fact that this is the 10th year review of the Natasha Protection Act of 2005, it begs the question, "What excuses are there for business establishments not being able to abide by the law and give the courtesy to its non-smoking patrons?" With allowing security personnel and volunteers to enforce the provisions of the Natasha Protection Act, we should see an increase in the sanctioning of smokers violating this

law. Hence, this amendment is necessary in order to improve our island community's overall health.

The proposed expansion to the Natasha Protection Act of 2005 allows community volunteers to assist in the enforcement of the provisions of the law. This is to be applauded. However, the bill requires that volunteers: "(2) be a citizen of the United States and a resident of Guam." We propose that residents who are interested in volunteering to enforce this law be allowed to do so without being citizens of the United States. This will open up the possibilities to non-U.S. citizens who would like to contribute to the health of our local community. It will afford them the opportunity to assist and become further integrated into our island society. Hence, SWSA recommends broadening the requirement to be simply residents of Guam.

The Social Work Student Alliance stands in support of expanding the Natasha Protection Act of 2005 in hopes of increasing its provisions for enforcement. *University of Guam-Tobacco Free*. We see these signs posted around campus, but we do not see it being enforced. Whether it is in the parking lot, between buildings or under the tree in front of the library, smoking is still a common occurrence on campus. As students of the university, UOG is one of the places in our everyday lives where we feel we should be safe from the harmful effects of smoking. It is not uncommon to see people, whether staff or student, look the other way when the act of smoking is visible. We are in favor of expanding the Act because it serves as a voice for those of us who may not have much of a choice otherwise. With the amendment to the Natasha Protection Act of 2005, we hope to see more security personnel and community volunteers enforcing the smoking ban on campus. We hope to feel the lift of polluted air clouding our campus.

The Social Work Student Alliance is in full support of expanding the Natasha Protection Act of 2005. We stand before you to insist on the enforcement of restricting the use of tobacco products in motor vehicles in the presence of minors. Considering Guam's extremely high smoking rates, it is not uncommon to find an individual smoking in the presence of a child. Tobacco use in vehicles should be viewed as a form of child abuse. To say that secondhand smoke is an inconvenience is an understatement when it has the potential to seriously harm an individual. Not only does it have the potential to be harmful, but it is also found to be deadly in regards to its exposure amongst children and

adults alike. Secondhand smoke causes numerous diseases in children including asthma and pneumonia, which results in avoidable medical care. Secondhand smoke is a major cause of Sudden Infant Death Syndrome, cancerous diseases, and heart attacks all of which are medical issues affecting our community in high rates. When a child is exposed to second-hand smoke in a vehicle, the small concentrated space increases the lethality of the child's exposure to smoke derived from tobacco products. It is because the proposed expansion to the Natasha Protection Act of 2005 greatly benefits our community in ensuring a healthier environment for Guam that the Social Work Student Alliance stands in support of this bill. *Si Yu'os ma'ase!*

E-Mail Contact Information:

Luke Duenas	lukeduenas@yahoo.com
Kaylee Terlaje	kayleeterlaje@gmail.com
Mokihana Kahele	mokihana.kahele@gmail.com



DEPARTMENT OF HEALTH AND SOCIAL AFFAIRS

FSM National Government
Capitol Street, P.O. Box PS 70
Palikir, Pohnpei 96941

Federated States of Micronesia

Tel: (691) 320-2619/2643/2872 • E-mail: health@fsmhealth.fs.fm • Fax: (691) 320-5253

September 10, 2015

Honorable Dennis G. Rodriguez, Jr.
Committee on Health & Human Services, Health Insurance Reform,
Economic Development, and Senior Citizens
33rd Guam Legislature
176 Serenu Avenue, Suite 107
Tamuning, Guam 96931

RE: Letter of Support for Bill 143-33

Dear Senator Rodriguez,

I am writing in support of Guam Bill 143-33, which will expand the list of authorized tobacco enforcers; ban smoking in bars; and change Public Law 31-102 from secondary offense to a primary offense. This bill will go a long way to improving the health of countless Guam citizens who currently must endure the health burdens from tobacco use including exposure to environmental tobacco smoke in their work places, vehicles, etc. For Guam citizens with asthma or other respiratory conditions, environments that allow smoking can be prohibitive. The Bill 143-33 would allow all citizens access to smoke free worksites, smoke free vehicles and expansion of enforcers to enforce tobacco laws.

Our FSM Congress had seen the importance of the similar need and passed the 150 Feet No Smoking at all government buildings and the Kosrae State legislature had passed the No Smoking in Vehicle when Minor is present.

I hope that you will also see the importance of passing this bill and support this tobacco control measure to protect the health of Guam citizens.

Sincerely,

18
Stra L. Alik
Chairperson, Pacific Partner for Tobacco Free Islands &
Director, Tobacco Control Program, National Government, FSM



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

GUAM POLICE DEPARTMENT
DIPATTAMENTON POLISIAN GUAHAN
Government of Guam



JOSEPH L. CRUZ
Chief of Police

MAURICE J.Q. SAYAMA, Colonel
Police Commander

Bldg. 13-16A Mariner Avenue, Tiyan
Barrigada, Guam 96913
P.O. Box 23909 Barrigada, Guam 96921
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 475-3222

September 9, 2015

The Honorable Senator Dennis G. Rodriguez, Jr.
Chairperson, Committee on Health & Human Resources,
Health Insurance Reform, Economic Development
and Senior Citizens
33rd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Subject: Written Testimony
RE: Bill 143-33 (COR)

Buenas yan Hafa Adail! On behalf of the men and women of the Guam Police Department (GPD), I hereby submit this written testimony in support of portions of the proposed Bill 143-33 (COR) – An Act to Expand the “Natasha Protection Act of 2005.”

We are in support of the proposed changes to §90109. Enforcement, specifically (a)(5) “A Community Assisted Policing Effort (C.A.P.E.) Program volunteer, as provided pursuant to §77302 of Article 3 of Chapter 77, Title 10 GCA. We agree that the inclusion of the enforcement of the Natasha Protection Act of 2005 could be given to the C.A.P.E. Program and the volunteers within that program. This would increase the enforcement of the law and provide the volunteers with an additional duty that could be performed during their current capabilities.

We, however, have concerns with the amendment or inclusion of §90109 (a)(6),(7), and (8). These provisions involve the use of Private Security personnel to enforce these statutes. Private Security personnel are not law enforcement officers nor do they act as an entity of the Government of Guam. As such, they are not bound by the same standards that must be observed by sworn officers or trained volunteers serving under the CAPE Program. Nor do they have the levels of training as sworn law enforcement officers or C.A.P.E. personnel.

We will not be in the position to train these Private Security personnel in any aspect of their enforcement of these amended statutes, if enacted into law, as it could potentially impose a risk of liability to the department.

Thank you for the opportunity to provide our comments on this proposed Bill. *Dangkulo na si Yu’os ma’ase!*

Sincerely,


JOSEPH L. CRUZ
Chief of Police

**Social Work Student Alliance
House #31 Dean's Circle
UOG Station
Mangilao, GU 96923**

Testimony of the Social Work Student Alliance
IN SUPPORT OF BILL NO. 143-33 (COR)
Before the Committee on Health, Economic Development, Homeland Security, and Senior Citizens
September 10, 2015

Hafa Adai Senator Dennis G. Rodriguez, Jr.

My name is Jannica Jean Taimanglo Quintanilla, Social Work student at the University of Guam. I am writing in support of Bill No. 143-33 (COR).


There is a certain line that must be drawn when individuals continue to disregard what is law. Allowing for a spectrum of enforcement officers of the Natasha Act would give businesses and government agencies the extra tools to make an individual's work environment and dining experience a healthier place to be. Having to inconveniently walk around a cloud of smoke is becoming a nuisance. There is a law in place and majority of businesses and government agencies are not enforcing this law. I believe the expansion of regulations will absolutely benefit the health of our communities.

I grew up in a family where both my parents were smokers. Inhaling their smoke in the car was just horrible for my siblings and I. Not to mention going to school smelling like an ash tray. There was no one around to help stop this from happening to us. Now with the help of the Natasha Act children will now have a chance to live a healthier life without tobacco. This will force parents to start thinking about the effects of second hand smoke. Unfortunately, forcing parents is what will have to happen in order to let them understand that there are serious illnesses that their children may get from their actions. I also agree that three or more violations is basis for child abuse and neglect. Parents are neglecting the basic rights of their children to breathe clean and smoke free air. Polluting their bodies with those chemicals should be considered abuse or neglect. We are the voices for those who cannot be heard and our children of our future should be heard through advocates such as ourselves.

As a future Social Worker I feel that it is my duty to help our community in working towards a healthier and more positive quality of life. Assist those who can no longer fight for themselves and without a voice. To be a part of all inequality and become a stepping stone for human rights. Yes this is an island where everyone has every right to smoke. However, it is not their right to allow for non-smokers, those who are sickly, children and pregnant to inhale their second hand smoke. Having the extra enforcement with the Natasha Act could not have come at a better time. Individuals who smoke in front of restaurants, businesses and government agencies must be stopped and must be educated in what harm their second hand smoke cause to those around them.

I thank you, Senator Rodriguez and other committee members for taking the necessary steps needed to improve our community's health issues. Therefore, I urge the committees to support Bill No. 143-33 (COR).

Thank you!


Jannica Quintanilla
671.797.1228/Mobile

September 11, 2015

Honorable Dennis G. Rodriguez z:
Majority Whip, Committee on Health and Human Services,
Senior Citizens, Economic Development, and Election Reform
33rd Guam Legislature
176 Sereno Ave Suite 107
Tamuning, GU 96931

Buenas von hafa adai Chairman Rodriguez and honorable Senators of the 33rd Guam Legislature:

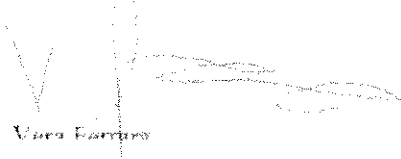
My name is Vera Ferrara and I am in support of Bill 143-33, *The Natasha Protection Act*. As a former smoker, free from the addiction of cigarettes for over 11 years, I know firsthand how cigarette smoke can affect the atmosphere, especially in public places, and leave a suffocating odor in the air that will linger for several minutes, if not longer. And although we have had the Natasha protection act for over 10 years, there are still some establishments on Guam that do not follow the compliances of this particular law. With the amendments to Bill 143-33, hopefully we can see stricter policies enforced within each establishment leading them to be consciously aware that the health of Guam's people must be taken seriously.

I also support Bill 143-33 because as we all know that it has been proven what the effects smoking may cause: Asthma, pneumonia, heart attacks, and cancerous diseases, to name a few. As of today, someone dear to me had been battling lung cancer since 2012, but now only has a couple of days left to live according to the doctor. It is very painful to watch someone gasping for air, sobbing because they cracked a rib from excessive coughing and finally being incapacitated because they are heavily medicated with pain killers to ease the agony of a collapsed lung. I know this person would not want anyone else to experience what they are going through, especially through smoking cigarettes.

This bill will create healthier, smoke-free environment for all people, families, man, woman, and child of Guam.

Sincerely,

Vera Ferrara



September 11, 2015

The Honorable Dennis G. Rodriguez, Jr.
35th Guam Legislature
Majority Whip, Committee on Health, Economic Development, Homeland Security, and Senior Citizens
Suite 107
176 Sereno Ave.
Tamuning, Guam 96931

Buenas yan Hafa Ādai Honorable Senator Dennis G. Rodriguez, Jr.,

My name is Mikaila San Nicolas. I am writing in support of Bill No. 143-33 (COR) Relative to expanding the Natasha Protection Act of 2005 to smoking regulations; providing increased enforcement; and providing for enforcement training.

As we know, Guam has the highest rates of tobacco consumption in all of the United States and territories. Guam Behavioral Health and Wellness Center has stated over 60% of cancer on Guam is due to tobacco use, and at least one person on Guam dies as a result tobacco use. I have smoked for almost 10 years of my life, and have finally been able to break the habit. Growing up, my father was a smoker and I always disliked the fact that he would smoke around my family and me. Ironically enough, I ended up becoming an addicted smoker at the age of 16 due to various reasons. However, over the last couple of years I decided that I wanted to stop smoking for my health and the health of those around me. With the Natasha Protection Act of 2005 being passed into law, I became more aware of where I was smoking and whom I might be affecting. As a current student of the University of Guam, the tobacco-free policy on campus has also contributed to my smoking cessation. The fact that it was prohibited on campus helped me to smoke less and eventually quit.

I write to you today in support of the amendments of the Natasha Protection Act of providing increased enforcement and providing for enforcement training. Although I have seen several business establishments post signage prohibiting smoking within 20 feet of an entrance, I have never seen it be enforced by law officers or the establishments. It is my hope that not only will non-smokers benefit from the enforcement of the law, but that it would also influence smokers to reconsider cessation. It can possibly act as a deterrent for all smokers, including my father.

As I am also an aspiring social worker, I fully support the Prohibition of Smoking in a Vehicle When a Child is Present and the amendment to require the enforcement of the existing law by an officer whenever a violation is witnessed. Through my education and knowledge of the harmful effects of second-hand smoke, I stand opposed to any form of child abuse or neglect.

Therefore, through my support of Bill No. 143-33 (COR), I genuinely hope the entire island of Guam will one day become tobacco-free for the sake of our people and our generations to come. Un dangkulu na si yu'us ma'ise.

Best Regards,



Mikaila San Nicolas
P.O. Box 11968
Yigo, Guam 96929

September 11, 2015

Honorable Dennis G. Rodriguez, Jr.
33rd Guam Legislature
Majority Whip, Committee on Health, Economic Development, Homeland Security, and Senior Citizens
Suite 107
176 Sereno Ave.
Tamuning, Guam 96931

Subject: Testimony in Support of Bill 143-33 COR

Dear Senators,

Hafa Adai! My name is Connie Sayama and I am a student at the University of Guam, who is currently pursuing a degree in field of Social Work. I would like to submit written support of the amendments that have been made on July 10, 2015, to the Natasha Protection Act of 2005.

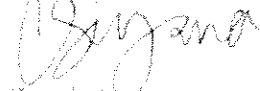
As a non-smoker, I've had many experiences with exposure to smoke. As a child, I have been subject to inhaling smoke while in personally owned vehicles, restaurant establishments, and walking through open-air spaces. This exposure to tobacco smoke, ash, and contamination is not something that I had voluntarily signed up for. As an adolescent, I watched as Guahan created social change with the passing of the Natasha Protection Act of 2005, and I believe that its current amendments would only strengthen the regulations already set in place. But too many times, as an adult, I've had to avoid public areas, or hold my breath as I walk through a cloud of smoke that I was unavoidable. This is something that can be further enforced through Bill 143-33.

As social workers, we are taught to seek social justice and promote social change. In this case, the injustice is the exposure of smoke, specific to incidents occurring in personally owned vehicles, establishments, and public places. This is an existing problem in our community, and it is our responsibility to work together to find a solution. As stated within Bill 143-33, all citizens, peace officers, and trained security guards will be responsible for, or have the option of enforcing this as a law. This is an example of a solution that involves the entire community, bringing us together to eliminate this injustice. I believe that the passing of Bill 143-33 will strengthen the community's responsibilities in promoting the social welfare of all.

The unfortunate reality is that Guahan ranks the highest for tobacco use throughout the United States, as well as other territories. With these high numbers, the rates of second-hand smoke exposure rises as well. Bill 143-33 will protect our people from the unjust pollution of shared air, but more importantly the air that we are sharing with our children. I believe that the new amendments on enforcement will extend the safety net, and will help protect our most vulnerable population, our children. Bill 143-33 addresses the issue of child abuse and neglect for violators that are repeated offenders. I believe that when our environment is healthy, so are its inhabitants, and the people of Guahan deserve clean air!

Therefore, it is my hope that what I have shared and expressed will work in favor of the passing of Bill 143-33. I would like to take this time to acknowledge all those who have supported Bill 143-33, and have brought it into fruition. I believe that with continued support we can provide healthy environments for all of Guahan!

Thank you for your time and consideration.



Connie Sayama
P. O. Box 12244
Yigo, Guam 96929

Social Work Student Alliance
Division of Social Work
University of Guam

Tyrone Leones
Dean Circle House #31 UOG Station,
Magilao, Guam 96923

September 10, 2015

Hafa Adai Senator Rodriguez,

This testimony is in support of Bill No. 143-33 (COR), Relative to Expanding The Natasha Protection Act of 2005 to Smoking Regulations: Providing increase enforcement and providing for enforcement training. Back in 2005, the Guam Legislature passed a Public Law 28-80, which is also known as the "Natasha Protection Act," which restricted smoking in some workplaces and public places. Throughout the years, all executive branch government facilities became a smoke-free environment. By 2009, a bill was signed into law creating a smoke-free zone within 20 feet of public buildings. Unfortunately, the problem we are currently facing is that the law itself is very weak and neglected. To this day, people are not following and enforcing the appropriate regulations and laws of tobacco use in public places and establishments. In support of this bill, I believe it will considerably reinforce and strengthen the regulations and policies of the Natasha Protection Act.

For example, each one of us might have experienced a situation where we came across a person smoking a cigarette at the entrance of a department store. Standing near someone who happens to be smoking unwillingly exposes us to second-hand smoking. This has happened to me very often and every time it does, I wish for the smoking regulations to be properly enforced and regulated. The smoking not only is unpleasant, but it is also unhealthy. The smoker not only damages his or her own health, but the health of others as well.

I am in full support for strengthening Guam's laws to bring smoke-free protections acts for the people of Guam and its visitors. Awareness is the key to spreading pertinent information. As a community, we can educate the people of Guam on the health risks of smoking and exposure to second hand smoking. This will certainly be beneficial for non-smokers, children, and for reducing the risks of involuntary second hand smoking. This policy is vital, in light of the weakness of the current bill. With proper enforcement, citations, and training, together as a community we can advocate for change, to live in a healthy lifestyle in a smoke-free community and environment.

Thank you for your time. I give you and your staff my blessings and continued support in creating a healthy and safe environment for the people of Guam.

Very Respectfully,



Tyrone Leones
Social Work Student



Josita Therese Harris

Social Work Student Alliance- Vice President
House #31, Dean's Circle University of Guam
email: josita.therese@swa.ug.edu.gu
phone: 488-0744

September 11, 2015

Senator Dennis Rodriguez Jr.
176 Serenu Avenue Suite 107
Tamuning, Guam, USA
96931

Hafa Adai Senator Rodriguez,

My name is Josita Therese Harris, I am writing in support of Bill No. 143-33 (COR) relative to expanding the Natasha Protection Act of 2005 to smoking regulations; providing increased enforcement; and providing for enforcement training.

I believe that the provisions that this bill intends for are superb; however, I believe that more critical enforcement should be implemented in order to see its full potential. It has been almost a decade since the original Natasha Act has been passed; however, there are no consequences for those who break this law deeming it "unenforced".

I agree that with more individuals trained and readily available to assist in enforcement of this bill will greatly decrease the numbers of individuals smoking in tobacco-free zones, thus am in full support of these amendments. It would also be suitable if fines were also given to individuals who have been forewarned about smoking where it is prohibited. As a student of the University of Guam, this issue of enforcement should be taken more seriously, as regularly, smoke clouds can be seen throughout the University of Guam campus with no consequences to those who break these laws, and with these amendments, I may finally be able to go to school without having to witness or be a victim of second-hand smoke.

With Respect,


Josita Therese Harris

Senator Dennis G. Rodriguez, Jr.

Thirty-third Guam Legislature

Hagatna, Guam 96910

Subject: Testimony for Bill 143-33 (COR)

First of all, I would like to thank you all for allowing me this opportunity to express my interest and support for of the following proposed expansion of the Natasha Protection Act of 2005:

AN ACT TO AMEND STATUTE 7703 OF ARTICLE 3, CHAPTER 77 AND 9105, 90197, AND 90114 OF CHAPTER STATUTE SUBSECTION 90, BOTH OF TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW STATUTE SUBSECTION 9010.1 AND 90109.2 TO CHAPTER 90109.2 TO CHAPTER 90, TITLE 10, GCA, RELATIVE TO EXPANDING THE NATASHA PROTECTION ACT OF 2005 TO SMOKING REGULATIONS; PROVIDING INCRERASED ENFORCEMENT; AND PROVIDING FOR ENFORCEMENT TRAINING.

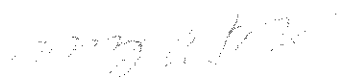
I am writing today as a concerned citizen and a mother. I support the amendments to the proposed expansion of the Natasha Protection Act of 2005.

Section 1 Subsection (a) of 90109. There is the need for the expansion and the need to recruit volunteers for the enforcement of the law. It is a fact that our police force is stretched thin. When compared to other violations such as drinking under the influence, or assault, we can understand how enforcing the policies on the Natasha Care Act may come in second place. The fact is that is that volunteers are needed to enforce this law, because we simply do not have the numbers in our law enforcement to do so. Recruiting volunteers to enforce this law will help alleviate pressure that is already on our law enforcement department.

Section 6 New item (BARS) added to 90105 (a) Prohibiting smoking in bars is necessary to promoting a healthy environment. Bars are places to relax and unwind. We should be able to unwind without the added worry about how second-hand smoke poses to our health. In addition, I would like to recommend that the penalties for businesses who are not in compliance with amendment be clearly stated. These should also be included in the amendment.

I support the other proposed amendment to this law and I encourage each one of you to give these proposed amendments your full consideration. In the long run, this law will have a positive impact on our society as a whole. This impact will be felt through the generations, our children and children's children will benefit from these changes to this bill. I thank you very much for your time and your service to the people.

Respectfully,



Shirley A. Irons

September 11, 2015

Re: Bill 143-33 (COR)

RELATIVE TO EXPANDING THE NATASHA PROTECTION ACT OF 2005

Hafa Adai Chairman Rodriguez

My name is Joan Marar from the State of Chuuk and a senior Social Work student from the University of Guam. I fully support Bill No. 143-33 (COR) to amend the Natasha Protection Act of 2005. I would like to highlight three sections, "increasing the enforcement on businesses and public areas (Smoking Issue)", "Prohibition of Smoking in a Vehicle when a Child is Present" and "Volunteers being U.S citizens or Guam Residents".

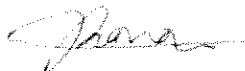
I believe that the University of Guam campus law on smoking should be enforced. The enforcement of the no tobacco policy allows for a safer and healthier environment for us students, staff, and faculty who choose to be smoke free.

I strongly believe that the issue of smoking in a vehicle with a child present should be addressed. We need to be considerate for the sake of our children who have their whole future ahead of them. I have experienced first-hand this particular situation (being present in vehicle while adults smoked) and I surely do not want other children to go through this as well. Therefore, I strongly encourage the Bill 143-33 for everyone's safety and health.

I agree with the added section on allowing people in the community to train and be able to help GPD enforce this law. Although I believe volunteers should not be limited to US citizens but include all people willing to help.

I humbly urge that the Guam legislature consider the bill to promote the enforcement of the laws and changes recommended.

Respectfully,



Joan Marar

Student of the University of Guam

Ashley N. Bato
118 Biradan San Haya St. Dededo, GU 96929

Buenas Senator Rodriguez,

My name is Ashley Bato, a single mother and a Social Work student (senior) at the University of Guam.

I am writing in support of Bill No. 143-33 (COR).

As an aspiring social worker my intentions are to support movements toward the betterment of the Islands' children. To a greater extent, as a single mother I am reminded of my duty as the protector of my children to create an environment conducive to their development. The expansion of the Natasha Act is incredible and one in which protects our Island's children. No one should have to suffer from others' unhealthy choices, more so, be subjected to those behaviors.

As parents our behaviors are mirrored by our children, and sometimes even farther than that. Adults who clutter right outside entrances of establishments smoking, indeed, have an impact on our children, both health and behaviors. Although we have courteous smokers who are considerate and employ the designating smoking areas, young adults are the most dominant population that smoke just about anywhere. They need to be held accountable for their actions and establishments need to be held accountable too for not enforcing the law.

A great example is the liberation carnival the night of the fireworks. Every year I took my children there to see the fireworks people will smoke -- not in designated smoking areas, but freely. Despite its large open space, the place can get crowded on the night of the fireworks. We are talking about people crowding up in one area with vape and tobacco smoke filling the air. Before my children and I can get comfortable we have to move because of someone's smoke, it's frustrating. Walking around to visit the game booths or pick up some food, someone in front of us is smoking and his/her smoke is blowing our way. I feel that my children and I have to dodge all the smokers before we can make it to one game booth. No one was enforcing the smoking law. A carnival is a place where family can go to enjoy the festivities as part of Guam's liberation, not finding themselves dodging smokers just so they can get to the game booths.

Again, as an aspiring social worker and a single parent, it is my obligation and responsibility to promote, support, and create a safe and healthy environment for the Island's children, both ethically and morally. I know that the decisions you make will be for the betterment of the Island's children. Importantly, coming from a single parent standpoint, laws like the Natasha Act reassures me that there will be an environment conducive to my children's healthy development.

Best regards,



Honorable Senator Dennis G Rodriguez, Jr
33rd Guam Legislature
Hagatta, Guam 96910

Subject: Testimony in support of Bill No. 143-33 (COR)

Buenas and Hafa Adai Chairman Rodriguez

I, Kimberly Graham from the State of Chuuk, a senior Social Work student at the University of Guam and a member of the Social Work Student Alliance submit this written testimony in full support of Bill No. 143-33 (COR), the expansion of the Natasha Protection Act of 2005.

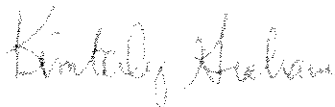
I agree with the expansion of volunteers in enforcing smoking regulations, as GPD cannot cover all areas. Page 7, line 1 states that a volunteer must "be a citizen of the United States and a resident of Guam." We should not limit volunteers to US citizens when there are so many others who are willing to help in addressing this issue.

The University of Guam has a no tobacco policy. We are supposed to be a tobacco free campus. Yet due to lack of enforcement, there is now a designated smoking tree outside the library right next to the "No Smoking" and "Smoke Free Campus" signs. I understand that smoking is an individual choice. But what about us, the individuals who choose to be smoke free, do we not have the right to breathe clean air? Second hand smoke kills, that's a fact.

With the expansion of the Natasha Act to increase enforcement, individuals and businesses will finally be held accountable. Section 11 line 14-17 states that smoking in a vehicle with a minor present is prohibited and punishable with a fine. This is equivalent to child abuse as second hand smoke is hazardous and causes harm to the child. The ensuing consequences and penalties will increase compliance to tobacco policies; which is beneficial for the community as a whole, allowing for a safer and healthier environment for us and for future generations to come.

Therefore, I humbly urge the committees to support Bill No. 143-33 (COR). Thank you for your time and consideration.

Respectfully,



Kimberly Graham

Senator Dennis Rodríguez Jr.

Buenas yan hafa adai Senator Rodríguez.

My name is Grace Billimon. I am a social work student at the University of Guam I am writing in support of Bill No. 143-33 (COR). As an Undergraduate student at the University of Guam, I feel that many students do not abide this act, even when School campus (University of Guam) is a drug free zone, many students still do not follow this rule. Not only do I encounter this at school, but also in the public. Such as outside restaurants, and the public stores and etc. hence they should really implement these regulations in public especially when there is a child there. As a concern citizen, a bill such as this, is one that I am very much in favor of.

Although I am aware that enforcement will be a challenge and prove to be difficult at best. However, this should never be a reason to not make the attempt to try and enforce the law. As well as provide assistance and support to those that are attempting to enforce the law. And also they should not limit to those of not U.S citizens. They should allow them to help enforce the law too.

I very much respect the rights, and the lives of smokers; however, I think that we also need to look at some ways for the smokers not to affect others who are non-smokers, perhaps a designated place for them to smoke. So that we can all live in a healthier environment.

As for the matter of making smoking in a vehicle where a child is present to become primary offence, I feel that this is a way of protecting the child rights and also a way for them not to be abused.

I hope and pray for everyone in the legislature to continue to help the lives of each one of us.
Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Grace Billimon". The signature is written in a cursive style with some overlapping strokes.

Willenda Billimon
University of Guam Station
Dean Circle House 31
Mangilao Guam 96923

Senator Dennis Rodriguez Jr.

Hafa Adai Senator Rodriguez.

My name is Willenda Billimon a citizen from the states of the Federated States of Micronesia. I am currently attending the University of Guam and a fourth year in the Social Work Program. I am writing in full support of Bill 143-33 (COR).

As a citizen of the Federated States of Micronesia and a resident of Guam, I believe that this bill will positively help the people on Guam to stop smoking.

In 2012 fall semester, as I was walking from the Library I can see the students under the tree smoking. As I came across the tree, there is a sign that says "tobacco free" however all I see is smoke everywhere. Because I wanted to take a seat and inhale the fresh air, but I could not due to the amount of smoke. It always occurs to me on how is the law on smoking being enforced on campus? Why are the students able to smoke anywhere on campus?

It is difficult when I come across a mother smoking inside her car while her baby is in the car seat. Children who are exposed to secondhand smoke are more likely to be vulnerable. When a child becomes a secondhand smoker, it produces significant health problems and increases the number of respiratory illness and physical effects.

I am aware that the law is not being enforced in the community. However, it will be a challenge for the community as well as the leaders to make a step and improve the wellbeing of the people. Through the implementation of this act, the people on Guam will have less chance of such illness and to live in a healthy community.

With respect,


Willenda Billimon
Social Work Student



1400 EYE STREET, N.W. • SUITE 1200 • WASHINGTON, DC 20005
PHONE (202) 296-5469 • FAX (202) 296-5427

September 16, 2015

Chairman Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development, Homeland Security and Senior Citizens
I Mina'trentai Tres Na Liheslaturan Guahan
176 Serenu Ave. Suite 107
Tamuning, Guam 96931

In Support of Bill No. 143-33 (COR) to Strengthen Guam's Smoke-Free Law

Dear Chairman Rodriguez,

The Campaign for Tobacco-Free Kids supports Bill No. 143-33 (COR) to strengthen Guam's smoke-free law by covering all workplaces including bars and creating additional support for enforcement of this important public health measure. The scientific evidence on the health risks associated with exposure to secondhand smoke is clear, convincing, and overwhelming. Secondhand smoke is a known cause of lung cancer, heart disease, low birth-weight births, chronic lung ailments, as well as other health problems.

Everyone has the right to breathe clean air, free from the proven dangers of secondhand smoke. Strong smoke-free laws that are well enforced and include all workplaces are the only effective way to protect all residents from the health hazards of secondhand smoke in public places and at work.

We encourage the swift adoption of Bill No. 143-33 (COR).

Sincerely,

Pete Fisher,
Vice President, State Issues
Campaign for Tobacco-Free Kids

September 21, 2015

Honorable Dennis G. Rodriguez, Jr.
Committee on Health & Human Services, Health Insurance Reform,
Economic Development, and Senior Citizens
33rd Guam Legislature
176 Serenu Avenue Suite 107
Tamuning, Guam, USA 96931

RE: Bill 143-33 (COR) relative to expanding the Natasha Protection Act of 2005; providing increased enforcement; and providing for enforcement training

Dear Senator Rodriguez:

The NCD Consortium Tobacco Control Action Team fully supports Bill 143-33, expanding the Natasha Protection Act and providing for its increased enforcement.

DPHSS' Vital Statistics data repeatedly confirm that the top three causes of death on Guam are caused by tobacco use, and exposure to tobacco smoke. The recently published DPHSS Guam Cancer Facts and Figures document how regardless of sex, lung cancer remains the most frequent cause of cancer death. Thus, both overall and cancer mortality data highlight the critical importance of further reducing tobacco use among Guam's people. Because second hand smoke also raises overall and cancer risk, interventions to curb exposure to tobacco smoke are a vital component to lower tobacco-related premature mortality and poor health.

The U.S. Surgeon General has stated unequivocally that there is no safe level of exposure to secondhand smoke. Currently, workers and patrons of bars in Guam are unprotected by the law. Expanding the Act to cover bars ensures equitable protection for this segment of our population. Moreover, elevating smoking in vehicles where a child is present into a primary violation extends the protection of the Natasha Act to the most vulnerable segment of our community--our children.

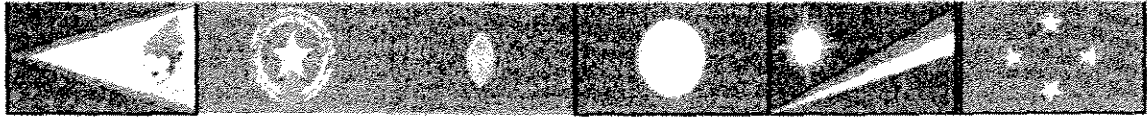
Strengthening the enforcement capacity to ensure full compliance with the Act is critical to its effectiveness. Laws are useless unless properly and consistently enforced, and broadening the scope of who can enforce while providing for enforcement training are essential issues that need to be addressed.

DPHSS is mandated to protect the health of Guam's people, and Bill 143-33 will make a significant impact towards improving the health of our community.

On behalf of the NCD Tobacco Control Action Team, we thank you Senator for your continued leadership for our island's health.

Sincerely,

/s/ PETER J. CRUZ
Co-Lead, NCD Tobacco Control Action Team



CANCER COUNCIL OF THE PACIFIC ISLANDS

September 8, 2015

Dear Senator Rodrigues and Members of the Guam Legislature,

The Cancer Council of the Pacific Islands (CCPI), a USAPI Regional organization comprised of health leaders from each of the USAPI jurisdictions whose prime vision is for a Cancer-Free Pacific, strongly supports bill 143-33(COR) which amends §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to **smoking regulation; providing increased enforcement; and providing for enforcement training.** One of the main goals of the CCPI and the Pacific Regional Comprehensive Cancer Control (PRCCC) Plan is to reduce the burden of preventable cancers – at the top of this list are tobacco-related cancers.

Each USAPI suffers from high burdens of tobacco-related cancers. Lung and related respiratory cancers are #1 or #2 in most jurisdictions (#1 in Guam). If you combine other non-lung cancers where tobacco is a known factor in development of cancer (i.e., most cancers of the head and neck, breast, colorectal, uterus, stomach and invasive cervical cancers), then in Guam for the period 2007-2012, 56% of adult cancers – more than half – are tobacco-related. It is of note that this amount of tobacco-related cancers is higher than the overall USAPI 47% for the same time period. Prior to serious tobacco legislation, like the Natasha Act and others, Guam adults and youth had among the highest smoking rates in the US and USAPI. The high rate of tobacco-related cancers being seen now is likely due to heavy smoking rates in the past 30-40 years.

Expanding the Natasha Protection Act will help to protect the current youth and non-smokers from becoming ill from smoking. Besides cancer, second- and third-hand smoke exposure is highly related to chronic lung disease, frequent ear and upper respiratory infections and health consequences to unborn children exposed in utero. These issues not only impact health, but also impact economic productivity, ability to work and quality of life. This bill directly addresses the World Health Organization Framework Convention on Tobacco Control (FCTC), Article 8, which supports adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places. Enforcement by private citizens, business owners and community leaders is needed to make the law effective. The CCPI applauds you in these efforts. The other USAPI jurisdictions who also struggle with enforcement issues hope to look to Guam for lessons learned in this challenging but critically important endeavor.

- President:**
Dr. John Taitano, Guam
- Vice-President:**
Dr. Helena Garzang, Republic of the Marshall Islands
- Secretary - Treasurer:**
Ms. Martina Reichhardt, Yap State
- American Samoa:**
Dr. Abraham Anoti
Ms. Moira Wright
Ms. Roupene Shek
- Commonwealth of the Northern Mariana Islands:**
Ms. Jocelyn Sompang
Dr. John Tudela
Ms. Shanna Clark
- Federated States of Micronesia - National Secretary of Health & Development:**
Mr. Xael Luther
- Chua State:**
Dr. Yoner Yehiro
Dr. Kevin Ruben
- Kororao State:**
Dr. Livingston Tinkang
Ms. Neve Tolinoa
- Rongelap State:**
Dr. Keane Beremini
Ms. Rofusa Anani
Ms. Penina Albert
- Yap State:**
Mr. John Calmatuan
Dr. Eric Leuw
Ms. Martina Reichhardt
- Guam:**
Dr. John Taitano
Ms. Rosalie Zafra
Mr. Lawrence Allen
- Republic of the Marshall Islands:**
Dr. Helena Garzang
Dr. Elio Elio Theo
Ms. Neve Tolinoa
- Republic of Palau:**
Dr. Sylvia Owech
Ms. Edeline Berens
Ms. Ivan Tute

Dr. John Ray Taitano, MD, MSc, FRCPC

Dr. Helena Garzang, MD, MSc, FRCPC

Ms. Martina Reichhardt

Special Medicine Physician
Faculty
President
Cancer Council of the Pacific Islands

Special Medicine Physician
Faculty
Cancer Council of the Pacific Islands

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Yap State
Cancer Council of the Pacific Islands



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Email: theguammedicalsociety@gmail.com

**Guam Medical Society written Testimony for Public Hearing Friday, Sep 11, 2015
at 2pm-Guam Legislature**

Hafa adai, I am John Ray (Taitano), President of the Guam Medical Society speaking in support of Senator Rodriguez's Bill relative to expanding the Natasha Protection Act of 2005.

AN ACT TO AMEND § 77302 OF ARTICLE 3, CHAPTER 77 AND §§ 90105, 90107, 90109, AND 90114 OF CHAPTER 90, BOTH OF TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW §§ 9010.1 AND 90109.2 TO CHAPTER 90, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE NATASHA PROTECTION ACT OF 2005 TO SMOKING REGULATIONS; PROVIDING INCREASED ENFORCEMENT; AND PROVIDING FOR ENFORCEMENT TRAINING.

For far too long, smokers have been allowed to smoke around children and non-smokers and in cars transporting children. For far too long, smokers have endangered the health and well being of our children and the silent masses afraid to show disrespect for their elders. For far too long, we have ignored the telltale signs of smoking related diseases such as lung cancer, lip and tongue cancers, nasopharyngeal and cervical cancer, chronic obstructive lung disease, strokes and heart attacks. The time is now to stop further exposure to second and third hand smoking related diseases and to galvanize the community toward making Guam the poster child for helping our children and our future generations avoid smoking related diseases. The Guam Medical Society applauds Senator Rodriguez and the other senators co-sponsoring this bill, which is the vanguard of a community driven initiative to decrease smoking related diseases on Guam. Enlisting community resources and empowering multi-agencies to become stakeholders in enforcing and educating the community will develop ownership in this program to insure its success. This legislation empowers village mayors, business owners, security companies, Public Health and CAPE volunteers to enforce the law. This model legislation may be a springboard for Hawaii and the Pacific Island Jurisdictions to use as a template in their jurisdictions to further their anti-tobacco programs and improve the health of the community especially our youth. The Guam Medical Society thanks everyone for his or her support in helping to enact this legislation into law.

JOHN RAY TAITANO, MD, MSS, FACP, President, Guam Medical Society

September 11, 2015

The Honorable Dennis G. Rodriguez, Jr.
Suite 107
176 Sereny Ave.
Tamuning, Guam 96931

RE: Bill 143-33

Dear Senator Rodriguez:

My name is Michelle Rohr and I am a board member of the Women's Resource Center.

I support Bill 143-33, and request that it also include mothers/pregnant women because of the dangers posed to them and their unborn children from secondhand smoke.

When inhaled by the pregnant woman, nicotine is capable of penetrating the placenta. This causes a complicated pregnancy and leads to serious health concerns, including:

- Miscarriage
- Premature birth (born not fully developed)
- Lower birth weight than expected (possibly meaning a less healthy baby)
- Sudden infant death syndrome (SIDS)
- Learning problems and attention-deficit/hyperactivity disorder (ADHD)

In short, the toxins from secondhand smoke result in a life of suffering or an early death for the unborn child. As a member of the Women's Resource Center, I work to protect the well-being of pregnant women and their defenseless, unborn children. I ask that the particular risks posed to women who are pregnant be recognized and addressed in this bill.

Sincerely,



Michelle Rohr
135 E Santa Ana
Agat, GU
96928

References:

<http://www.healthychildren.org/English/health-issues/conditions/tobacco/Pages/Dangers-of-Secondhand-Smoke.aspx>

<http://americanpregnancy.org/pregnancy-complications/second-hand-smoke-and-pregnancy>

http://www.babycenter.com/2_insider-pregnancy-how-smoking-affects-your-baby_10354439.bc

Honorable Dennis G. Rodriguez, Jr.
Committee on Health & Human Services, Health Insurance Reform,
Economic Development, and Senior Citizens
32nd Guam Legislature
176 Sereno Avenue Suite 107
Tamuning, Guam, USA 96931

Re: Letter of Support for Bill 143-33

Dear Senator Rodriguez,

Hafa Adai! As the Executive Director of the Guam Cancer Care and resident of Guam, I strongly support Bill 143-33 (An act to amend § 77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam code annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam code annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulations; providing increased enforcement; and providing for enforcement training).

Currently, smoking regulations and enforcement can be described as permissive in nature. As such, it is still quite easy to smoke just about anywhere on Guam. This does not only affect the smokers' health, but also nonsmokers that are being exposed to secondhand smoke.

According to the Centers for Disease Control and Prevention (CDC), secondhand smoke causes about 3,000 deaths from lung cancer and tens of thousands of deaths from heart disease to non-smokers. Since 1964, approximately 2,500,000 nonsmokers have died from health problems caused by exposure to secondhand smoke. Moreover, the American Cancer Society stated that children are exposed to more secondhand smoke than adults. In fact, CDC stated that in 2011-2012, two out of every five children ages 3-11 were exposed to secondhand smoke regularly. Children exposed to secondhand smoke can develop respiratory symptoms, are at greater risk for Sudden Infant Death Syndrome, and may develop the habit of smoking in their adulthood.

Increasing the types of enforcers that can enforce the law, providing trainings to properly train enforcers on smoking regulations and procedures, and closing down loopholes in the law will ensure a stronger policy, leading to a healthier community.

Lung cancer is the number one cause of death on Guam for both men and women. It is a cancer that is PREVENTABLE not only to the individual themselves, but most especially to the those exposed to second hand smoke, many of whom have no voice. As a community, we need to be advocates for cancer prevention.

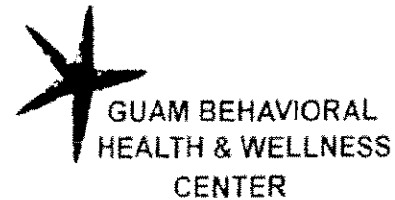
Bill 143-33 is critical in preventing the harmful effects of smoking in our community. This bill will also help decrease health burdens associated with secondhand smoke, especially to children who are the most vulnerable. I commend you for making the right choice for our people and we encourage your colleagues to do the same. Please act now and pass Bill 143-33.

Thank you,



Terry Cuabo

Executive Director, Guam Cancer Care
tcuabo@guamcancer.org, 969-2223



September 8, 2015

Honorable Dennis G. Rodriguez, Jr.
**Committee on Health, Economic Development,
Homeland Security and Senior Citizens**
33rd Guam Legislature
176 Sereno Avenue Suite 107
Tamuning, Guam, USA 96931

790 Gov. Carlos G. Camacho Rd.
Tamuning, Guam 96913
Phone: 671.647.5330
Fax: 671.647.5402

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

REY M. VEGA
Director

BENNY A. PINAULA
Deputy Director

RE: Bill 143-33 (COR) relative to expanding the Natasha Protection Act of 2005; providing increased enforcement; and providing for enforcement training

Dear Senator Rodriguez:

The Guam Behavioral Health and Wellness Center (GBHWC) strongly supports Bill 143-33, expanding the Natasha Protection Act and providing for its increased enforcement.

GBHWC's State Epidemiological Outcomes Workgroup (SEOW) consistently identifies tobacco as the leading cause of addiction in our community. Because the adverse health effects of second hand smoke (SHS) are globally recognized, tobacco addiction harms not just the user, but also his or her own family and the community. The Guam State Epidemiological Profile documents the significant and urgent health and social burden wrought by tobacco use and second hand smoke exposure in our island.

The current Natasha Protection Act is a critical law protecting the public from second hand smoke exposure. But a law is only as effective as the degree of its enforcement, and a poorly or inconsistently enforced law fails to protect the community's welfare. The current Bill provides for enhanced enforcement capacity to ensure smoke-free public places are truly safe, and thus strengthens the protection afforded by the current Act.

According to the U.S. Surgeon General, there is no safe level of exposure to secondhand smoke. Expanding the Act to cover bars ensures that the workers in these workplaces are kept safe from the established harms of second hand smoke exposure. Hard-working employees in Guam, who contribute to our island economy, should not have to put their health at risk each time they go to work in bars not covered by smoke-free laws.

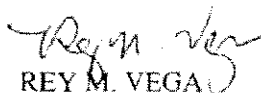
Children are the most vulnerable to second hand smoke, not only because of their immature physiology and immune systems, but also because often they have no voice in protesting exposure to tobacco smoke. Making smoking in vehicles where a child is present a primary

violation extends the protection of the Natasha Act to the most important segment of our community--our children.

The GBHWC has been a pioneer in tobacco control efforts in Guam. The agency established the first tobacco cessation treatment program for the civilian population in 2003 and strongly supported the passage of the Natasha Protection Act in 2005. We continue to work with our clients and their families to assist them in quitting tobacco use. At the same time, we work with our leaders and community partners to ensure that policies and legislation are in place to protect nonsmokers.

Bill 143-33 will strengthen our current smoke-free law, help to further protect our people from tobacco-related harm, and will better ensure that Guam's non-smokers' right to a safe environment and clean air is preserved. We extend our sincere appreciation for your continued leadership for our island's health.

Sincerely,


REY M. VEGA
Director

Bill No. 143-33 (COR) Expansion of Natasha Protection Act

Submitted by:

Marilu D. Martinez

mariludm42@hotmail.com

Along with my support of this bill, I ask your consideration to a request of adding the following to Section 11 § 90114 of Chapter 90, Title 10, Guam Code Annotated, to read as follows:

§ 90114. Prohibition of Smoking in a Vehicle When a Child or a Pregnant Woman is Present.

(a) Smoking is prohibited in a motor vehicle if a child who is seventeen (17) years of age or younger and/or a pregnant woman, regardless of age, are present in the vehicle, regardless of whether the vehicle is moving or stationary.

We all have sisters, daughters, cousins, sisters-in-law, family members or friends in their child-bearing years, as well as children, grandchildren and nephews or nieces who may be underage; but thanks to enactment of laws like the Natasha Protection Act, there are more public places, buildings, rooms or recreational areas where one may comfortably and healthily be in or be close to without being exposed to secondhand cigarette smoke.

There are numerous Medical studies and research which point to the adverse effects caused by secondhand smoke affecting not only the pregnant mother, but also her unborn baby.

The Official Journal of the American Academy of Pediatrics put out a Pediatric Publication in 2011, entitled "Secondhand Smoke and Adverse Fetal outcomes in nonsmoking Pregnant Women: A Meta-Analysis" Their work, supported by the UK Centre for Tobacco Control Studies (www.ukctcs.org), had this conclusion: "Our results provide confirmatory evidence that there are further adverse effects of maternal secondhand smoke exposure during pregnancy on the health of the fetus through increased risks of congenital malformations, stillbirths and possibly other adverse fetal outcomes." (Source: <http://pediatrics.aap>) -- I include an attached copy of this)

Throughout my young adult years, I experienced skull-pounding headaches and sinus issues whenever I was around secondhand smoke. What was puzzling was that I would experience the same symptoms even when there was no physical or visible smoke from any cigarette around -- though the room did emit the smell of cigarette smoke. I later learned that these same symptoms I experienced -- which came from a room with only a strong cigarette smoke smell, but no smoke -- was caused not by secondhand smoke but from thirdhand smoke!

Today there are emerging medical studies that pinpoint and claim that "thirdhand smoke" also causes risks and danger to the unborn babies' lungs and general health!

One such study I cite here is from the Los Angeles Biomedical Research Institute at Harbor UCLA Medical Center. One of their studies found that "prenatal exposure to toxic components of a newly recognized category of tobacco -- known as "thirdhand smoke"-- can have a serious or an even more negative impact on an infant's lung development as postnatal or childhood exposure to smoke." Their study goes on to point out that "thirdhand smoke" comes about from the newly formed toxins from

tobacco smoke which remains on furniture, in cars, on clothing and on other surfaces, long after smokers have finished their cigarettes." These "stealth toxins" they say "lingers on the surfaces in the homes, hotels and cars used by smokers where children, the elderly and other vulnerable people may be exposed to the toxins without their realizing the dangers."

They advice that "pregnant women should avoid places where thirdhand smoke is found," so as to protect their unborn. They conclude that based on their study, prenatal disruption of lung development can lead to asthma and other respiratory ailments that can last a lifetime." (Source: http://www.eurekaalert.org/pub_releases/2011-04/labr-lbs041911.php#VejinZAvms4.email) -- I include an attached copy of this)

Our children, the unborn and born babies are not only our future but they are our most precious gifts from God; therefore when we take measures to protect them from the chemicals and toxins emitted by our lifestyles, we ultimately protect and safeguard our environment.



Dennis Rodríguez, Jr. <senatordrodriguez@gmail.com>

Bill 143-33

1 message

Sirena Mafnas <sirenamafnas@gmail.com>

Fri, Sep 11, 2015 at 8:37 AM

To: senatordrodriguez@gmail.com

Hello Senator Rodriguez, this is a letter to you requesting that you include/mention the risks to mothers who are pregnant with an unborn child when smoking. I've learned that when inhaled by the pregnant woman, nicotine is capable of penetrating the placenta and harming the unborn baby.

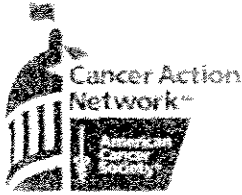
Some of the health conditions experienced by the fetus from secondhand smoke include miscarriage, low birth weight, early birth, learning or behavioral deficiencies in the child, and Sudden Infant Death Syndrome (SIDS).

Thank you for taking the time to ready this request.

Regards,

Sirena Mafnas

727-2419



American Cancer Society
Cancer Action Network
2370 Nuuanu Avenue
Honolulu, Hawaii 96817
808.432.9149
www.aacscan.org

September 11, 2015

33rd Guam Legislature

Senator Dennis G. Rodriguez Jr., Chair

Members of the Committee on Health, Economic Development,

Homeland Security, and Senior Citizens

Guam Legislature, Hesler Place, Hagåtña, Guam

Testimony in support of Bill 143-33

Cory Chun, Hawaii Pacific Region

American Cancer Society Cancer Action Network

The American Cancer Society Cancer Action Network (ACS CAN) supports Bill 143-33, which strengthens the Natasha Protection Act by removing the exemption for bars, expanding enforcement to volunteers and private security guards with proper training, and amending offenses for smoking in cars with minors. We are in strong support of including bars into the Natasha Protection Act to ensure all indoor work places are smoke-free and address this issue in the following comments.

ACS CAN supports local, state, and federal initiatives to eliminate public exposure to secondhand smoke (SHS), including 100 percent smoke-free laws, which are a key way to protect nonsmokers, children and workers from the deadly effects of secondhand smoke. Public concern about the harmful effects of SHS and the need for smoke-free policies is high. Studies have found that there is strong public support for smoke-free laws among both smokers and nonsmokers.¹ This public support -- along with an increasing body of evidence about the detrimental effects of secondhand smoke -- has led many jurisdictions to successfully pass smoke-free laws and ordinances.

Detrimental health effects of secondhand smoke

SHS is the combination of smoke emitted from the burning ends of a tobacco product and the smoke exhaled from the lungs of tobacco users. Tobacco smoke contains over 7,000 substances, more than 69 of which are known or suspected to cause cancer. The U.S. Environmental Protection Agency (EPA) has classified secondhand smoke as a Group A carcinogen, a substance known to cause human cancer. Some of the deadly substances in secondhand smoke and the cancers they cause are:

¹ 2012 Behavioral Risk Factor Surveillance System Data: Guam, showing 83.8% of those surveyed feel that in workplaces, smoking indoors should never be allowed.

- Arsenic, benzo(a)pyrene, cadmium, chromium, nickel, and NNK (lung cancer)
- Nitrosamines (cancers of the lung, respiratory system, and other organs)
- Aromatic amines (bladder and breast cancers)
- Formaldehyde and nickel (nasal cancer)
- Benzene (leukemia)
- Vinyl chloride (liver and brain cancer)
- 2-naphthylamine and 4-aminobiphenyl (bladder cancer)
- Lead (liver cancer)

Reports from two different Surgeon Generals have found that there is no safe level of exposure to SHS.^{2,3} While ventilation or air purification systems are sometimes promoted as a way to reduce exposure to secondhand smoke, ventilation cannot remove all secondhand smoke and does not purify the air at rates fast enough to protect people from harmful toxins. The Surgeon General has concluded that even separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to SHS. The only effective way to fully protect nonsmokers from exposure to SHS is to completely eliminate smoking in indoor public spaces.⁴

The workplace is a major source of SHS exposure for adults, and SHS exposure in the workplace has been linked to an increased risk of heart disease and lung cancer among nonsmoking adults. Blue collar and service workers are more likely than white collar workers to be exposed to SHS at the workplace and are less likely to be covered by smoke-free policies. According to one study, prior to the implementation of a smoke-free law, employees working full-time in restaurants or bars that allowed indoor smoking were exposed to levels of air pollution 4.4 times higher than safe annual levels established by the U.S. Environmental Protection Agency (EPA) because of their occupational exposure to tobacco smoke pollution.⁵ Without smoke-free laws, bars and lounges have among the highest concentrations of SHS of all public spaces – exposing bartenders to even greater levels of SHS than restaurant workers.

Effects of secondhand smoke in bars

² U.S. Department of Health and Human Services (HHS). *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

³ HHS. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

⁴ HHS, 2006.

⁵ Travers MJ and Vogl L. *Air Quality Effect of the Kansas Indoor Clean Air Law*. Roswell Park Cancer Institute. January 2011. Available at http://media.khi.org/news/documents/2011_01-21-Kansas_Air_Quality_Testing_Report_2011.pdf. Accessed 9-4-15

When there are no smoke-free policies in effect, levels of SHS in bars are 3.9 to 6.1 times higher than levels measured at office worksites and up to 4.5 times higher than levels in homes with one or more smokers.

Bartenders are more likely than many other workers to report eye, nose, or throat irritation or symptoms. A study examining the effects of SHS exposure in San Francisco, CA, restaurants and bars before the state's smoke-free law took effect found that 74 percent of bartenders surveyed had respiratory symptoms (e.g., wheezing, cough, etc.), and 77 percent had sensory irritation symptoms (e.g. red, teary, or irritated eyes, runny nose, sneezing, sore or scratchy throat, etc.)⁶

The evidence shows that implementing smoke-free policies has immediate benefits for restaurant and bar workers' health. The Surgeon General reports that in high-risk settings such as bars, smoke-free policies can lead to reductions of 80-90% of SHS exposure.⁷ Additional studies examining the impact of specific smoke-free laws have similar findings:

- In Wisconsin, three to six months after the implementation of the statewide smoke-free law, nonsmoking bar workers experienced a significant improvement in respiratory health.⁸
- The percentage of hospitality workers exposed to SHS declined from 91% to 14% in just a single year after New York's smoke-free law went into effect. The amount of time that hospitality workers were exposed to SHS on the job decreased by 98%—from 12.1 hours to 0.2 hours. Reports of one or more sensory symptoms—affecting the eyes, nose, or throat—declined from 88% to 38% just one year after the smoke-free law took effect.⁹
- Nonsmoking bar and restaurant employees in Oregon communities without smoke-free laws had higher levels of a tobacco-specific lung carcinogen than similar workers in communities with a smoke-free law in effect. Workers in communities without smoke-free laws also had higher levels of the carcinogen after their work shift than they did previously.¹⁰

⁶ Eisner MD, Smith AK, and Blanc PD. *Bartenders' Respiratory Health After Establishment of Smoke-Free Bars and Taverns*. JAMA 1998; 280(22): 1909-1914.

⁷ IHHHS. *The Health Consequences of Smoking – 50 Years of Progress: A report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Center for Diseases Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

⁸ Palmersheim K A, Pfister KP, and Glysch RL. *The Impact of Wisconsin's Statewide Smoke-free Law on Bartender Health and Attitudes*. University of Wisconsin, Milwaukee, Center for Urban Initiatives and Research, 2010.

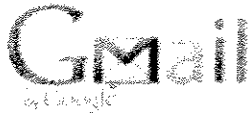
⁹ Farrelly MC, Normemaker JM, Chou R, et al. *Changes in Hospitality Workers' Exposure to Secondhand Smoke Following the Implementation of New York's Smoke-Free Law*. Tobacco Control 2005; 14: 236-241.

¹⁰ Stark MJ, Rohde K, Maher JF, et al. *The Impact of Clean Indoor Air Exemptions and Preemption Policies on the Prevalence of a Tobacco-Specific Lung Carcinogen Among Nonsmoking Bar and Restaurant Workers*. American Journal of Public Health 2007; 97: 1457-1463

- A study of Minnesota hospitality workers showed that after implementation of a smoke-free law, concentrations of a SHS indicator in the bloodstream decreased by more than 50 percent in a majority of workers.¹¹

Smoking and tobacco use remains the single most preventable cause of cancer in Guam. We remain committed to reducing the burden of cancer in Guam through public policies that are proven to keep people healthy and remain cancer free. We urge the committee to consider Bill 143 as another tool to protect the health and well-being of Guam's residents and visitors alike.

¹¹ Jensen JA, Schillo BA, Moilanen MM, et al. *Tobacco Smoke Exposure in Non-smoking Hospitality Workers Before and After a State Smoking Ban*. *Cancer Epidemiol Biomarkers Prev* 2010; 19(4): 1016-1021.



Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Anti-smoking legislation comment

1 message

Patrick Nelson <pat@clubusaguam.com>

Tue, Sep 15, 2015 at 9:01 PM

To: "aguon4guam@gmail.com" <aguon4guam@gmail.com>, "senatordrodriguez@gmail.com" <senatordrodriguez@gmail.com>, "senatorTonyada@guamlegislature.org" <senatorTonyada@guamlegislature.org>, "senatorsannicolas@gmail.com" <senatorsannicolas@gmail.com>, "speaker@judiwonpat.com" <speaker@judiwonpat.com>, "marycamachotorres@gmail" <marycamachotorres@gmail>, "senator@senatorbjcruz.com" <senator@senatorbjcruz.com>, "senatorunderwood@guamlegislature.org" <senatorunderwood@guamlegislature.org>, "senator@tinamunabames.com" <senator@tinamunabames.com>, "roryforguam@gmail.com" <roryforguam@gmail.com>, "office@senatorada.org" <office@senatorada.org>, "brantforguam@gmail.com" <brantforguam@gmail.com>, "mjespaldonesq@gmail.com" <mjespaldonesq@gmail.com>, "tommy@senatormorrison.com" <tommy@senatormorrison.com>, "frank.blasjr@gmail.com" <frank.blasjr@gmail.com>
Cc: roxanne b <roxguam@hotmail.com>, PATRICK NELSON <nelsonpatrick@hotmail.com>

From : Patrick Nelson

Night clubs on Guam cater to many different people. If one club wants to allow smoking, those that do not want to go in that club don't have to. The clubs they surveyed for this article are not the clubs that cater to the tourists who are mainly from China, Japan and Korea where smoking is a really big thing. We are now moralizing these other countries with the self interest of a few people who probably never go to the Globe, Green Lizard, The Pentagon, Club U.S.A., Club G-Spot, Club 4-Play, Shamrocks where many, many local, military and Asian tourists do go every night of the week. Several years ago when we raised the drinking age to 21 we lost many tourists who were between 18 and 21 because they couldn't come here and drink. It was a little like a spring break for them. Then a law was passed to close all the clubs at 2:00 a.m. every night of the week. This killed the most valuable hours of any night clubs business on Guam as most of the Owners did close and follow the law.

Then some of the clubs who were in serious danger of losing it all decided to stay open until 4 or 5 or 6:00 a.m. everyday of the week in defiance of the law. They became the most busy clubs on Guam. On any given night they are packed out wall to wall and the government is defenseless to close them. This still goes on today. (How do I know this, you ask? Because I go to them regularly as its the party time on Guam. Best time of any night going out.) Now we want to make all bars and clubs No Smoking. Why?

What's the benefit except for the ones that don't smoke. Well that's about 10% of any clubs business so we are punishing the 90% who make up our customer base for the 10%. You know what? They have a ride down in Tumon that's called slingshot. I watch many people walk by and look at it. Some pay to ride it. Other think about it, laugh nervously and walk on up the street. This is the same with the clubs. If smoking is allowed in one club then those that don't want to come in can walk on up the street to a club that has No Smoking.

Many of us spent a lot of money opening clubs and outlasting any typhoon, street construction and just the many pitfalls of doing business because we saw a customer base which could support us over time. Now we see these new laws just chipping away at our customer base. And it doesn't matter whether its a local bar, a million dollar nightclub, or strip club or Karaoke club, most of the customers are smokers who go to these venues. So just like raising the Taxes on alcohol and then raising the drinking age to 21 (they say in order to get more highway funds!!!! Listen to the news folks. Highway funds are diminishing and will continue to diminish on Guam as the US mainland embarks on a super rehabilitation of the Highways, Freeways and bridges all across America. What was the amount of highway funds we received in the 4 years before we did all of this and the 4 years since. really doubt it is much different. Would like to see the official numbers. Have we seen a big decrease in DUI's? More so from the mandatory jail time than the closing of the clubs at 2:00 a.m.

My organization and people I do business with have closed 9 different clubs as a direct result of diminished sales due to raising the age of drinking to 21 and more so to closing the businesses at 2:00 a.m. 7 days a week. We have more and more ready to close in the next year or two also. This law will

probably speed that up for some of them.

We are seeing a maturing on Guam in the night club sector since the late 60's and 70's when there were literally hundreds of clubs all over the island. Many of them with Bands and others that were Strip Shows and even more were Karaoke bars for the tourists and local bars in most villages. This has changed big time and as time goes on we will see more changes and I feel the people of Guam are mature enough at 21 to decide if they want to work or enter a nightclub or bar that allows smoking. When the law was changed from 18 to 21 the legislature decided you had to be 21 to make a healthy decision to drink. Can't the smokers who have to be 21 to enter these establishments, away from little children, toddlers, and teenagers, also decide for themselves whether they want to enjoy the nightclub and bar environment. They do not have to work or enter any place that allows smoking if they don't want too. A simple solution to a problem that shouldn't exist.

Another way to make sure no one under 21 can get near cigarette smoke is to change the law so that no one under 21 may patronize any nightclub or business that sells alcohol. This makes the divider line definite and final.. They can work there if between 18 and 21 if they so choose but they cannot patronize (become customers) any place that allows cigarettes or alcohol.

We in the industry would love to see some of our hours given back. If not the 4:00 a.m. on weekend and holiday nights, how about 3:00 a.m. every night. Hawaii has most clubs close at 2:00 a.m. but they also do have special Cabaret Licenses which cost 5 times the price of a regular ABC License. They are limited in Number, but allow those places to stay open until 5:00 a.m. as Hawaii saw the need for an extended nightlife for its tourists when they originally changed their laws back in the day.

Sorry for the long comment but just wanted to get all this out there from the real nightclubs perspective whose customers are 90% tourists from Asia

Patrick Nelson

Clubs of Guam, Inc.

671-688-6235



COMMITTEE ON RULES

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MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Judith T.P. Won Pat, Ed.D.
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Benjamin J.F. Cruz
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Legislative Secretary
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Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.O. San Nicolas
Member

Senator
Nerissa Bretaña Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 143-33 (COR) – Dennis G. Rodriguez, Jr., Judith T. Won Pat, Ed.D., R. J. Respicio, T. R. Muña Barnes, Brant T. McCreadie, V. Anthony Ada, B. J.F. Cruz, Tommy Morrison, N. B. Underwood, Ph.D., "AN ACT TO AMENDS § 77302 OF ARTICLE 3, CHAPTER 77 AND §§ 90105, 90107, 90109, AND 90114 OF CHAPTER 90, BOTH OF TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW §§ 9010.1 AND 90109.2 TO CHAPTER 90, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE NATASHA PROTECTION ACT OF 2005 TO SMOKING REGULATIONS; PROVIDING INCREASED ENFORCEMENT; AND PROVIDING FOR ENFORCEMENT TRAINING.**,"- on July 14, 2015. COR hereby certifies that BBMR confirmed receipt of this request July 14, 2015 at 11:41 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 143-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

November 13, 2015
Date



COMMITTEE ON RULES

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VICE CHAIRPERSON
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Member

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Senator
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Frank Blas Agnon, Jr.
Member

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Michael F.O. San Nicolas
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Senator
Nerissa Bretana Underwood
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V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

July 14, 2015

VIA E-MAIL

joey.calvo@bbmr.guam.gov

Jose S. Calvo
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes – Bill Nos. 143-33(COR) and 144-33(COR)

Hafa Adai Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os mi'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
143-33 (COR)	Dennis G. Rodriguez, Jr. Judith T. Won Pat, Ed.D. R. J. Respicio T. R. Muña Barnes Brant T. McCreadie V. Anthony Ada B. J.F. Cruz Tommy Morrison N. B. Underwood, Ph.D.	AN ACT TO AMEND § 77302 OF ARTICLE 3, CHAPTER 77 AND §§ 90105, 90107, 90109, AND 90114 OF CHAPTER 90, BOTH OF TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW §§ 9010.1 AND 90109.2 TO CHAPTER 90, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE NATASHA PROTECTION ACT OF 2005 TO SMOKING REGULATIONS; PROVIDING INCREASED ENFORCEMENT; AND PROVIDING FOR ENFORCEMENT TRAINING.
144-33 (COR)	Frank F. Blas Jr. James V. Espaldon	AN ACT TO ADD A NEW § 4123, CHAPTER 4, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING FEDERAL RECEIPTS REPORTING REQUIREMENTS.



COMMITTEE ON RULES

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Senator

Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

July 20, 2015

Senator

Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

Speaker

Judith TP. Wain Pat, Ed.D
Member

Vice-Speaker

Benjamin J.F. Cruz
Member

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Legislative Secretary

Fina Rose Muñoz Barnes
Member

Subject: **Referral of Bill No. 145-33(COR)**

Senator

Dennis G. Rodriguez, Jr.
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 145-33(COR)**.

Senator

Frank Blas Agoson, Jr.
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Senator

Michael F.Q. San Nicolas
Member

Should you have any questions, please feel free to contact our office at 472-7679.

Senator

Nerissa Britania Underwood
Member

Si Yu'os Ma'åse!

V. Anthony Ada
MINORITY LEADER

Attachment

Mary C. Torres
MINORITY MEMBER

I Mina Trentai Tres Na Laheklaturan Received
 Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	COMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
145-33 (COR)	Dennis G. Rodriguez, Jr	AN ACT AUTHORIZING THE WOMEN, INFANTS AND CHILDREN'S PROGRAMS AND THE BUREAU OF ECONOMIC SECURITY, DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO UTILIZE JOINDER AND MUTUAL USE PROCUREMENTS BY REPEALING AND REENACTING § 5126 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED	07/20/15 2:51 p.m.	07/20/15	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement			



Joe Mesngon <joe@toduguam.com>

FIRST NOTICE OF PUBLIC HEARINGS on Friday, Sept. 11, 2015

Joe Mesngon <joe@toduguam.com>

Wed, Sep 2, 2015 at 3:40 PM

To: phnotice@guamlegislature.org

September 2, 2015

MEMORANDUM

To: All Senators

From: Senator Dennis G. Rodriguez, Jr.

Subject: FIRST NOTICE of PUBLIC HEARINGS

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will conduct a hearing on Friday, September 11, 2015 at the Public Hearing Room of I Liheslatura.

The Committee will hear and accept testimony on the following:

9am

- The Executive appointment of Ms. Sharon Davis as a Member of the Guam Memorial Hospital Authority Board of Trustees.
- Bill No. 72-33 (COR) - **D.G. Rodriguez, Jr.**- An act to *amend* Section 9(c) of Public Law 32-054, relative to requiring that the National Clinical Mental Health Counselor Exams for licensure Mental Health Counselor.
- Bill No. 168-33 (COR) - **F.B. Aguon, Jr. / D.G. Rodriguez, Jr.**- An act to add a new subsection (q) to § 3218, amend subsections (f) and (g) of § 3218.1, and add a new subsection (h) to § 3218.1, all of article 2, chapter 3, title 10, Guam Code Annotated, relative to increasing the penalties for non-compliance and adding reporting mechanisms to better ensure enforcement.

10:30am

- Status Hearing with Guam Economic Development Authority to provide an update on the Hotel Occupancy Tax Bond Projects: Guam Museum construction and Flood Mitigation project in Tumon.

2pm

- Bill No. 143-33 (COR) - **D.G. Rodriguez, Jr. / J.T. Won Pat, Ed.D. / R.J. Respicio / T.R. Muña Barnes / B.T. McCreadie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.**- An act to *amend* §§77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to *add* a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

Individuals who wish to submit written testimony may address: Sen. Dennis G. Rodriguez, Jr., Chairman, and send to senatorrodriquez@gmail.com or deliver to 176 Serenu Ave. Suite 107 Tamuning, Guam or the Legislature's Mailroom at 155 Hessler Pl. Hagatna, Guam.

Individuals who may require special accommodations are asked to contact 649-8638/0511 no later than 48 hours prior to the hearing.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Health, Economic Development,
Homeland Security and Senior Citizens

I Mina'trontai Tres Na Lihelaturan Guahan

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Joe Mesngon <joe@toduguam.com>

SECOND NOTICE of Public Hearing, Friday, Sept. 11, 2015

1 message

Joe Mesngon <joe@toduguam.com>
To: phnotice@guamlegislature.org

Tue, Sep 8, 2015 at 8:36 PM

September 8, 2015

MEMORANDUM

To: All Senators, media & members of the public
From: Senator Dennis G. Rodriguez, Jr.
Subject: SECOND NOTICE of Public Hearing

Hafa Adai!

The Committee on Health, Economic Development, Homeland Security and Senior Citizens will conduct a hearing on Friday, September 11, 2015 at the Public Hearing Room of I Liheslatura.

The Committee will hear and accept testimony on the following:

9am

- The Executive appointment of Ms. Sharon Davis as a Member of the Guam Memorial Hospital Authority Board of Trustees.
- Bill No. 72-33 (COR) - **D.G. Rodriguez, Jr.**- An act to *amend* Section 9(c) of Public Law 32-054, relative to requiring that the National Clinical Mental Health Counselor Exams for licensure Mental Health Counselor.
- Bill No. 168-33 (COR) - **F.B. Aguon, Jr. / D.G. Rodriguez, Jr.**- An act to add a new subsection (q) to § 3218, amend subsections (f) and (g) of § 3218.1, and add a new subsection (h) to § 3218.1, all of article 2, chapter 3, title 10, Guam Code Annotated, relative to increasing the penalties for non-compliance and adding reporting mechanisms to better ensure enforcement.

10:30am

- Status Hearing with Guam Economic Development Authority to provide an update on the Hotel Occupancy Tax Bond Projects: Guam Museum construction and Flood Mitigation project in Tumon.

2pm

- Bill No. 143-33 (COR) - **D.G. Rodriguez, Jr. / J.T. Won Pat, Ed.D. / R.J. Respicio / T.R. Muña Barnes / B.T. McCreddie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D.**- An act to *amend* §77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to *add* a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

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Individuals who may require special accommodations are asked to contact 649-8638/0511 no later than 48 hours prior to the hearing.

Si Yu'os Ma'ase!

Joseph A. Q. Mesngon

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Public Hearing Notice Listserv
phnotice@guamlegislature.org (Media, All Senators, and Staff)

Updated: August 31, 2015

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SENATOR DENNIS G. RODRIGUEZ, JR.

PUBLIC HEARING AGENDA

Friday, September 11, 2015 9am and 2pm Public Hearing Room, / Liheslatura

I. Call to order

II. Items for public consideration:

9:00 A.M.

- The Executive Appointment of Ms. Sharon Davis as a Member of the Guam Memorial Hospital Authority Board of Trustees.
- **Bill No. 168-33 (COR)** – Introduced by F.B. Aguon, Jr. / D.G. Rodriguez, Jr. - An act to add a new subsection (g) to § 3218, amend subsections (f) and (g) of § 3218.1, and add a new subsection (h) to § 3218.1, all of article 2, chapter 3, title 10, Guam Code Annotated, relative to increasing the penalties for non-compliance and adding reporting mechanisms to better ensure enforcement.
- Status Hearing with Guam Economic Development Authority to provide an update on the Hotel Occupancy Tax Bond Projects; Guam Museum construction and Flood Mitigation project in Tumon.

2:00 P.M.

- **Bill No. 143-33 (COR)** – Introduced by D.G. Rodriguez, Jr. / J.T. Won Pat, Ed.D. / R.J. Respicio / T.R. Moña Barnes / B.T. McCreadie / V.A. Ada / B.J.F. Cruz / T. Morrison / N.B. Underwood, Ph.D. - An act to amend § 77302 of Article 3, Chapter 77 and §§ 90105, 90107, 90109, and 90114 of Chapter 90, both of Title 10, Guam Code Annotated and to add a new §§ 9010.1 and 90109.2 to Chapter 90, Title 10, Guam Code Annotated, relative to expanding the Natasha Protection Act of 2005 to smoking regulation; providing increased enforcement; and providing for enforcement training.

III. Adjournment

Thank you for your participation in today's hearing.