

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>118-32 (COR)</b>	D. G. Rodriguez, Jr. B.J.F. Cruz V. Anthony Ada Michael F.Q. San Nicolas Judith T. Won Pat, Ed.D R.J. Respicio Brant T. McCreddie Tommy Morrison T.R. Muña-Barnes	AN ACT RELATIVE TO ALCOHOL BEVERAGE CONTROL, TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT", BY ADDING NEW §§ 3123, 3124 AND 3125 TO ARTICLE 1, CHAPTER 3, 11 GCA; TO AMEND § 3207, AND ADD §§ 3212.1, 3230, 3231, AND 3232 TO ARTICLE 2, CHAPTER 3, 11 GCA; TO AMEND 11 GCA §3613; AND, ADD A NEW (h) TO §2105, ADD A NEW (c) TO § 2106, ADD A NEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD].	5/16/13 9:27 a.m.	5/16/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	6/13/13, 5:30pm		<b>Fiscal Note Requested 5/21/13</b>  <b>Fiscal Note Received 6/19/13</b>



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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2013 JUN 19 AM 10:31

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

June 19, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

## Memorandum

Senator  
Vicente (Ben) C. Pangelinan  
Member

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

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**From: Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Senator  
Dennis G. Rodriguez, Jr.  
Member

**Subject: Fiscal Notes**

Vice-Speaker  
Benjamin J.F. Cruz  
Member

*Hafa Adai!*

Attached please find the waiver for the bill numbers listed below.  
Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

### FISCAL NOTE:

Bill Nos. 89-32(COR), 108-32COR), 118-32(COR), and 129-32(COR)

Senator  
Frank Blas Aguon, Jr.  
Member

### WAIVER:

Bill No. 99-32(COR)

Senator  
Michael F.Q. San Nicolas  
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

*Si Yu'os ma'åse'!*

Senator  
Aline Yamashita  
Member

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNOR

JUN 17 2013

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 108-32(COR), 118-32(COR), and  
Fiscal Note Waiver on the following Bill Nos.: 99-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 118-32 (COR)**

**AN ACT RELATIVE TO ALCOHOL BEVERAGE CONTROL TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT", BY ADDING NEW §§ 3123, 3124 AND 3125 TO ARTICLE 1, CHAPTER 3, 11 GCA; TO AMEND § 3207, AND ADD §§ 3212.1, 3230, 3231, AND 3232 TO ARTICLE 2, CHAPTER 3, 11 GCA; TO AMEND 11 GCA §3613; AND, ADD A NEW (h) TO §2105, ADD A NEW (c) TO § 2106, ADD A NEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD].**

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Revenue & Taxation	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	9,164,180
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (\$686,717) / Better Public Service Fund (\$1,390,554)	2,077,271
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$11,241,451</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$561,985,725	\$0	\$561,985,725
FY 2013 Appro. (P.L. 31-233)	(\$548,971,874)	\$0	(\$548,971,874)
Sub-total:	\$13,013,851	\$0	\$13,013,851
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$13,013,851</b>	<b>\$0</b>	<b>\$13,013,851</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / x / Yes      / / No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A      / / Yes      / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ / x / N/A
- Does the Bill establish a new program/agency? / / Yes      / x / No  
If yes, will the program duplicate existing programs/agencies? / x / N/A      / / Yes      / / No  
Is there a federal mandate to establish the program/agency? / / Yes      / x / No
- Will the enactment of this Bill require new physical facilities? / / Yes      / x / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes      / / No  
/ x / Requested agency comments not received as of the due date      / / Other:

Analyst: Michael M. Aflague, B&M Analyst IV Date: 6/13/13 Director: John A. Bios, Director Date: JUN 14 2013

See attachment for revenue generating provisions.

*Handwritten:* 6/13/13

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note Bill No. 118-32 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	1/	\$0	\$0	\$0	\$0
Special Fund [various - see comments]	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Total</b>	1/	\$0	\$0	\$0	\$0

**Comments:**

1/ The Bureau anticipates increases to the government's revenue base through applicable fees established by § 3207 of Article 2, Chapter 3, Title 12 and penalties per Sect 3613(d) of Article 6, Chapter 3, Title 11 GCA. The projected impact involves the number of businesses requiring training and applicable licenses relative to the number of employees/managers employed by such business less tuition fee. The Bureau has contacted the Department of Revenue and Taxation; however, information has not been received as of these comments.



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Senator  
Aline Yamashita  
Member

May 21, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Note– Bill Nos. 117- 119 (COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos 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 ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 MAY 21 PM 2:02

Bill Nos.	Sponsor	Title
<b>117-32 (COR)</b>	T.R. Muña Barnes, J.T. Won Pat, Ed.D., Brant T. McCreadie	AN ACT TO AMEND §§3705 AND 3707 OF ARTICLE 7, CHAPTER 3, TITLE 16 GCA, RELATIVE TO EXPANDING THE DUTIES OF THE GUAM POLICE DEPARTMENT COMMUNITY ASSISTED POLICING EFFORT (CAPE) VOLUNTEERS TO INCLUDE ENFORCEMENT OF THE HANDBILLING ACT, AND FOR OTHER PURPOSES
<b>118-32 (COR)</b>	D.G. Rodriguez,Jr. B.J.F. Cruz V. Anthony Ada Michael F.Q. San Nicolas J.T. Won Pat, Ed.D Rory J. Respicio Brant McCreadie Thomas Morrison Tina Muna-Barnes	AN ACT RELATIVE TO ALCOHOL BEVERAGE CONTROL, TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT", BY ADDING NEW §§ 3123, 3124 AND 3125 TO ARTICLE 1, CHAPTER 3, 11 GCA; TO AMEND § 3207, AND ADD §§ 3212.1, 3230, 3231, AND 3232 TO ARTICLE 2, CHAPTER 3, 11 GCA; TO AMEND 11 GCA §3613; AND, ADD A NEW (h) TO §2105, ADD A NEW (c) TO § 2106, ADD A NEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD].
<b>119-32 (COR)</b>	V. Anthony Ada Chris M.Duenas	AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9 GCA RELATIVE TO HOME INVASION.



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Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

May 16, 2013

### MEMORANDUM

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

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject: Referral of Bill No. 118-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 118-32(COR)**.

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 Dos na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*










Attachment



**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

Bill No. 118-32 (cor)

Introduced by:

D. G. Rodriguez, Jr.   
B.J.F. Cruz   
V. Anthony Ada   
Michael F.Q. San Nicolas   
J.T. Won Pat, Ed.D.   
Rory J. Respicio   
Brant McCredie   
Thomas Morrison   
Tina Muna-Barnes 

**AN ACT RELATIVE TO ALCOHOL BEVERAGE CONTROL, TO BE KNOWN AS “THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT”, BY ADDING NEW §§ 3123, 3124 AND 3125 TO ARTICLE 1, CHAPTER 3, 11 GCA; TO AMEND § 3207, AND ADD §§ 3212.1, 3230, 3231, AND 3232 TO ARTICLE 2, CHAPTER 3, 11 GCA; TO AMEND 11 GCA §3613; AND, ADD A NEW (h) TO §2105, ADD A NEW (c) TO § 2106, ADD A NEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD].**

2013 MAY 16 AM 9:27

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

**Section 1. Legislative findings and intent.** *I Mina'Trentai DOS Na Liheslaturan Guåhan* finds hundreds of bars, clubs, stores and restaurants across the island engage in the sale and service of alcoholic beverages thousands of times a day. For the individuals and corporations that hold these licenses the sale of alcoholic beverages can be a very lucrative business. These license holders also play a key role in the hospitality and retailing sectors of Guam's economy, providing jobs for our people and tax revenue for the government.

The privilege to sell alcoholic beverages also comes with certain responsibilities, including adherence to the rules and regulations the government enacts to protect the health and safety of all who live and visit here.

1            *I Mina'Trentai DOS Na Liheslaturan Guåhan* also finds that there is  
2 abundant statistical and anecdotal evidence pointing to unacceptably high levels of  
3 criminal and societal problems that can be traced to the irresponsible sale, service,  
4 and consumption of alcoholic beverages.

5            This evidence includes arrest data provided by GPD and the published  
6 results of unannounced and undercover enforcement actions conducted by ABC  
7 that shows there are many employees, both those who are licensed by ABC and  
8 those who are not ABC licensed, who routinely ignore, willfully violate, or fail to  
9 understand their legal responsibilities when serving or selling alcoholic beverages.

10           High on the list of complaints are service to minors, after hour sales, and  
11 sales to intoxicated individuals at both on-premises and off-premises licensed  
12 establishments.

13           *I Mina'Trentai DOS Na Liheslaturan Guåhan* finds further that there is  
14 growing public impatience with people who consume alcoholic beverages outside  
15 off-premise licensed stores and other public places where the consumption of  
16 alcoholic beverages is prohibited at all hours of the night and day.

17           *I Mina'Trentai DOS Na Liheslaturan Guåhan* finds that there is also great  
18 public concern about persistent problems such as drunk drivers who injure and/or  
19 kill people on our roadways; intoxicated individuals involved in assaults, fights,  
20 stabbings, shootings or other crimes, and underage drinking; including instances  
21 where these problems can be traced back to the irresponsible sale and service of  
22 alcoholic beverages.

23           There have been many efforts to combat these problems from both the  
24 public and private sectors of the community, but yet these problems still negatively  
25 impact the quality of life for those who live here and tarnish our island's reputation  
26 in the eyes of Guam's visitors.

27           *I Mina'Trentai DOS Na Liheslaturan Guåhan* finds that generally these  
28 alcohol enforcement programs overlook the importance of the proper education

1 and training of point of sale employees, both servers and sellers, their supervisors  
2 and managers.

3

4 It is the intent of *I Mina'Trentai DOS Na Liheslaturan Guåhan* to provide  
5 for the proper education and training of point of sale employees, both servers and  
6 sellers, their supervisors and managers, by joining the dozens of other U.S. states  
7 that mandate responsible server/seller training for workers who serve or sell  
8 alcoholic beverages, their supervisors, and managers.

9 It is the intent of *I Mina'Trentai DOS Na Liheslaturan Guåhan* to ensure that  
10 those licensed to serve or sell alcoholic beverages to the public, in particular  
11 holders of Class 4, 5, 6, 7, 9, 10, 11, and 12 ABC Licenses, have in their employ  
12 servers and sellers appropriately trained to comply with Guam's ABC laws.

13 Under the law employees who serve or sell alcoholic beverages have legally  
14 mandated responsibilities including but not limited to preventing the sale of  
15 alcoholic beverages to persons under 21 years of age, recognizing falsified  
16 identification documents, denial of service to intoxicated or unruly person, and the  
17 enforcement of hours of service and sale of alcoholic beverages.

18 The legislature recognizes that these employees are being asked to fill a  
19 vitally important role in keeping our island safe and the transactions they conduct  
20 can have extraordinary and even tragic consequences at the point of sale and  
21 beyond, yet there is no standardized classroom training to help them understand  
22 and execute their responsibilities or keep them mindful of the key role they play in  
23 the upholding of community standards related to the service and sale of alcoholic  
24 beverages.

25 It is the intent of *I Mina'Trentai DOS Na Liheslaturan Guåhan* for  
26 standardized server/seller classroom training to be widely available and easily  
27 accessible for employees who serve or sell alcoholic beverages workers and for  
28 that training to be a requirement for obtaining an ABC Alcohol Employee License.

1           **Section 2.** A new §3123, §3124, and §3125 are added to Article 1 of  
2 Chapter 3, Title 11, Guam Code Annotated, to read:

3           “**§ 3123. Alcohol Employee.** Alcohol employee means a person employed  
4 by any on-sale or off-sale Licensee who sells or serves alcoholic beverages, or who  
5 supervises others who sell or serve alcoholic beverages. This includes, but is not  
6 limited to, bartenders, waitresses, waiters, hostesses, hosts, cashiers, check out  
7 clerks, supervisors, and managers of holders of Class 4, 5, 6, 7, 9, 10, 11, and 12  
8 ABC Licenses.

9           **§ 3124. Alcohol Server/Seller Training Program.** Alcohol server/seller  
10 training program means a classroom only educational program offered by a non-  
11 profit organization, community college, or university that has been approved by the  
12 Administrator under regulations promulgated by the Board. Such regulations *shall*  
13 include, but not be limited to, the content of the program, certification of  
14 instructors of the program, and testing and methods of presentation, and as further  
15 provided pursuant to 3 GAR Chapter 2 [Alcoholic Beverage Control Board].

16           **§3124.1. Delegation of Authority.** (a) The Administrator, with the  
17 approval of the Board, may enter into an agreement with a non-profit organization,  
18 community college, or university with an authorized program to conduct an  
19 Alcohol Server/Seller Training program on behalf of the Board, to include:

- 20           (1) Verification of qualifications;
- 21           (2) The collection of fees for application and licensure, as provided  
22           pursuant to §3207 of this Chapter, on behalf of the Board,  
23           notwithstanding 3 GAR §2101(d), which shall not be applicable in  
24           this instance;
- 25           (3) The issuance of a Guam Alcohol Beverage Control Alcohol  
26           Employee License on behalf of the Board; and

(4) The accounting and remittance of requisite fees collected for application and licensure, the full sum of which shall be paid to the Treasurer of Guam; the act of which shall be deemed compliant with 11 GCA, Chapter 3, §3515.

(b) Prior to remitting the fees collected pursuant to this Section to the Treasurer, the authorized non-profit organization, community college, or university shall deduct and retain from the fees collected the cost for tuition for the Alcohol Server/Seller Training program.

**§ 3125. Manager.** All class 4 on-sale establishments shall have a duly registered manager or assistant manager on the premises, in the absence of the licensee, and during the hours from 7:00 p.m. daily until closing.

**Section 3:** §3207 of Article 2, Chapter 3, Title 12, Guam Code Annotated, is amended, to read:

**“§ 3207. Licenses: Classes and Fees.** The Board is authorized to issue the following classes and kinds of licenses at the following fees:

Class 1. Manufacturer’s license	\$100.00 per year
Class 2. Agent’s license	\$250.00 per year
Class 3. Wholesale dealer’s license	\$1,000.00 per year
Class 4. Retail dealer’s on-sale license:	
Beer	\$300.00 per year
General	\$1,000.00 per year
Wine	\$300.00 per year
Manager/Assistant Manager	<u>\$60.00 per 3 years</u> <del>\$25.00 per year</del>
<u>Alcohol Employee</u> <del>Waiter/Waitress</del>	<u>\$60.00 per 3 years</u> <del>\$15.00 per year</del>

1	Class 5. Retail dealer's off-sale license:	
2	Beer	\$200.00 per year
3	General	\$1,000.00 per year
4	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
5		
6	Class 6. Special Alcoholic license	\$25.00 per year
7	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
8	Class 7. Temporary beer license	\$ 20.00 per day
9	but not to exceed	\$100.00 per event
10	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
11		
12	Class 8. Public warehousemen's license	\$50.00 per year
13	Class 9. Club license	\$500.00 per year
14	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
15	Class 10. Temporary general license \$ 50.00 per day, but not to exceed	
16	\$100.00 per event	
17	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
18	Class 11. Microbrewery-pub restaurant license \$1,000.00 per year	
19	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
20	Class 12. Mobile License:	
21	(a) Limousine Service – per vehicle	\$ 750.00 per year
22	(b) Charter Vehicle (Vans) – per vehicle	
23	Up to ten (10) passengers	\$500.00 per year
24	(c) Charter Vehicle (Vans) - per vehicle	
25	More than ten (10) passengers	\$750.00 per year
26	(d) Buses -per vehicle	\$1,000.00 per year
27	(e) <u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
28	<u>Class 13. Alcohol Server/Seller training program</u>	<u>\$200.00 per year</u>

1           **Section 4:** A new §3212.1 is added to Article 2, Chapter 3, Title 12, Guam  
2 Code Annotated, is hereby amended, to read:

3           **“§ 3212.1. Alcohol Employee License, Term and Portability.** Except as  
4 otherwise provided for a violation as provided pursuant to this Chapter, the License  
5 for an Alcohol Employee *shall*:

- 6           (a) be valid for a term of three (3) years;
- 7           (b) be portable to additional or other premises;
- 8           (c) be on the employee at all times when performing any duties  
9 involving the service or sale of any class of alcohol, as provided  
10 for and defined pursuant to Article 1 of this Chapter; and
- 11          (d) include the declaration that the holder has completed ABC Board  
12 approved “Alcohol Server/Seller Training Program.
- 13          (e) be issued by the Alcohol Server/Seller training program.”

14           **Section 5:** A new §3230, §3231, and §3232 are added to Article 2 of  
15 Chapter 3, Title 12, Guam Code Annotated, to read:

16           **“§ 3230. Alcohol Employee License.**

17           (a) An Alcohol Employee License shall be required for all persons who sell  
18 or serve, supervise or manage those who sell or serve alcoholic beverages for  
19 holders of Class 4, 5, 6, 7, 9, 10, 11, and 12 ABC Licenses.

20           (b) A Temporary Alcohol Employee License may be issued to an employee  
21 who has registered for an ABC Board approved Alcohol Server/Seller Training  
22 Program. The Temporary Alcohol Employee License expires in 30 days or when  
23 the Alcohol Employee License is issued, whichever is sooner.

24           (1) A dated receipt from an ABC Board approved Alcohol  
25 Server/Seller Training Program indicating enrollment and the scheduled  
26 date, time, and location of training shall be considered a Temporary Alcohol

1 Employee License. The receipt shall also state, “Temporary Alcohol  
2 Employee License”, and shall contain the notation that the temporary license  
3 *shall* expire within thirty (30) days of issuance.

4 **§ 3231. Manager License.** An Alcohol Beverage Control Manager License  
5 shall be required for all managers or assistant managers. Every manager must  
6 provide the Board and their employer with proof that the manager has successfully  
7 completed an ABC Board approved Alcohol Server/Seller Training Program.  
8 Proof for the employer shall be satisfied by the possession of a valid Alcohol  
9 Beverage Control Manager or Assistant Manager License which shall include the  
10 declaration, that the holder has completed and ABC Board approved “Alcohol  
11 Server/Seller Training Program.

12 **§ 3232. Alcohol Server/Seller Training Program License.** An Alcohol  
13 Server/Seller training program license shall be issued to alcohol server/seller  
14 training programs that have been approved by the administrator.”

15 **SECTION 6:** Section 3613 of Article 6, Chapter 3, Title 11, Guam Code  
16 Annotated, is amended, to read:

17 **“§ 3613. Same: Hearing.**

18 (a) The Board, upon receipt of the report required in §3612, shall, as soon  
19 as practicable, hold a hearing on such report.

20 (b) The Board shall impose a penalty on a licensee found guilty of  
21 violating any of the provisions of this Chapter amounting to One Thousand Five  
22 Hundred Dollars (\$1,500.00) for the first offense; Two Thousand Five Hundred  
23 Dollars (\$2,500.00) for the second offense; and Three Thousand Five Hundred  
24 Dollars (\$3,500.00) for the third offense. For the fourth offense, the Board may  
25 impose a penalty of up to Ten Thousand Dollars (\$10,000.00), but not less than



1 Five Thousand Dollars (\$5,000.00), and a forty-eight (48) hour suspension for  
2 every subsequent offense. Contingent on the severity of any violation, the Board  
3 may use its discretion and suspend or revoke the license of any licensee found  
4 guilty of violating any of the provisions of this Chapter.

5 (c) In addition to the ~~aforementioned~~ fines in Subsection (b) of this  
6 Section, the Board shall suspend, for a period of not less than thirty (30) days and  
7 no more than ninety (90) days, the license of any licensee found guilty of violating  
8 §3413 of this Chapter as a second offense. The Board shall revoke the license of  
9 any licensee found guilty of violating §3413 of this Chapter as a third offense.

10 (d) The Board shall suspend an Alcohol Employee's license for Seven (7)  
11 days for a first offense of §3212.1(c) and (d), and/or §3230, of this Chapter; A  
12 suspension of an Alcohol Employee's license for Fourteen (14) days and a One  
13 Hundred Fifty Dollar (\$150) fine for a second offense, and revocation of the  
14 employee's Alcohol Employee Server/Seller Training Card for the third offense."

15 **Section 7:** A new Subsection (h) is added to §2105 of Chapter 2, Title 3,  
16 Guam Administrative Rules and Regulations, to read:

17 "(h) Class 4, class 5, class 6, class 7, class 9, class 10, class 11 and class 12  
18 ABC Licensees shall not hire or employ any employee that does not have a valid  
19 Alcohol Employee License from an approved server/seller training program twelve  
20 (12) months from the effective date of this act, provided, however:

21 (1) a current, ABC License shall continue to be valid until expiration,  
22 but licensee shall be required to have taken the Alcohol Server/Seller  
23 training program prior to license renewal. Further, the unexpired license  
24 *shall not* be portable, as provided pursuant to §3212.1(b) which only applies  
25 to a licensee who has passed an Alcohol Server/Seller training program."

1           **Section 8:** A new subsection (c) is added to §2107 of Chapter 2, Title 3,  
2 Guam Administrative Rules and Regulations, to read:

3           “(c) The Administrator shall approve classroom alcohol server/seller  
4 training programs that meet the regulations duly promulgated by the Board  
5 pursuant to 11 GCA §3124.”

6           **Section 9:** A new Section §2111 is added to Chapter 2, Title 3, Guam  
7 Administrative Rules and Regulations, to read:

8           **“§ 2111. Responsibilities of Alcohol Server/Seller Training Programs.**

9           (a) No alcohol server/seller training program will offer or conduct alcohol  
10 server/seller training classes until they have received written approval from the  
11 administrator.

12           (b) All alcohol server/seller training programs shall apply for approval from  
13 the Administrator by submitting their complete program, including instructor  
14 manuals, student manuals, videos and any other materials that are used for the  
15 program.

16           (c) The curriculum of an alcohol server/seller training program *shall*  
17 include, at a minimum, all of the following topics:

- 18           (1) The ethics and responsibilities of serving alcoholic beverages;
- 19           (2) Basic alcohol content among different types of drinks containing  
20 alcoholic liquor;
- 21           (3) The clinical effects of alcohol including the identification of  
22 progressive stages of intoxication and the visible signs associated with  
23 each stage;
- 24           (4) Variables associated with visible intoxication, including the rate of  
25 drinking, tolerance, weight, food consumption, gender, and use of  
26 other drugs;

- 1 (5) Procedures for monitoring consumption, personal skills to prevent  
2 intoxication and intervention procedures;
- 3 (6) Acceptable forms of personal identification, techniques for  
4 determining the validity of identification, and procedures for dealing  
5 with fraudulent identification;
- 6 (8) Personal skills to assess the need to ask for identification based on  
7 appearance and company policy;
- 8 (9) The identification of potential third-party sales and furnishing of  
9 alcoholic liquor to minors by persons 21 years of age or over;
- 10 (10) The understanding of possible legal, civil, and administrative  
11 consequences of violations of this act, the rules of the Board, and  
12 other pertinent laws;
- 13 (11) How to identify at place of employment spirits and other alcoholic  
14 beverage products not intended for resale or commercial distribution  
15 outside of military bases, and procedures for reporting these violations  
16 to the Board;
- 17 (12) The understanding of Guam laws pertaining to minors attempting to  
18 purchase, minors in possession, and third-party sales or furnishing of  
19 alcoholic liquor by adults to minors;
- 20 (13) Knowledge of the legal hours of alcohol service and occupancy;
- 21 (14) Identification of signs of prohibited activities, such as gambling,  
22 solicitation for prostitution and drug sales; and
- 23 (15) Any other pertinent laws as determined by the Board or  
24 Administrator;

25 (d) The alcohol server/seller training program shall administer a  
26 comprehensive examination to participants of the program, including individuals  
27 seeking certification as instructors within the program. The examination shall  
28 thoroughly test the individual's knowledge and competency in the curriculum

1 topics required by the board. The minimum passing grade for the examination  
2 participants in the program shall be not less than 75%. For instructor certification  
3 the passing grade shall be not less than 85% for instructors. All tests shall be  
4 approved by the Administrator.

5 (e) The alcohol server/seller training program shall issue an Alcohol  
6 Employee License to the student who successfully completes the program.  
7 Certification shall be valid for term of three (3) years.

8 (f) The alcohol server/seller training program shall issue an instructor  
9 certification card to all instructors that have been certified by the program that shall  
10 be valid for a term of three (3) years and shall notify the board or administrator.  
11 The alcohol server/seller training program shall immediately notify the Board or  
12 Administrator when an instructor is no longer certified by the program.

13 (g) The alcohol server/seller training program shall make available all  
14 records of students, instructors and certifications to the Board and the  
15 Administrator.

16 (h) The Administrator may rescind approval of any server/seller training  
17 program that fails to continue to meet these requirements or fails to pay the yearly  
18 fee set by the Board.

19 (i) The administrator shall not approve online alcohol server/seller training  
20 programs.”

21 **Section 10: Effective Date.** This act *shall* become immediately effective  
22 upon enactment.

23 **Section 11. Phased implementation for enforcement.** (a) The Board *shall*  
24 promulgate the requisite rules and regulations mandated pursuant to 11GCA §3124

1 within one-hundred-fifty (150) calendar days of the effective date of this Act.

2 (b) With the approval by the Administrator of a classroom alcohol  
3 server/seller training program, and the actual commencement of program  
4 availability, *then*, the compliance, enforcement and penalty provisions of this Act  
5 *shall* become effective within twelve (12) calendar months of the effective date of  
6 this act.

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