



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam. 32-14-1680

MAY 23 2014

5.23.14
4:50 pm
[Signature]

2014 MAY 27 AM 8:56
[Signature]

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 264-32 (COR) "AN ACT TO ADD A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO AMEND § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS" which I signed into law on May 21, 2014 as **Public Law 32-160**.

Senseramente,

[Signature]

RAYMOND S. TENORIO

I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

1680

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governorofguam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

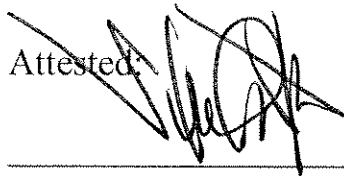
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 264-32 (COR)**, "AN ACT TO *ADD A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO AMEND § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS,*" was on the 9th day of May, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



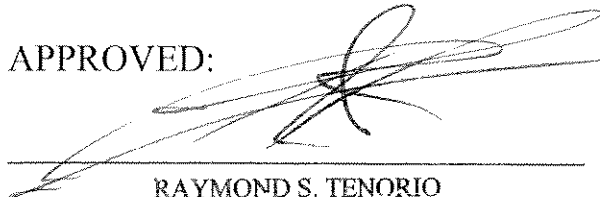
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May,
2014, at 2:43 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. 32-160

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 264-32 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.
Brant T. McCreadie
T. C. Ada
R. J. Respicio
T. R. Muña Barnes
V. Anthony Ada
Tommy Morrison
Chris M. Dueñas

FRANK B. AGUON, JR.
B. J.F. Cruz
Michael T. Limtiaco
Vicente (ben) C. Pangelinan
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the increasing popularity and unregulated distribution of electronic cigarettes
4 is resulting in its widespread utilization by the youth in our island community.

1 *I Liheslaturan Guåhan* finds that it has clearly been scientifically determined
2 that nicotine is a harmful and highly addictive drug, the use of which may lead to
3 illness or premature death.

4 *I Liheslatura* further finds that the prevalent belief that e-cigarettes are
5 simply safe smoke cessation devices is not applicable when considered within the
6 context of its use by a minor. Although the matter of regulation has not yet been
7 determined by the U.S. Food and Drug Administration, its utilization by minors is
8 a reverse application of a product which leads to addiction, not the cessation of
9 tobacco product utilization. The current usage of e-cigarettes has been reported to
10 be highly prevalent amongst Guam’s middle and high school students.

11 A number of states, principally California, Colorado, and Maryland, have
12 succeeded in passing legislation banning the sale of electronic cigarettes to minors.
13 Likewise, the states of Hawaii, Iowa, and New York have pending legislation
14 under consideration with the similar intent of banning the sale or distribution of
15 these products to minors.

16 *I Liheslaturan Guåhan* finds that electronic cigarettes contain nicotine,
17 which is a highly addictive substance, as is similarly found in tobacco products.
18 For the purposes of this Act, *I Liheslaturan Guåhan* duly notes that according to
19 the U.S. Food and Drug Administration, “electronic cigarettes”, also known as “e-
20 cigarettes”, are battery operated products designed to deliver nicotine, flavor and
21 other chemicals. They turn nicotine, which is highly addictive, and other chemicals
22 into a vapor that is inhaled by the user.

23 It is the intent of *I Liheslaturan Guåhan* to include, regulate and prohibit,
24 under Title 11 GCA, Chapter 6, the sale or distribution of electronic cigarettes to a
25 minor, or possession by a minor. It is, further, the intent of *I Liheslaturan Guåhan*
26 that the prohibition pursuant to this Section *solely* pertains to minors, and *shall not*

1 prohibit the use or possession of an electronic cigarette by a person eighteen (18)
2 years of age or older.

3 It is the intent of *I Liheslaturan Guåhan* to protect Guam’s youth from
4 nicotine addiction, as well as the potentially harmful effects of chemicals present in
5 unregulated e-cigarette devices, by prohibiting the sale or distribution of electronic
6 cigarettes to, or use by minors. It is, further, the intent to accomplish this objective
7 by regulating electronic cigarettes along with tobacco products for the purposes of
8 the enforcement of this prohibition, which *shall* apply *solely* to minors.

9 **Section 2.** A new Subsection (l) is hereby *added* to § 6101 of Article 1,
10 Chapter 6, Title 11, Guam Code Annotated, to read:

11 “(l) *Electronic cigarettes*, also known as *e-cigarettes*, are battery
12 operated products designed to deliver nicotine, flavor and other chemicals.
13 They turn nicotine, which is highly addictive, and other chemicals into a
14 vapor that is inhaled by the user. For the purposes of this Chapter, and the
15 prohibition pertaining *solely* to a minor pursuant to § 6400, tobacco products
16 *shall* also be deemed to include and *shall* be similarly applicable to
17 electronic cigarettes.”

18 **Section 3.** § 6400 of Article 4 of Chapter 6, Title 11, Guam Code
19 Annotated, is hereby *amended* to read:

20 “§ 6400. **Sale or Distribution of Tobacco Products and**
21 **Electronic Cigarettes to Minors Prohibited.**

22 It *shall* be a violation of this Chapter for any person to sell or
23 distribute tobacco products or electronic cigarettes to minors. It *shall not* be
24 a violation of this Chapter for any person to refuse to sell or distribute
25 tobacco products or electronic cigarettes to any person whom the seller or
26 the distributor reasonably believes to be under twenty-seven (27) years of

1 age, and who is unable to produce acceptable photographic identification
2 and proof that he is over the age of eighteen (18) years.

3 The sale or distribution of electronic cigarettes to minors, or its
4 possession by a minor, is prohibited and *shall* be regulated and enforced
5 pursuant to this Chapter. Any provision of this Chapter applicable to the
6 regulation and prohibition of the sale or distribution of tobacco products to a
7 minor, or possession by a minor, *shall* be applicable to electronic cigarettes,
8 and *shall* be regulated and enforced in the same manner as tobacco products,
9 to include the applicability of all penalties and fines.

10 (a) Vending machines selling tobacco products or electronic
11 cigarettes *shall* be located so that they are accessible *only* to persons
12 over the age of eighteen (18), or are under the constant, direct
13 supervision and unobstructed line of sight of the person authorizing
14 the installation or placement of the tobacco or electronic cigarette
15 vending machine upon the premises he manages or otherwise controls,
16 or his agent or employee. Said supervising adult *shall* ensure that
17 minors *do not* purchase tobacco products or electronic cigarettes from
18 vending machines. A person who authorizes the installation or
19 placement of the tobacco or electronic cigarette vending machine
20 upon premises he manages, or otherwise controls, and who knows or
21 should know that the tobacco or electronic cigarette vending machine
22 will likely be used by minors, *shall* be liable if minors purchase
23 tobacco products or electronic cigarettes from said machines.

24 (b) A licensee or an employer may distribute tobacco
25 products or electronic cigarettes to any employee who handles
26 tobacco products or electronic cigarettes in the course of the
27 commercial distribution or sale of the products. In any proceeding for

1 the suspension or revocation of any license, and based upon a
2 violation of this Section, proof that the defendant licensee or his agent
3 or employee demanded and was shown, before furnishing any tobacco
4 product or electronic cigarette to a minor, an identification card, *shall*
5 be a defense to the charges.”

6 **Section 4. Severability.** *If* any provision of this law 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 law which can be
9 given effect without the invalid provisions or application, and to this end the
10 provisions of this law are severable.

11 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.