



*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
OFISINAN I MAGA LAHI  
AGANA, GUAM 96910 U.S.A.

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 3/8/94  
TIME: 8:25 AM  
RECD BY: JERRY

MAR 04 1994

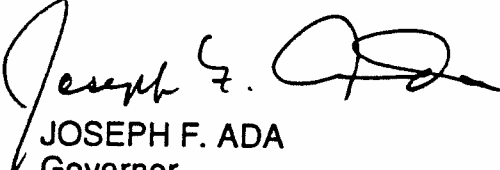
REFER TO  
LEGISLATIVE SECRETARY

The Honorable Joe T. San Agustin  
Speaker, Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 792, which I have signed into law this date as  
Public Law 22-90.

Sincerely yours,

  
JOSEPH F. ADA  
Governor

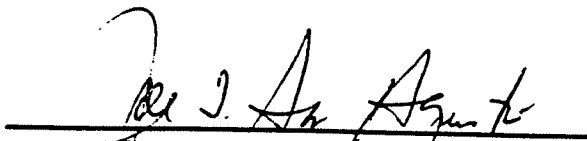
220568

Attachment

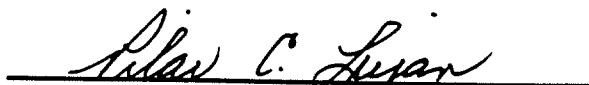
TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

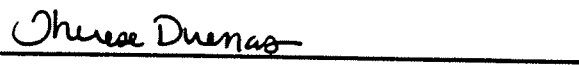
This is to certify that Substitute Bill No. 792 (LS), "AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM CODE ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM," was on the 18th day of February, 1994, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 23rd day of February,  
1994, at 4:02 o'clock P.M.

  
\_\_\_\_\_  
Theresa Duenas  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: MAR 04 1994

Public Law No. 22-90

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

Bill No. 792 (LS)

As substituted by the Committee on Health,  
Ecology and Welfare

Introduced by:

C. T. C. Gutierrez  
A. C. Blaz  
M. D. A. Manibusan  
M. Z. Bordallo  
V. C. Pangelinan  
J. T. San Agustin  
J. P. Aguon  
T. C. Ada  
E. P. Arriola  
H. D. Dierking  
P. C. Lujan  
T. S. Nelson  
D. Parkinson  
E. D. Reyes  
F. E. Santos  
D. L. G. Shimizu  
J. G. Bamba  
D. F. Brooks  
F. P. Camacho  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM  
CODE ANNOTATED, TO BAN SMOKING ON AIRLINE  
FLIGHTS TO AND FROM GUAM.

1        **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2        **Section 1. (a) Legislative intent.** It is most important to restrict  
3 smoking in areas of employment where employees are forced to spend a great  
4 portion of their day in order to insure their health and welfare. It is also

1 important to have regard for the health of passengers on airlines, where a  
2 large portion of time is spent in an enclosed area.

3 Much research over the course of many years has established the health  
4 hazards of passive smoking, which means breathing air laden with tobacco  
5 smoke set free in the atmosphere when parties other than the passive  
6 recipient of smoke are engaged in the act of smoking. These health hazards  
7 include respiratory damage, heart and circulatory problems, cancer, and  
8 others. Also, some members of the public are exceptionally sensitive to  
9 smoke, and suffer from allergies and asthma.

10 Employees are more and more aware of these health risks, and desire to  
11 work in a healthy environment, free of hazards. Airline passengers, as  
12 members of the general public are also aware of the health hazards of smoke,  
13 and desire the right to avoid smoke and the accompanying health hazards of  
14 passive smoking.

15 In order to insure a healthy working environment for those residents of  
16 Guam who are employees in the airline industry and who travel to and from  
17 Guam on a regular basis confined to the small enclosed space of an airplane  
18 cabin with no possibility of air separation for the duration of their working  
19 hours, and in order to ensure the health of airline passengers confined to the  
20 same small enclosed space for a number of hours, it is necessary to ban  
21 smoking on flights to and from Guam.

22 Federal regulations already ban smoking on flights between any two  
23 points within the area composed of Puerto Rico, the U. S. Virgin Islands, the  
24 District of Columbia, and the forty-eight contiguous states of the United  
25 States, which prohibition does not include Guam. Federal regulations also  
26 ban smoking on flights that are scheduled in the current *Official Airline Guide*  
27 to be six hours or less in duration and are between Puerto Rico, the U. S.

1 Virgin Islands, the District of Columbia, the forty-eight contiguous states of  
2 the United States and any point in Alaska or Hawaii. This prohibition also  
3 does not include Guam. Federal regulations, however, specifically provide  
4 that "[n]othing in this regulation shall be deemed to require U. S. or foreign  
5 carriers to permit the smoking of tobacco aboard aircraft." See Title 14, Code  
6 of Federal Regulations, §252.1.

7 In addition to the bans already in effect by the Federal government, the  
8 International Civil Aviation Organization has adopted a resolution which  
9 would ban smoking on flights not already covered by the Federal government  
10 by 1996.

11 In order to extend the bans placed into effect by the Federal  
12 government, and to ready Guam for the inevitable ban which will take placed  
13 in 1996, this local law is enacted to fill in the gap.

14 (b) **Ban on smoking on airline flights to and from Guam.** A new  
15 §89105.1 is added to Chapter 89, Title 10, Guam Code Annotated, to read:

16 **"§89105.1. Prohibition of smoking on airline flights to and from**  
17 **Guam.** Smoking is prohibited on board the aircraft of any flight that  
18 takes off and lands on Guam, from the point of embarkation to the  
19 point of debarkation, for the duration of the flight to and from Guam.  
20 Notwithstanding any other provision of this Chapter, the prohibition in  
21 this §89105.1 shall be enforced by the airline personnel operating the  
22 aircraft in the same manner as any other rule or regulation authorized  
23 to be enforced by airline personnel in regard to passenger behavior on  
24 board aircraft."

# TWENTY-SECOND GUAM LEGISLATURE

1994 (SECOND) Regular Session

Date: 2/18/94

## VOTING SHEET (AS REVISED)

Bill No. 792  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.		✓		
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.		✓		

TOTAL 19 2 \_\_\_\_\_



February 15, 1994



TWENTY SECOND  
GUAM LEGISLATURE

The Honorable  
Joe T. San Agustin  
Speaker  
22nd Guam Legislature

**via: Committee on Rules**

Dear Speaker:

The Committee on Health, Ecology & Welfare, to which was referred Bill 792, AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM CODE ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM, herein reports back with the recommendation **TO DO PASS AS SUBSTITUTED.**

Dr. DAVID L.G. SHIMIZU  
Senator

CHAIRMAN:

Committee on

Health,

Ecology

and

Welfare

10 \_\_\_\_\_ To Pass

0 \_\_\_\_\_ Not To Pass

0 \_\_\_\_\_ To The Inactive File

0 \_\_\_\_\_ Abstained

0 \_\_\_\_\_ Off-Island

0 \_\_\_\_\_ Not Available

324 West Soledad Ave.  
Suite 202,  
Agaña, Guam  
96910

Telephone:  
(671)472-3543/44/45

Facsimile:  
(671)472-3832

Sincerely,

  
Dr. David L.G. Shimizu

Enclosures

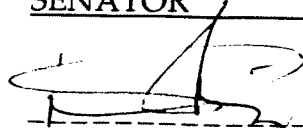

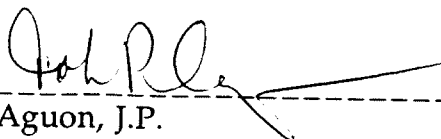
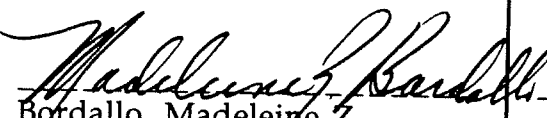

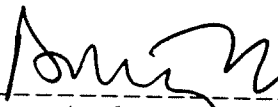
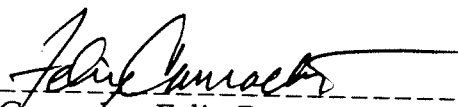

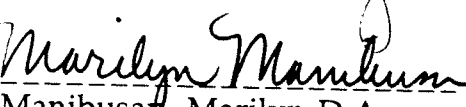
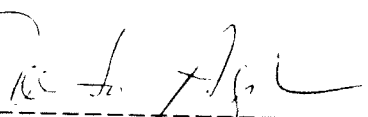


VOTE SHEET

Committee on Health, Ecology & Welfare

Substitute Bill NO. 792 AN ACT TO ADD 5 NEW §89105.1 TO TITLE 10, GUAM CODE ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM.

SENATOR TO PASS <sup>NOT TO</sup> ~~NOT TO~~ PASS ABSTAIN FILE

SENATOR	TO PASS	<sup>NOT TO</sup> <del>NOT TO</del> PASS	ABSTAIN	FILE
 Shimizu, David L.G.	✓			
 Arriola, Elizabeth P.	✓			
 Aguon, J.P.	✓			
 Bordallo, Madeleine Z.	✓			
 Brooks, Doris F.	✓			
 Blaz, Anthony	✓			
 Camacho, Felix P.	✓			
 Dierking, Herminia				
 Manibusan, Marilyn D.A.	✓			
 San Agustin, J.T., Speaker	✓			



## ORAL TESTIMONIES IN SUPPORT OF BILL 792

### BY KAREN BEASELY-IVES (FLIGHT ATTENDANT) OF CONTINENTAL AIR MICRONESIA

I am here in support of Bill 792. I represent my fellow co-workers which are flight attendants and pilots who are day by day being subjected to clouds of toxic cigarette smoke. I also represent the many complaining passengers that we try to console when they have a hard time tolerating the air quality in the plane.

I am here to present a few facts needed in the implementation of a new law. First, secondhand smoke is responsible for thousands of deaths every year. This is fact and no longer speculation. The United States Environmental Protection Agency has stated that there is no safe level of secondhand smoke. Second, World Health Organization also came up with the same results and recommends a total ban on smoking on all international flights all over the world, which is being proposed by the ICAO (International Civil Aviation Organization) effective no later than July 1, 1996.

We are suffering from headaches, sinus infections, allergic reactions, constant flu and colds which are proven consequences when subjected to secondhand smoke. Some of us have found through our doctors to have very black lungs but have never smoked any cigarette in our lives.

The government of Guam has already implemented the smoking law that protects non-smokers in their workplace. It is stated in Public Law 21-139, Section 89105: Prohibition of smoking in public places. Smoking shall be prohibited in all enclosed public places including but not limited to the following places: elevators, buses, taxicabs, airplanes, and other means of public transit and ticket boarding and waiting areas of public transport depots.....

Yes, we are all tired of laws that protect us from ourselves but are we really ready to give up laws that protect us from each other? Do we really need a NO DRINKING & DRIVING LAW? Okay, it is fine to drink or smoke as much as you want but when you get into a car, you are endangering me or my loved ones. Now, we know that it is just the same when you smoke along with many others in an enclosed

Secondhand smoke is a Class A carcinogen and is blamed for killing 44,000 people per year. Its toxins affects youngsters in particular. The Environmental Protection Agency estimates that secondhand smoke causes 1 million asthmatic attacks/year, 300,000 respiratory infections that lead to 15,000 hospitalizations, particularly among our children.

A person's right to a quick cigarette ends when it threatens the health of innocent bystanders and even more so when those bystanders are youngsters.

I have heard the controversy of this bill and some of the arguments that we flight attendants knew the risks when we took the job. But this is simply not true. When we took the job some of us have been on board for 5 to 20 years. Secondhand smoke research was not known at that time. It has not been discovered and only in the past 2 to 3 years has it been proven that passive smoking is a certain health hazard. This is why other airlines have voluntarily terminated smoking from their flights. Starting March 1st, all Cathay Pacific Airways flights between Hongkong and Europe will be no smoking flights. This highly rated airline began experimenting with no smoking flights in 1990 and they found that they were a great success. In Japan, many of the domestic flights are no smoking flights. Asiana airlines has banned smoking aboard all flights up to 6 1/2 hours effective January 1st of this year. This also includes the 6 hours and 20 mins. flight between Seoul and Singapore, as well as services to Japanese cities. It has been reported that Korean Air will ban smoking aboard its flight to Canada, sometime early 1994.

Airlines in our region are competing to be known as fresh airlines, 100% non-smoking. These airlines are acting without specific legislative mandates in the international arena. They are acting in the interest of their passengers' and employees' health and consumer demand. Because of the competitive nature of all airline companies to and from Guam, the law must pertain to all aircraft and not left to company policy.

I believe that the airlines really do want to ban smoking particularly here on Guam because they incur substantial cost in cleaning and maintenance and lost of work due to sick time shortages.

They are afraid though that their competitors will somehow use the ban against them to increase market share. Only through legislation can we provide the level playing field that they desire.

Smoking has been banned in the other territories. Puerto Rico and Virgin Islands do not permit smoking on flights both to and from the mainland, and of course our Federated States of Micronesia has also banned smoking.

Another argument that I have heard is that to ban smoking in our flights will negatively affect tourism in an already depressed economy. But all the factors used to select a vacation destination, I do not feel that being able to smoke on board the aircraft on the way to that vacation destination is really high on the passenger's list. In fact, several domestic flights in Japan and again increasing number of international flights are already non-smoking.

I see our passengers holding handkerchiefs over their noses sometimes for the entire duration of the flight.

The most active new trend in tourism is "eco tourism" or "green tourism". What a perfect complement to our GVB ads which highlight our beaches and pristine environment for our visitors to start their journey on a smoke free aircraft!

The real issues affecting tourism on Guam are typhoons, earthquakes, the high cost of hotel rooms, and taxi-rip offs; and not the smoking bans. Guam has passed a no smoking law in public places and it should be implemented aboard all aircraft as well. In recent years, most workplaces has been made safe from secondhand smoke, a proven health hazard. Yet, this is not so for flight attendants.

We are your nieces and nephews, brothers and sisters, sons and daughters. We live right here on Guam. We are your neighbors. We are Chamorro, white, Filipino, Chinese, Japanese, Koreans and other islanders. We are 400 in number in just my airline alone and growing. We are depending upon the wisdom of our legislators to do what is right, here. That is to allow us the same clean air to breathe as you have granted yourselves.

With the passing of Bill 792 into legislation, please, we beg of you, this is the single most important issue affecting our work lives.

**BY AMBER MESLOH (FLIGHT ATTENDANT) OF CONTINENTAL AIR MICRONESIA**

I am a flight attendant based here on Guam and I am exposed to a great concentration of secondhand smoke also known as an environmental tobacco smoke or ETS.

We work in very close quarters with no where to hide from or escape from smoke. The flight attendants are exposed to greater concentrations of ETS than what normally can be found in an average workplace. Yet, others are protected while we are not.

I have with me a large collection of evidence which shows that ETS is now officially irrefutable. There are reports from the EPA, the American Cancer Society, Centers for Disease Control, and the Surgeon General.

One can not truly appreciate my plight unless they have to endure it as I do everytime I go to work. Everyone on Guam except on smoking sections on restaurants and bars is protected from the pain of ETS. They can work in comfort not suffering from the effects of ETS which include allergy, asthma, burning eyes, smoky clothes and hair, or the more frightening long term consequences.

The movement today is clearly towards eliminating toxins in everyone's workplace. Why should my workplace be an exception? I am very concerned about what the effects of smoke is, on my health. I am asking you to weigh the evidence presented to you supporting the cause against any argument anyone else could possibly offer.

Please understand and do not forget that while smokers have the right to smoke their health away, they should not have the right to do it anywhere if it affects anyone but those who choose to participate.

I feel the right to smoke ends where my air supply begins.

**BY STAN MCGAHEY (WORKED IN THE TOURISM INDUSTRY AS A TOUR OPERATOR, JOURNALIST AND PROFESSOR; HIS WIFE IS A FLIGHT ATTENDANT)**

I have heard it said, that being a flight attendant, you have to take the consequences of secondhand smoke. But I think, that mentality went out with coal miners with black lungs.

This morning, I have heard a lot of testimonies so I will just add a little bit. On the radio, on John Anderson's talk show, one of Guam's

major tourism leaders talked about this bill. He was opposed to it. He even made an analogy of this to a man who was going to buy a Rolls Royce but was told that he can not buy a stereo, making him decide not to take the car. Therefore, it is just like saying, if you can not smoke on a flight to Guam then you would not come to Guam.

This is what I can say to that: If you want to buy the Rolls Royce and you were told you have to buy a stereo and that stereo should be tuned on all the time even if the music is playing so loud and obnoxiously, then a lot of people would not buy a Rolls Royce.

I lived in Korea for almost 10 years. I can tell you the reason why Korean tourists come to Guam because they are looking for blue skies, white clouds, and young unpolluted atmosphere.

I have this tremendous feeling whenever I arrive in Guam, as soon as I step off the airplane and it is daylight and you look around -- THIS IS PARADISE. I would like to see that image extended when you get on the airplane back in Seoul, to have a pollution free environment, FLY IN HERE.

Couple of year ago, I was invited to Brazil to attend an International Tourism Conference, and I was given first class ticket round trip between Seoul and Rio de Janeiro. First class sounded great until I got on the airplane. Even though, there was just one row of smokers in first class, it was horrible. The flight was 12 to 16 hours, it seemed like forever. I spent most of my time looking for a seat in the non-smoking section back in economy. But even there the smoke filters throughout the aircraft. So I would stand somewhere in the aisle to avoid the smoke. To carry it a little bit further, even though Brazil is a great country with a lot of appeal, because of the smoke everywhere, it is one of the last places I would visit again.

**BY JESSE LUJAN (HEALTH AND FITNESS COORDINATOR) OF THE DEPARTMENT OF PARKS AND RECREATION & (PRESIDENT) OF THE NATIONAL FEDERATION OF BODY BUILDERS**

I applaud Senator Gutierrez on this bill and for all the senators who participated in passing Public Law 21-139.

I have been on the island for 2 years and I thought I would not see this day for the clean indoor air act. Bill 792 is an extension of P.L. 21-139.

As body builders we have traveled extensively in both Northwest and Continental Airlines. Because we are sponsored by the airlines, we do not have the opportunity to choose our seats. Usually we are seated near the smoking section, and being seated in this area for several hours affects our physical condition so much which is very much needed by body builders to compete.

In the last 1992 Olympics in Barcelona, the officials proclaimed the games smoke-free, and it did not affect the economy at all. Just like here on Guam, I do not believe that this bill will in any way affect tourism and the economy of the island.

**BY CHRISTIE ANDERSON (EXECUTIVE DIRECTOR) OF THE AMERICAN CANCER SOCIETY, GUAM UNIT**

One of the initial studies to make a link between exposure to secondhand smoke and negative health effects was done in Japan. Non-smoking wives of heavy smokers in Japan was the group understudy. Those women had an 80% chance of acquiring lung cancer. This high percentage was attributed to the small size of Japanese homes and apartments which were so enclosed just like an airplane.

There have been a number of court cases in U. S. where employees have taken their employers to court. They claim that the employer's policy of allowing smoking in the workplace have negatively affected their health.

Most of the law suits were settled in favor of the employee against the employer, where the employee can demonstrate the negative impact and where the employee had it so informed the employer but the employer had either done nothing or had taken inadequate measures to protect the health of their employees.

The critical issue here is most of the people who fly in and out of Guam are certainly at risk. But the flight attendants and crew members are at a greater risk compared to the general public.

**BY O. V. NATARAJAN (PRIVATE CITIZEN)**

My personal involvement in this cleaning the air happened 25 years ago. I was the administrator of the Air Pollution Program Commission, I worked for the World Health Organization and I am presently working for the Department of Public Health and Social Services and this Clean Indoor Air Program is under my jurisdiction.

On Guam, vital statistics showed that for the past 5 years, there are 76 deaths per year from lung cancer, which can be due to smoking.

I am for smoking only on one condition: "As long as the person who sucks the cigarette does not put out the smoke, he can then smoke." The reason for this is that when a person sucks a cigarette the temperature and burning increases making the combustion of pollutants caused by the cigarette more efficient. Therefore, secondhand smoke produces a lot of carbon monoxide.

My view on the effect of this bill on tourism is only a lame excuse with no weight. As for the its effect on the laws on jurisdiction, I think this can be solved by having some interphase between the Federal government and the International Air Transport Association. With this kind of coordination, this will fill any gap that is present.

My worry is when this bill is passed into law, how will the enforcement be? Since this will be attached to the present Clean Indoor Air Act, wherein we give a ticket to the violator; who will give the ticket to a violator inside the aircraft. We should find the chain of command to enforce the law and provide a good mechanism for the enforcement.

I am happy to seat down and help in the committee that will think of ways in terms of enforcement.

## **SUMMARY OF WRITTEN TESTIMONIES FOR BILL 792**

### **TESTIMONY AGAINST THE BILL BY KENNETH L. CARRIVEAU (PRESIDENT) OF GUAM HOTEL AND RESTAURANT ASSOCIATION**

The Guam Hotel and Restaurant Association recognizes the bill's desire to protect airline passengers and employees from secondhand smoke, but opposes the bill because it will affect the industry of tourism in the island. It claims that most of the visitors from Asian countries are smokers, that making the flights smoke-free

will send a subliminal message to tourists saying: "*ATTENTION SMOKERS, You are not welcome in Guam.*" It says that since hotel occupancies at present are below 60%, this bill will aggravate the decline of tourists coming here.

In addition, the Association has doubts that the government of Guam has jurisdiction over airspace above international waters and sovereign nations. It is recommending that the proposed legislation should be revised to affect only the route between Guam and Hawaii to augment the U. S. Code.

But as a whole, the Guam Hotel and Restaurant Association recommends that Bill 792 should not be passed.

**TESTIMONY AGAINST THE BILL BY PETER ADA (CHAIRMAN) OF GUAM VISITORS BUREAU**

The Guam Visitors Bureau Board of Directors is opposed to this bill because it will have an adverse impact upon Guam's visitor arrival numbers by imposing restrictions on potential visitors to the island.

**NON-COMMITTAL TESTIMONY BY ROBERT LAMANSKY (DIRECTOR GOVERNMENT AFFAIRS - INTERNATIONAL) OF NORTHWEST AIRLINES AS PRESENTED BY TERRY DEBOUD**

Northwest agrees with the undesirable effects of smoking and continues to be an industry leader in banning smoking on its flights. The airlines also recognizes the well-meaning objective of Bill 792.

It is raising its concerns on the improbability of enforcing a smoking ban by a local government like Guam against either U. S. or International Airlines.

Northwest Airlines also claims that in the event that the government of Guam could force a U. S. flag airline to comply with the local regulation, it will deny the U. S. airline a fair and equal opportunity to compete against a non-U. S. airline.

The Airline did not give any stand on the bill.

**TESTIMONIES FOR THE BILL ARE THE FOLLOWING:**

**BY PETER JOHN D. CAMACHO (ADMINISTRATOR) OF GUAM MEMORIAL HOSPITAL AUTHORITY**



As one of the island's providers, the Authority knows the bad effects of smoking to an individual. As pleased as GMHA was with the passage of the law regulating smoking within public areas, the Guam Memorial Hospital Authority is very much in support of Bill 792, to help safeguard the health of the people.

**BY KEN OLA (A FLIGHT SERVICE COORDINATOR)**

His greatest concern is when he is surrounded with the carcinogenic fumes of secondhand smoke in a very enclosed environment like an airplane, where you can not escape the suffocating and nauseating effect of the fumes.

Just like his co-workers, he appreciates and supports this proposed legislation.

**BY EUGENE SANTOS (A HEALTH EDUCATOR)**

He presented a hand-out on the "Facts About Secondhand Smoke" made by the Centers of Disease Control and Prevention under the U. S. Department of Health and Human Services.

The article gives some of the key facts about secondhand tobacco smoke and its dangers. It says that secondhand smoke is a cause of disease, including lung cancer, in healthy non smokers, killing 3,000 adult nonsmokers every year. Secondhand smoke causes many signs and symptoms like coughing, phlegm, chest discomfort, reduced lung function, eye discomfort like itching, reddening and watering.

Benefits of a smoke-free workplace is also discussed in the article. The greatest reward is the removal of all the health risks associated with secondhand tobacco smoke and the immediate benefit of a better-smelling workplace. The business itself will realize several benefits from this policy like protection of a company from possible lawsuits from nonsmoking employees, increased productivity from the employees due to decrease sick leave and the company's life, health and fire insurance premiums may be lower if smoking is not allowed on the premises to name a few.

Based on the hand-out, there are 13 organizations that provide information about the effects of secondhand smoke, assistance in establishing smokefree policies, and advice on stopping smoking.

Mr. Santos agrees with the WHO's objective for the year 2000 which is: HEALTH FOR ALL. He said that this bill follows WHO's objective.

**BY MARY Z. KLESCHEN, M. D. (PRESIDENT, GUAM MEDICAL SOCIETY)**

She was sorry that she could not present the testimony in person due to prior commitments.

On behalf of the Guam Medical Society, she stated that they support the bill, which will be a positive impact on the health of all on board the plane.

Because of well documented data on the deleterious effect of secondhand smoke on health, they recommend that the 6 hour flight time limitation be deleted. They believe that a ban on smoking on ALL FLIGHTS to and from Guam would make Bill 792 an even stronger and more beneficial piece of legislation.

**BY ROBERT R. WRESCH, M. D.. (A PHYSICIAN FROM GUAM SDA CLINIC)**

He wrote about scientific evidences on the deleterious effect of tobacco and its smoke. He said that since 1964 the Surgeon General's report already stated this: "TOBACCO, WHEN USED US DIRECTED, KILLS."

He stated that the division of smoking and non-smoking in the airplane is only good on paper, true mechanics of air circulation in a plane is a different matter.

He has voiced out his opinion on smoking such as: "A smoker has every right to endanger his own health but does not have the right to extend that risk to others" and "If smoking is a dangerous addiction, everyone concerned with public welfare should help the smoker overcome that addiction."

He said: "The federal government has banned smoking on domestic flights, and to label a flight domestic or international would not change the laws of physiology."

He supports Bill 792 strongly and says it is a step in the right direction.

**BY DONALD L. COLEMAN (PILOT) OF CONTINENTAL AIRLINES**

He voiced out that despite the no smoking areas in the aircraft, crew members are still subjected to annoying, life threatening cigarette smoke introduced into the cockpit through the aircraft ventilation system.

He talked about a resolution that was passed by the International Air Transport Association (IATA) in conjunction with the ICAO, the regulatory agency for all international flights. The resolution is about urging member states progressively to implement smoking bans on all international flights as soon as possible, no later than July 1, 1996.

He shared some of the findings of the IATA, which are some of the following:

- The World Health Organization (WHO) has determined that there is no safe level of exposure to tobacco smoke.
- At the 8th World Congress on Tobacco on Health (WCTH), medical experts concluded that *smoking can have adverse physiological effects on both cockpit and cabin crews and that smoking is a hazard to flight safety by inhibiting the ability of crew members to react effectively, particularly in emergencies.*
- Nicotine chewing gums, sprays and dermal patches are available to prevent withdrawal symptoms.

He also voiced his opinion on the objections that will arise with the implementation of this bill. In conjunction with the Passenger Service Department of Continental Micronesia, these were some of the facts that came to light:

- Many smokers are requesting to be seated in the no-smoking section of the aircraft.
- Continental Micronesia has received numerous complaints from all customers, including Japanese, regarding their exposure to cigarette smoke in the aircraft.
- Complaints from smokers regarding unavailability of a seat in the smoking section of the aircraft are unheard of.

Based on the above facts, negative impact on Guam's tourism is pure speculation.

He is fully in support of the bill and he even cited that the implementation of Bill 792 as law offers Guam an opportunity to place themselves at the forefront of a world-wide effort and gain the respect of the International Community.

**BY CURT BOURG (VICE PRESIDENT - CUSTOMER SERVICE) OF CONTINENTAL MICRONESIA**

Continental Micronesia supports the intent of Bill 792. It implemented the FSM (Federated States of Micronesia) law banning smoking. It was determined that there is "concurrent" jurisdiction shared with the U. S. agencies regulating aviation.

It was also discovered that International Civil Aviation Organization (ICAO) passed a resolution banning smoking on international flights by July 1, 1996. For reasons like: employee concerns, industry trends, and governmental mandates.

Continental Micronesia expressed its strong desire to comply with the government of Guam once Bill 792 is passed. It will also coordinate with the CNMI government following the enactment of this law.

**BY THE EMPLOYEES OF CONTINENTAL AIRLINES**

The employees submitted a petition letter with 43 employees' signatures and I. D. numbers to indicate their support of Bill 792 for the elimination of smoking on the aircraft.

**BY SUZANNE HENDRICKS (A PRIVATE CITIZEN) FROM YONA**

She voiced out her opinion on what and how it was twenty years ago when there were no segregation of smokers and non-smokers in aircraft and airport lounges. She described the horrible kind of environment when smoke from tobacco fogs the area making it a noxious atmosphere for people.

Through the present trend of having a smoking section in aircraft, a non-smoker still can not avoid tobacco smoke since smoke simply refuses to stay in the prescribed smoking section. In addition, smokers prefer NOT to be seated in the smoking section; they simply

want to enjoy their cigarette for awhile, then escape to a purer part of the plane.

She said that by enacting this law, this will force ALL airlines to Guam to ban smoking. This means that there will be no unfair advantage to any one company. The tobacco industry would not like this, but they be damned. Tourism and travel would not be affected by this legislation. That is why she is in favor of this bill.

**BY EDUARDO R. LEON GUERRERO, M.D. (VOLUNTEER,  
PROFESSIONAL EDUCATION CHAIRMAN) OF AMERICAN  
CANCER SOCIETY, GUAM UNIT**

As a physician, health educator of cancer and individual consumer, he is in support of the bill because of the following:

- Tobacco use causes cancer, and cancer is the second leading cause of death in the United States.
- Smoking is responsible for:
  - 87% of lung cancer deaths.
  - 82% of deaths from chronic obstructive pulmonary disease,
  - 21% of deaths from coronary heart disease
  - 18% of deaths from strokes
  - 11% of all deaths among women
  - 22% of all deaths among men
- Tobacco use is a risk, contributing and associated factor in the development of cancer of the following:
  - esophagus    oral cavity    kidney    cervix
  - larynx        bladder        pancreas    stomach
- Based on a 1990 Surgeon General's report, Dr. Antonia Novello stated that "smoking represents the most documented cause of disease investigated, thus making tobacco use the single largest preventable cause of cancer."
- Tobacco influenced increase health care cost, cost of lost productivity and missed work, cost of higher insurance premiums, and higher maintenance costs in businesses where employees may smoke. Cost adds up to as much as \$85 billion/year.

- Tobacco smoke exposure has recently become better defined:
  - a. Based on the report of the Environmental Protection Agency on January 7, 1993, tobacco smoke was categorized as a Class A carcinogen -- having the ability to cause cancer in humans.
  - b. Sidestream tobacco smoke is more dangerous because of greater abundance of N-nitrosamines, benzo[a]pyrene, carbon monoxide, nicotine, and heavy metals as compared to mainstream tobacco. In addition sidestream smoke has smaller particles which are capable of being deposited further in the lung tissue.
  - c. Passive smoking is now considered the 3rd leading preventable cause of death. 53,000 non-smokers die/year from smoking related diseases.
  - d. The non-smoker subjected to tobacco smoke has damaged lungs equivalent to smoking up to ten cigarettes/day.
  - e. Based on a research made at the UCSF School of Medicine, it was shown that tobacco smoke exposure increased the amount of arterial fatty deposits in exposed animals, increasing the understanding how passive smoking contributes toward the development of coronary heart disease.
  - f. Environmental tobacco exposure is associated with increased incidence of middle ear infections, worsening of asthma symptoms and impairs the development of lung function.

**BY CLAUDIA LUJAN (A PRIVATE CITIZEN)**

She is a person who is allergic to cigarette smoke. Her testimony is a descriptive account of her experiences with cigarette smoke when aboard a flight. Cigarette smoke affects her so much that she is usually sick upon reaching her destination.

She is very proud that the legislature had the courage to make this bill. This bill will protect the health of the public from secondhand smoke.

**BY THOMAS R. BERKEMEYER (A PRIVATE CITIZEN) FROM 138-B  
BAJA ROAD, IPAN, TALOFOFO**

He is an environmental, health and safety manager of an air carrier. He is in support of the bill and he states that this legislation will remove the perceived risk of air carriers in terms of marketing their airlines.

He made a comment on the opinion of Northwest as to jurisdiction. He feels that this is no problem since he believes that the bill has no perceived issue of unconstitutionality. He believes that this bill would not have any substantial opposition after the overwhelming number of people supporting it and medical evidences that was presented.

**BY GREG SCOTT (PROGRAM MANAGER) AND GORDON L.  
RETZER (GENERAL MANAGER) OF KSDA ADVENTIST WORLD  
RADIO-ASIA**

They are in support of the bill. They describe their unbearable experience when they have to fly with smoking around them. They also mentioned that it is impossible not to be affected by secondhand smoke in a very enclosed area like the aircraft. Lastly, they mentioned that the smoking ban would not affect the airline business as evidenced on the domestic flights.

**BY JOHN M. PHILLIPS (A PRIVATE CITIZEN WHO IS A CPA AND A  
FACULTY) FROM SANTA RITA**

He enumerated the hazards of secondhand smoke. He related this kind of hazard to that of asbestos. He blames secondhand smoke for his bladder cancer that is so expensive to manage. He supports this bill to promote the health of the people on board an aircraft, in particular, flight attendants and crews. He also added that by this act, insurance premiums will go down.

**THOMAS B. DAVIS (A PRIVATE CITIZEN WHO IS A PHYSICAL  
THERAPIST OF SDA CLINIC)**

He is in support of the bill. He stated his experience from patients who are smokers like having longer recovery period post-injury. He is a person allergic to smoke and experiences shortness of

breath and chest tightness whenever he is surrounded by it. That is why he likes this bill to have a smoke free environment, in particular, the airplanes.

### COMMITTEE FINDINGS

The Committee referred Bill 792 to a pilot (Donald Coleman) of Continental Air as to the mechanism of enforcement. According to Mr. Coleman, compliance starts when the NO SMOKING LIGHTS are turned on. Reprisal will be given by the crew members. A verbal warning will be issued by a flight attendant. If the violator would not stop, he/she will then be given a written warning. If the violator still does not want to stop, then a flight crew will come forward and talk to the individual. By this latter action, the job of a flight crew was disrupted and this is a violation of safety. Because of this kind of violation, the person will be penalized.

The Committee also referred Bill 792 to the Bureau of Budget and Management Research (BBMR) as to the fiscal note. According to BBMR they said that if this bill will be passed, it would mirror current federal aviation regulations banning smoking on airline flights to and from Guam. However, adopting such regulations may have an adverse impact on the island's tourist industry. Japan supports the island's largest tourist market which includes a large number of smoking visitors. Flights to and from Japan would be under this proposed legislation.

### COMMITTEE RECOMMENDATION

On Bill 792: AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM CODE ANNOTATED TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM, the Health, Ecology and Welfare Committee hereby recommends that it be amended by: a) deleting the phrase [on those flights where federal regulations have not already been placed in effect] on lines 7 & 8 of Section 1 (a) pg. 2; b) deleting lines 21 up to 27 on page 2 of Section 1 (a) and replacing it with 2 paragraphs to read as: ~~In order to bring the issue of smoking as a health hazard for the employees of the various airlines and as a health hazard to the passengers on airline flights to the public eye, legislation is contemplated to regulate smoking on board aircraft. In order to regulate smoking on flights which are not already regulated by Federal Regulations, it~~



~~is desirable to ban smoking on all flights to and from Guam which are of six (6) hours of duration, or less.]~~

In addition to the ban already in effect by the federal government, the International Civil Aviation Organization has adopted a resolution which would ban smoking on flights not already covered by the federal government by 1996.

In order to extend the ban placed into effect by the federal government, and to ready Guam for the inevitable ban which will take place in 1996, local laws are enacted to fill in the gaps.

c) changing a phrase on lines 4 & 5 of §89105.1 to read as: ~~[any flight scheduled in the current Official Airline Guide to be six (6) hours or less in duration and]~~ "board the aircraft of any flight;" and d) adding a sentence on line 7 of §89105.1 to read as: "Notwithstanding any other provision of this Chapter, the prohibition in this §89105.1 shall be enforced by the airline personnel operating the aircraft in the same manner as any other rule or regulation authorized to be enforced by airline personnel in regard to passenger behavior on board aircraft."

On Bill 792: AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM CODE ANNOTATED TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM, the Health, Ecology & Welfare Committee hereby recommends **TO DO PASS AS SUBSTITUTED.**

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

**Bill No.792**

As Substituted by the Committee on Health, Ecology  
and Welfare

**Introduced by:**

C. T. C. Gutierrez

*A. C. B. LAZ*  
*M. P. A. Mambuan*

AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM CODE  
ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS TO AND  
FROM GUAM.

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

1        **Section 1. (a) Legislative intent.** It is most important to restrict smoking  
2 in areas of employment, where employees are forced to spend a greater  
3 portion of their day, in order to insure the health and welfare of the  
4 employees. It is also important to have regard for the health of  
5 passengers on airlines, where a large portion of time is spent in an  
6 enclosed area.

7            A great deal of research has been developed over the course of  
8 many years detailing the health hazards of passive smoking, which  
9 means breathing air laden with tobacco smoke set free in the  
10 atmosphere when parties other than the passive smoker are engaged in  
11 the act of smoking. These health hazards include respiratory damage,  
12 heart and circulatory problems, cancer, and others. Also, some  
13 members of the public are exceptionally sensitive to smoke, and suffer  
14 from allergies and asthma.

15            Employees are more and more aware of these health risks, and  
16 desire to work in a healthy environment, free of hazards. Airline  
17 passengers, as members of the general public, are also aware of the  
18 health hazards of smoke, and desire a meaningful choice to avoid  
19 smoke and the accompanying health hazards of passive smoking.

20            In order to insure a healthy working environment for residents  
21 of Guam who are employees in the airline industry, travelling to and  
22 from Guam on a regular basis and confined to a small enclosed space-  
23 with no possibility of air separation for the duration of their working  
24 hours, and in order to ensure the health of airline passengers confined

1 to a small enclosed space also for a number of hours, it is necessary to  
2 ban smoking on flights to and from Guam. ~~[on those flights where~~  
3 ~~federal regulations have not already been placed in effect.]~~

4 Federal Regulations already mandate the banning of smoking on  
5 flights between any two points within an area composed of Puerto  
6 Rico, the U.S. Virgin Islands, the District of Columbia, and the 48  
7 contiguous states of the United States. This prohibition does not  
8 include Guam. Federal Regulations also already mandate the banning  
9 of smoking on flights that are scheduled in the current *Official Airline*  
10 *Guide* to be six hours or less in duration and are between Puerto Rico,  
11 the U.S. Virgin Islands, the District of Columbia, the 48 contiguous  
12 states of the United States and any point in Alaska or Hawaii. This  
13 prohibition also does not include Guam. Federal Regulations  
14 specifically state that "[n]othing in this regulation shall be deemed to  
15 require U. S. or foreign carriers to permit the smoking of tobacco aboard  
16 aircraft." See Title 14 Code of Federal Regulations §252.1.

17 ~~[In order to bring the issue of smoking as a health hazard for the~~  
18 ~~employees of the various airlines and as a health hazard to the~~  
19 ~~passengers on airline flights to the public eye, legislation is~~  
20 ~~contemplated to regulate are not already regulated by Federal~~  
21 ~~Regulations, it is desirable to ban smoking on all flights to and from~~  
22 ~~Guam which are of six (6) hours of duration, or less.]~~

23 "In addition to the ban already in effect by the federal  
24 government, the International Civil Aviation Organization has  
25 adopted a resolution which would ban smoking on flights not already  
26 covered by the federal government by 1996.

27 In order to extend the ban placed into effect by the federal  
28 government, and to ready Guam for the inevitable ban which will take  
29 place in 1996, local laws are enacted to fill in the gaps."

30  
31 **(b) Ban on smoking on airline flights to and from Guam.** A new  
32 §89105.1 is added to Chapter 89 of Title 10, Guam Code Annotated, to  
33 read:

34 "§89105.1. Prohibition of smoking on airline flights to and from  
35 Guam. Smoking is prohibited on ~~[any flight scheduled in the current~~  
36 ~~*Official Airline Guide* to be six (6) hours or less in duration and] "board~~

1 the aircraft of any flight that takes off and lands on Guam, from the  
2 point of embarkation to the point of debarkation, for the duration of  
3 the flight to or from Guam. “Notwithstanding any other provision of  
4 this Chapter, the prohibition in this §89105.1 shall be enforced by the  
5 airline personnel operating the aircraft in the same manner as any  
6 other rule or regulation authorized to be enforced by airline personnel  
7 in regard to passenger behavior on board aircraft.”

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 792

Introduced by:

*[Signature]*  
C. T. C. Gutierrez  
ACBLAZ  
*M. D. G. Mando*

AN ACT TO ADD A NEW §89105.1 TO TITLE 10, GUAM  
CODE ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS  
TO AND FROM GUAM.

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

2 Section 1. (a) Legislative intent. It is most important to restrict  
3 smoking in areas of employment, where employees are forced to spend a  
4 greater portion of their day, in order to insure the health and welfare of  
5 the employees. It is also important to have regard for the health of  
6 passengers on airlines, where a large portion of time is spent in an  
7 enclosed area.

8 A great deal of research has been developed over the course of many  
9 years detailing the health hazards of passive smoking, which means  
10 breathing air laden with tobacco smoke set free in the atmosphere when  
11 parties other than the passive smoker are engaged in the act of smoking.  
12 These health hazards include respiratory damage, heart and circulatory  
13 problems, cancer, and others. Also, some members of the public are  
14 exceptionally sensitive to smoke, and suffer from allergies and asthma.

15 Employees are more and more aware of these health risks, and desire  
16 to work in a healthy environment, free of hazards. Airline passengers, as  
17 members of the general public, are also aware of the health hazards of  
18 smoke, and desire a meaningful choice to avoid smoke and the  
19 accompanying health hazards of passive smoking.

1           In order to insure a healthy working environment for residents of  
2 Guam who are employees in the airline industry, travelling to and from  
3 Guam on a regular basis and confined to a small enclosed space with no  
4 possibility of air separation for the duration of their working hours, and in  
5 order to ensure the health of airline passengers confined to a small  
6 enclosed space also for a number of hours, it is necessary to ban smoking  
7 on flights to and from Guam on those flights where federal regulations  
8 have not already been placed in effect.

9           Federal Regulations already mandate the banning of smoking on  
10 flights between any two points within an area composed of Puerto Rico, the  
11 U.S. Virgin Islands, the District of Columbia, and the 48 contiguous states of  
12 the United States. This prohibition does not include Guam. Federal  
13 Regulations also already mandate the banning of smoking on flights that  
14 are scheduled in the current *Official Airline Guide* to be six hours or less in  
15 duration and are between Puerto Rico, the U.S. Virgin Islands, the District  
16 of Columbia, the 48 contiguous states of the United States and any point in  
17 Alaska or Hawaii. This prohibition also does not include Guam. Federal  
18 Regulations specifically state that "[n]othing in this regulation shall be  
19 deemed to require U. S. or foreign carriers to permit the smoking of  
20 tobacco aboard aircraft." See Title 14 Code of Federal Regulations §252.1.

21           In order to bring the issue of smoking as a health hazard for the  
22 employees of the various airlines and as a health hazard to the passengers  
23 on airline flights to the public eye, legislation is contemplated to regulate  
24 smoking on board aircraft. In order to regulate smoking on flights which  
25 are not already regulated by Federal Regulations, it is desirable to ban  
26 smoking on all flights to and from Guam which are of six (6) hours of  
27 duration, or less.

1 (b) Ban on smoking on airline flights to and from Guam. A new  
2 §89105.1 is added to Chapter 89 of Title 10, Guam Code Annotated, to read:

3 "§89105.1. Prohibition of smoking on airline flights to and from Guam.  
4 Smoking is prohibited on any flight scheduled in the current *Official*  
5 *Airline Guide* to be six (6) hours or less in duration and that takes off and  
6 lands on Guam, from the point of embarkation to the point of debarkation,  
7 for the duration of the flight to or from Guam."



BUREAU OF BUDGET & MANAGEMENT RESEARCH  
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910



JOSEPH F. ADA  
GOVERNOR

GIOVANNI T. SGAMBELLI  
DIRECTOR

FRANK F. BLAS  
LT. GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: REGINA

FACSIMILE NUMBER: 472-3832

FROM: PAUL

Total pages including this page: \_\_\_\_\_

NOTICE!!!!!! If you do not receive legible copies of all the pages,  
please call back as soon as possible: (671) 472-2285  
and ask for sender.

SENT BY: \_\_\_\_\_ ON: \_\_\_\_\_

TIME SENT: \_\_\_\_\_

RE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Bill No. 792  
Mandatory Bill

YES  NO

Date Received 1/14/94  
Date Reviewed 2/03/94

Department/Agency Affected: \_\_\_\_\_  
Department/Agency Head: \_\_\_\_\_  
Total FY Appropriation to Date: \_\_\_\_\_

Bill Title (preamble): AN ACT TO ADD A NEW SECTION 89105.1 TO TITLE 10  
GUAM CODE ANNOTATED TO BAN SMOKING ON AIRLINE  
FLIGHTS TO AND FROM GUAM.

Change in Law: ADDS A NEW SECTION 89105.1 TO TITLE 10 GUAM CODE ANNOTATED.

Bill's Impact on Present Program Funding: N/A  
Increase Decrease Reallocation No Change

Bill is for: Operations Capital Improvement Other ( )

FINANCIAL/PROGRAM IMPACT

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
N/A			

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

ANALYST Stephen J. Guerrero DATE 2/1/94 DIRECTOR GIOVANNI T. SGAMBELLURI DATE FEB 04 1994

Comments: The Proposed Bill if passed would mirror current federal aviation regulations banning smoking on airline flights to and from Guam. However, adopting such regulations may have an adverse impact on the island's tourist industry. Japan supports the island's largest tourist market which includes a large number of smoking visitors. Flights to and from Japan for this proposed legislation.