

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
141-33 (COR)	B. J.F. Cruz	AN ACT TO AMEND ITEM (I) OF § 6101 OF ARTICLE 1, § 6302 OF ARTICLE 3, AND SECTIONS UNDER ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED; RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS, AND CITING THIS ACT AS "YOUTH PROTECTION ACT OF 2015".	07/06/15 10:09 a.m.	07/06/15	Committee on Finance and Taxation, General Government Operations and Youth Development			



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muna Barnes
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

July 6, 2015

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: **Referral of Bill No. 141-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 141-33(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 Tres 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 TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) REGULAR SESSION

Bill No. 141 -33 (COR)

Introduced by:

B. J.F. Cruz 

AN ACT TO *AMEND* ITEM (I) OF § 6101 OF ARTICLE 1, § 6302 OF ARTICLE 3, AND SECTIONS UNDER ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED; RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS, AND CITING THIS ACT AS “YOUTH PROTECTION ACT OF 2015”.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 Section 1. Clarification of Definition of Electronic Cigarettes Relative to
2 Prohibition Sale or Distribution of Tobacco Products to Persons Under
3 Twenty-One (21) Years of Age. Item (I) of § 6101 (Definitions), Article 1,
4 Chapter 6, Title 11 of the Guam Code Annotated is hereby *amended* to read:

5 “(I) *Electronic cigarettes*, also known as e-cigarettes, are battery-
6 operated products designed to deliver nicotine, flavor and other chemicals.
7 They turn nicotine, which is highly addictive, and other chemicals into a
8 vapor that is inhaled by the user. For the purposes of this Chapter, and the
9 prohibition pertaining solely to a person under the minimum age of legal
10 access pursuant to §§ 6400 and 6405, tobacco products *shall* also be deemed
11 to include and *shall* be similarly applicable to electronic cigarettes, including
12 any refill, cartridge, and any other component of an electronic cigarette.”

1 § 6400. Sale or Distribution of Tobacco Products to ~~Minors~~
2 Persons Under Twenty-One (21) Years of Age Prohibited.

3 It *shall* be a violation of this Chapter for any person to sell or
4 distribute tobacco products or electronic cigarettes to ~~minors~~any
5 person under twenty-one (21) years of age. It *shall* not be a violation
6 of this Chapter for any person to refuse to sell or distribute tobacco
7 products or electronic cigarettes to any person whom the seller or the
8 distributor reasonably believes to be under twenty-seven (27) years of
9 age, and who is unable to produce acceptable photographic
10 identification and proof that he is over the age of ~~eighteen(18)~~twenty-
11 one(21)years.

12 The sale or distribution of electronic cigarettes to ~~minors~~any
13 person under twenty-one (21) years of age, or its possession by a
14 ~~minor~~such person, is prohibited and *shall* be regulated and enforced
15 pursuant to this Chapter. Any provision of this Chapter applicable to
16 the regulation and prohibition of the sale or distribution of tobacco
17 products to a ~~minor~~any person under twenty-one (21) years of age, or
18 possession by a ~~minor~~such person, *shall* be applicable to electronic
19 cigarettes and any other component of an electronic cigarette, and
20 *shall* be regulated and enforced in the same manner as tobacco
21 products, to include the applicability of all penalties and fines.

22 (a) Vending machines selling tobacco products or electronic
23 cigarettes *shall* be located so that they are accessible only to persons
24 over the age of ~~eighteen(18)~~twenty-one(21) years, or are under the
25 constant, direct supervision and unobstructed line of sight of the
26 person authorizing the installation or placement of the tobacco or
27 electronic cigarette vending machine upon the premises he manages

1 or otherwise controls, or his agent or employee. Said supervising ~~adult~~
2 person, who must be at least twenty-one (21) years of age, shall
3 ensure that ~~minors~~ persons under twenty-one (21) years of age do not
4 purchase tobacco products or electronic cigarettes from vending
5 machines. A person who authorizes the installation or placement of
6 the tobacco or electronic cigarette vending machine upon premises he
7 manages, or otherwise controls, and who knows or should know that
8 the tobacco or electronic cigarette vending machine will likely be used
9 by ~~minors~~ persons under twenty-one (21) years of age, shall be liable
10 if ~~minors~~ such persons purchase tobacco products or electronic
11 cigarettes from said machines.

12 (b) A licensee or an employer may distribute tobacco products
13 or electronic cigarettes to any employee who handles tobacco
14 products or electronic cigarettes in the course of the commercial
15 distribution or sale of the products. In any proceeding for the
16 suspension or revocation of any license, and based upon a violation of
17 this Section, proof that the defendant licensee or his agent or
18 employee demanded and was shown, before furnishing any tobacco
19 product or electronic cigarette to a ~~minor~~ any person under twenty-one
20 (21) years of age, an identification card, *shall* be a defense to the
21 charges.

22 **§ 6401. Acceptable Forms of Identification.**

23 The following are the only acceptable instruments of
24 identification as required by §6400:

25 (a) a valid unexpired driver's license issued by any state,
26 territory or possession of the United States;

1 (b) an official identification issued by the Federal or a state
2 government with the individual's photograph and signature;

3 (c) an armed forces identification card;

4 (d) a valid, unexpired passport; and

5 (e) an alien registration receipt card (green card).

6 **§ 6402. Display of Prohibition on Sales of Tobacco Products**
7 **to Minors Persons Under Twenty-One (21) Years of Age.**

8 All licensees *shall* post notice that this Chapter prohibits the
9 sale of tobacco products to ~~minors~~ persons under twenty-one (21)
10 years of age.

11 (a) In the case of a retail operation, notices *shall* be publicly and
12 conspicuously displayed in the licensee's place of business in letters at
13 least two inches (2") in height.

14 (b) In the case of vending machine, the licensee *shall* affix to
15 the front of each vending machine a sign in letters at least one-half
16 inch (1/2") in height.

17 (c) Any licensee who violates this Section *shall* be fined Fifty
18 Dollars (\$50.00) per violation.

19 **§ 6403. Licensee Responsible for Employee Actions.**

20 Acts or omissions of an agent or employee of a licensee that
21 violate any provisions of this Chapter *shall* be deemed to be acts or
22 omissions of the licensee.

23 **§6404. Penalties for Selling or Distributing Tobacco Products to**
24 **Minors Persons Under Twenty-One (21) Years of Age.**

25 (a) In addition to any other penalties and fines that may be
26 levied, any person who violates § 6400 of this Chapter *shall* be
27 penalized as follows:

1 (1) in the case of a first violation in any five (5) year
2 period, the person *shall* be fined Five Hundred Dollars
3 (\$500.00) and *shall* be notified, in writing, of penalties levied
4 for further violations;

5 (2) in the case of a second violation in any five (5) year
6 period, the person *shall* be fined One Thousand Dollars
7 (\$1,000.00) and, in the case of a licensee, the license *shall* be
8 suspended for ninety (90)days;

9 (3) in the case of a third violation in any five (5) year
10 period, the person *shall* be fined Two Thousand Five Hundred
11 Dollars(\$2,500.00) and, in the case of a licensee, the license
12 *shall* be suspended for one hundred eighty (180) days;

13 (4) in the case of four (4) or more violations within any
14 five (5) -year period, the person *shall* be fined Five Thousand
15 Dollars(\$5,000.00) and, in the case of a licensee, the license
16 *shall* be revoked. The revoked retailer *shall* be ineligible to
17 apply for a new license for two (2) years after the effective date
18 of the revocation.

19 (b) Failure to pay a fine levied under this Chapter within thirty
20 (30)days of the date the fine becomes effective *shall* result in
21 suspension of the licensee's license until such fines are paid.

22 (c) During any suspension or revocation of a license under this
23 Section, the licensee *shall* not sell tobacco products and *shall* remove
24 all tobacco products from all areas covered by the suspended license.
25 In addition, any new application for a license to sell tobacco products
26 while a licensee is suspended under this Chapter *shall* be denied.

1 (d) All tobacco products sold over the counter *shall* be
2 displayed and located where they *shall* be inaccessible to ~~minors~~
3 persons under twenty-one (21) years of age. Any vendor who violates
4 this provision *shall* pay a penalty of Two Hundred Fifty
5 Dollars(\$250.00).

6 **§ 6405.~~Minors~~Persons Under Twenty-One (21) Years of Age**
7 **Prohibited from Possession, Use and Purchase of Tobacco Products.**

8 It *shall* be a violation of this Chapter for any ~~minor~~person
9 under twenty-one (21) years of age to use or be in possession of
10 tobacco products or to attempt to purchase tobacco products using
11 false identification.

12 **§ 6406. Tobacco Education for ~~Minors~~Persons Under Twenty-One**
13 **(21) Years of Age.**

14 Any ~~minor~~person under twenty-one (21) years of age who
15 violates § 6405 of this Chapter *shall* attend an education program on
16 tobacco products to include smoking cessation information
17 administered by the Guam Behavioral Health and Wellness Center,
18 the Department of Public Health and Social Services, the Department
19 of Education or other government agencies with similar programs
20 approved by one of these agencies.”

21 **Section 4. Effective Date; Application.** This Act *shall* take effect on
22 January1, 2016.