

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
118-32 (COR) - P.L. 32-051	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	6/17/13, 2:33pm	Fiscal Note Requested 5/21/13 Fiscal Note Received 6/19/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	6/24/2013	AN ACT TO ADD NEW §§ 3123, 3124, 3124.1 AND 3125 TO ARTICLE 1; TO AMEND § 3207 AND ADD NEW §§ 3212.1, 3230, 3231 AND 3232 OF ARTICLE 2; AND TO AMEND §3613 OF ARTICLE 6, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (h) TO §2105, A NEW SUBSECTION (c) TO §2107, AND A NEW §2111, ALL OF CHAPTER 2, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALCOHOL BEVERAGE CONTROL, AND TO BE KNOWN AS “THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT.”	6/26/13 3:00pm	7/8/13	7/5/2013	32-051	As substituted by the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations.	

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

JUL 08 2013

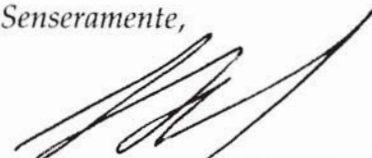
Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-571
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 7/8/13
Time LC:39
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No.118-32 (COR) "AN ACT TO ADD NEW §§ 3123, 3124, 3124.1 AND 3125 TO ARTICLE 1; TO AMEND § 3207 AND ADD NEW §§ 3212.1, 3230, 3231 AND 3232 OF ARTICLE 2; AND TO AMEND §3613 OF ARTICLE 6, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (h) TO §2105, A NEW SUBSECTION (c) TO §2107, AND A NEW §2111, ALL OF CHAPTER 2, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALCOHOL BEVERAGE CONTROL, AND TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT" which I signed into law on July 5, 2013 as Public Law 32-051.

Senseramente,


EDDIE BAZA CALVO
I Maga'láhen Guåhan
Governor of Guam

2013 JUL - 8 PM 4: 59

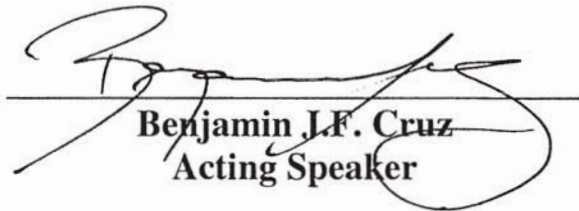


Attachment: copy of Bill

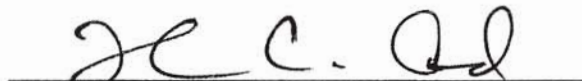
I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

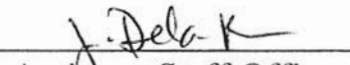
This is to certify that **Substitute Bill No. 118-32 (COR)**, "AN ACT TO ADD NEW §§ 3123, 3124, 3124.1 AND 3125 TO ARTICLE 1; TO AMEND § 3207 AND ADD NEW §§ 3212.1, 3230, 3231 AND 3232 OF ARTICLE 2; AND TO AMEND §3613 OF ARTICLE 6, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (h) TO §2105, A NEW SUBSECTION (c) TO §2107, AND A NEW §2111, ALL OF CHAPTER 2, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALCOHOL BEVERAGE CONTROL, AND TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT", was on the 24th day of June, 2013, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

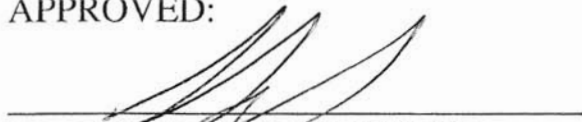
Attested:


Thomas C. Ada
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 26th day of June, 2013, at 3:00 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: JUL 05 2013

Public Law No. 32-051

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

Bill No. 118-32 (COR)

As substituted by the Committee on
Aviation, Ground Transportation,
Regulatory Concerns and Future Generations.

Introduced by:

Dennis 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. McCreadie
Tommy Morrison
T. R. Muña Barnes
T. C. Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
Michael T. Limtiaco
Vicente (ben) C. Pangelinan
Aline A. Yamashita, Ph.D.

AN ACT TO ADD NEW §§ 3123, 3124, 3124.1 AND 3125 TO ARTICLE 1; TO AMEND § 3207 AND ADD NEW §§ 3212.1, 3230, 3231 AND 3232 OF ARTICLE 2; AND TO AMEND §3613 OF ARTICLE 6, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (h) TO §2105, A NEW SUBSECTION (c) TO §2107, AND A NEW §2111, ALL OF CHAPTER 2, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALCOHOL BEVERAGE CONTROL, AND TO BE KNOWN AS “THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT.”

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Trentai Dos Na*

3 *Liheslaturan Guåhan* finds that hundreds of bars, clubs, stores and restaurants
4 across the island engage in the sale and service of alcoholic beverages thousands of
5 times a day. For the individuals and corporations that hold these licenses the sale of
6 alcoholic beverages can be a very lucrative business. These license holders also
7 play a key role in the hospitality and retailing sectors of Guam's economy,
8 providing jobs for our people and tax revenue for the government.

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

12 *I Mina'Trentai Dos Na Liheslaturan Guåhan* also finds that there is
13 abundant statistical and anecdotal evidence pointing to unacceptably high levels of
14 criminal and societal problems that can be traced to the irresponsible sale, service,
15 and consumption of alcoholic beverages.

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

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

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

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

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

11 *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that generally these
12 alcohol enforcement programs overlook the importance of the proper education
13 and training of point of sale employees, both servers and sellers, their supervisors
14 and managers.

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

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

24 Under the law, employees who serve or sell alcoholic beverages have legally
25 mandated responsibilities, including, but not limited to, preventing the sale of
26 alcoholic beverages to persons under 21 years of age; recognizing falsified

1 identification documents; denial of service to an intoxicated or unruly person; and
2 the enforcement of hours of service and sale of alcoholic beverages.

3 The Legislature recognizes that these employees are being asked to fill a
4 vitally important role in keeping our island safe, and the transactions they conduct
5 can have extraordinary and even tragic consequences at the point of sale and
6 beyond, yet there is no standardized classroom training to help them understand
7 and execute their responsibilities or keep them mindful of the key role they play in
8 the upholding of community standards related to the service and sale of alcoholic
9 beverages.

10 It is the intent of *I Mina'Trentai Dos Na Liheslaturan Guåhan* for
11 standardized server/seller classroom training to be widely available and easily
12 accessible for employees who serve or sell alcoholic beverages, and for that
13 training to be a requirement for obtaining an ABC Alcohol Employee License.

14 **Section 2.** New §§3123, 3124, 3124.1 and 3125 are *added* to Article 1 of
15 Chapter 3, Title 11, Guam Code Annotated, to read:

16 “§ 3123. **Alcohol Employee.** *Alcohol employee* means a person
17 employed by any on-sale or off-sale licensee who sells or serves alcoholic
18 beverages, or who supervises others who sell or serve alcoholic beverages.
19 This includes, but is *not* limited to, bartenders, waitresses, waiters, hostesses,
20 hosts, cashiers, checkout clerks, supervisors, and managers of licensees who
21 are holders of Class 4, 5, 6, 7, 9, 10, 11, and 12 ABC Licenses.

22 § 3124. **Alcohol Server/Seller Training Program.** *Alcohol*
23 *server/seller training program* means a classroom only educational program
24 offered by a non-profit organization, an entity of the government of Guam, a
25 community college, or a university that has been approved by the
26 Administrator under regulations promulgated by the Board. Such regulations
27 *shall* include, but *not* be limited to, the content of the program, certification

1 of instructors of the program, and testing and methods of presentation, and
2 as further provided pursuant to 3 GAR Chapter 2 [Alcoholic Beverage
3 Control Board]. The Board, in drafting such regulations, *shall* consult with
4 community stakeholders and *shall* comply with the Administrative
5 Adjudication Act.

6 **§ 3124.1. Delegation of Authority.**

7 (a) The Administrator, with the approval of the Board, may enter
8 into an agreement with a non-profit organization, community college, or
9 university with an authorized program to conduct an Alcohol Server/Seller
10 Training program on behalf of the Board, to include:

11 (1) verification of qualifications;

12 (2) the collection of fees for application and licensure, as
13 provided pursuant to §3207 of this Chapter, on behalf of the Board,
14 notwithstanding 3 GAR §2101(d), which *shall not* be applicable in
15 this instance;

16 (3) the issuance of a Guam Alcohol Beverage Control
17 Alcohol Employee license on behalf of the Board; and

18 (4) the accounting and remittance of requisite fees collected
19 for application and licensure, the full sum of which *shall* be paid to
20 the Alcoholic Beverage Compliance Fees and Fines Fund, must be
21 used to promote the compliance and enforcement of liquor laws; the
22 act of which *shall* be deemed compliant with Title 11 Guam Code
23 Annotated, Chapter 3, §3515.

24 (b) Prior to remitting the fees collected pursuant to this Section to
25 the Alcoholic Beverage Compliance Fees and Fines Fund, the authorized
26 non-profit organization, community college, or university *shall* deduct and

1 retain from the fees collected the cost for tuition for the Alcohol
2 Server/Seller Training program.

3 **§ 3125. Manager.** All Class 4 on-sale establishments *shall* have a
4 duly registered manager or assistant manager on the premises, in the absence
5 of the licensee, and during the hours from 7:00 p.m. daily until closing.”

6 **Section 3.** §3207 of Article 2, Chapter 3, Title 11, Guam Code Annotated, is
7 *amended* to read:

8 **“§ 3207. Licenses: Classes and Fees.** The Board is authorized to
9 issue the following classes and kinds of licenses at the following fees:

10	Class 1. Manufacturer’s license	\$100.00 per year
11	Class 2. Agent’s license	\$250.00 per year
12	Class 3. Wholesale dealer’s license	\$1,000.00 per year
13	Class 4. Retail dealer’s on-sale license:	
14	Beer	\$300.00 per year
15	General	\$1,000.00 per year
16	Wine	\$300.00 per year
17	Manager/Assistant Manager	\$60.00 per 3 years
18	Alcohol Employee	\$60.00 per 3 years
19	Class 5. Retail dealer’s off-sale license:	
20	Beer	\$200.00 per year
21	General	\$1,000.00 per year
22	Alcohol Employee	\$60.00 per 3 years
23		
24	Class 6. Special Alcoholic license	\$25.00 per year
25	Alcohol Employee	\$60.00 per 3 years
26	Class 7. Temporary beer license	\$ 20.00 per day
27	but not to exceed	\$100.00 per event

1	Alcohol Employee	\$60.00 per 3 years
2		
3	Class 8. Public warehousemen's license	\$50.00 per year
4	Class 9. Club license	\$500.00 per year
5	Alcohol Employee	\$60.00 per 3 years
6	Class 10. Temporary general license \$ 50.00 per day, but not to	
7	exceed \$100.00 per event	
8	Alcohol Employee	\$60.00 per 3 years
9	Class 11. Microbrewery-pub restaurant license	\$1,000.00 per year
10	Alcohol Employee	\$60.00 per 3 years
11	Class 12. Mobile License:	
12	(a) Limousine Service – per vehicle	\$ 750.00 per year
13	(b) Charter Vehicle (Vans) – per vehicle	
14	Up to ten passengers	\$500.00 per year
15	(c) Charter Vehicle (Vans) - per vehicle	
16	More than ten passengers	\$750.00 per year
17	(d) Buses -per vehicle	\$1,000.00 per year
18	(e) Alcohol Employee	\$60.00 per 3 years
19	Class 13. Alcohol Server/Seller training program	\$200.00 per year.”

20 **Section 4.** A new §3212.1 is *added* to Article 2, Chapter 3, Title 11, Guam
21 Code Annotated, to read:

22 “§ 3212.1. Alcohol Employee License, Term and Portability.
23 *Except* as otherwise provided for a violation, as provided pursuant to this
24 Chapter, the License for an Alcohol Employee *shall*:

- 25 (a) be valid for a term of three years;
- 26 (b) be portable to additional or other premises;

1 (c) be in the possession of the employee at all times when
2 performing any duties involving the service or sale of any class of alcohol,
3 as provided for and defined pursuant to Article 1 of this Chapter;

4 (d) include the declaration that the holder has completed an ABC
5 Board approved Alcohol Server/Seller Training Program; and

6 (e) be issued by the Alcohol Server/Seller training program.”

7 **Section 5.** New §§3230, 3231 and 3232 are *added* to Article 2 of Chapter 3,
8 Title 11, Guam Code Annotated, to read:

9 **“§ 3230. Alcohol Employee License.**

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

13 (b) A Temporary Alcohol Employee License may be issued to an
14 employee who has registered for an ABC Board approved Alcohol
15 Server/Seller Training Program. The Temporary Alcohol Employee License
16 expires in thirty days or when the Alcohol Employee License is issued,
17 whichever is sooner.

18 (c) A dated receipt from an ABC Board approved Alcohol
19 Server/Seller Training Program indicating enrollment and the scheduled
20 date, time, and location of training *shall* be considered a Temporary Alcohol
21 Employee License. The receipt *shall* also state, “Temporary Alcohol
22 Employee License”, and *shall* contain the notation that the temporary license
23 *shall* expire within thirty days of issuance.

24 **§ 3231. Manager License.** An Alcohol Beverage Control
25 Manager License *shall* be required for all managers or assistant managers.
26 Every manager must provide the Board and their employer with proof that
27 the manager has successfully completed an ABC Board approved Alcohol

1 Server/Seller Training Program. Proof for the employer *shall* be satisfied by
2 the possession of a valid Alcohol Beverage Control Manager or Assistant
3 Manager License, which *shall* include the declaration, that the holder has
4 completed an ABC Board approved "Alcohol Server/Seller Training
5 Program.

6 **§ 3232. Alcohol Server/Seller Training Program License.** An
7 Alcohol Server/Seller training program license *shall* be issued to alcohol
8 server/seller training programs that have been approved by the
9 administrator."

10 **Section 6.** §3613 of Article 6, Chapter 3, Title 11, Guam Code
11 Annotated, is *amended* to read:

12 **"§ 3613. Same: Hearing.**

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

15 (b) The Board shall impose a penalty on a licensee found guilty of
16 violating any of the provisions of this Chapter amounting to One Thousand
17 Five Hundred Dollars (\$1,500.00) for the first offense; Two Thousand Five
18 Hundred Dollars (\$2,500.00) for the second offense; and Three Thousand
19 Five Hundred Dollars (\$3,500.00) for the third offense. For the fourth
20 offense, the Board may impose a penalty of up to Ten Thousand Dollars
21 (\$10,000.00), but *not less than* Five Thousand Dollars (\$5,000.00), and a
22 forty-eight hour suspension for every subsequent offense. Contingent on the
23 severity of any violation, the Board may use its discretion and suspend or
24 revoke the license of any licensee found guilty of violating any of the
25 provisions of this Chapter.

26 (c) In addition to the fines in Subsection (b) of this Section, the
27 Board *shall* suspend, for a period of *not less than* thirty days and *no more*

1 *than* ninety days, the license of any licensee found guilty of violating §3413
2 of this Chapter as a second offense. The Board *shall* revoke the license of
3 any licensee found guilty of violating §3413 of this Chapter as a third
4 offense.

5 (d) The Board *shall* suspend an Alcohol Employee's license for
6 seven days for a first offense of §3212.1(c) and (d), and/or §3230, of this
7 Chapter; a suspension of an Alcohol Employee's license for fourteen days
8 and a One Hundred Fifty Dollar (\$150) fine for a second offense; and
9 revocation of an Alcohol Employee's license for the third offense."

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

12 "(h) Class 4, 5, 6, 7, 9, 10, 11 and 12 ABC Licensees *shall not* hire
13 or employ any employee that *does not* have a valid Alcohol Employee
14 License from an approved Alcohol Server/Seller Training Program twelve
15 months from the effective date of this Act, provided, however:

16 (1) that a current ABC License *shall* continue to be valid
17 until expiration, but the licensee *shall* be required to have taken the
18 Alcohol Server/Seller Training Program prior to license renewal.
19 Further, the unexpired license *shall not* be portable, as provided
20 pursuant to §3212.1(b) which only applies to a licensee who has
21 passed an Alcohol Server/Seller Training Program."

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

24 "(c) The Administrator *shall* approve classroom alcohol
25 server/seller training programs that meet the regulations duly promulgated
26 by the Board pursuant to 11 Guam Code Annotated §3124."

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

3 **“§ 2111. Responsibilities of Alcohol Server/Seller Training**
4 **Programs.**

5 (a) No alcohol server/seller training program will offer or conduct
6 alcohol server/seller training classes until they have received written
7 approval from the Administrator.

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

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

14 (1) the ethics and responsibilities of serving alcoholic
15 beverages;

16 (2) basic alcohol content among different types of drinks
17 containing alcohol;

18 (3) the clinical effects of alcohol, including the identification
19 of progressive stages of intoxication and the visible signs associated
20 with each stage;

21 (4) variables associated with visible intoxication, including
22 the rate of drinking, tolerance, weight, food consumption, gender, and
23 use of other drugs;

24 (5) procedures for monitoring consumption, personal skills
25 to prevent intoxication and intervention procedures;

(6) acceptable forms of personal identification, techniques for determining the validity of identification, and procedures for dealing with fraudulent identification;

(8) personal skills to assess the need to ask for identification based on appearance and company policy;

(9) the identification of potential third-party sales and furnishing of alcoholic beverages to minors by persons 21 years of age or over;

(10) the understanding of possible legal, civil, and administrative consequences of violations of this Act, the rules of the Board, and other pertinent laws;

(11) how to identify at place of employment spirits and other alcoholic beverage products *not* intended for resale or commercial distribution outside of military bases, and procedures for reporting these violations to the Board;

(12) the understanding of Guam laws pertaining to minors attempting to purchase, minors in possession, and third-party sales or furnishing of alcoholic beverages by adults to minors;

(13) knowledge of the legal hours of alcohol service and occupancy;

(14) identification of signs of prohibited activities, such as gambling, solicitation for prostitution, and drug sales; and

(15) any other pertinent laws as determined by the Board or Administrator.

(d) The alcohol server/seller training program *shall* administer a comprehensive examination to participants of the program, including individuals seeking certification as instructors within the program. The

1 examination *shall* thoroughly test the individual's knowledge and
2 competency in the curriculum topics required by the Board. The minimum
3 passing grade for the examination participants of the program *shall* be *not*
4 *less than 75%*. For instructor certification, the passing grade *shall* be *not*
5 *less than 85%*. All tests *shall* be approved by the Administrator.

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

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

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

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

21 (i) The Administrator *shall not* approve online alcohol server/seller
22 training programs.”

23 **Section 10. Effective Date.** This Act *shall* become effective upon
24 enactment.

25 **Section 11. Phased Implementation for Enforcement.**

(a) The Board *shall* promulgate the requisite rules and regulations mandated pursuant to §3124 of Title 11, Guam Code Annotated, within one hundred fifty calendar days of the effective date of this Act.

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

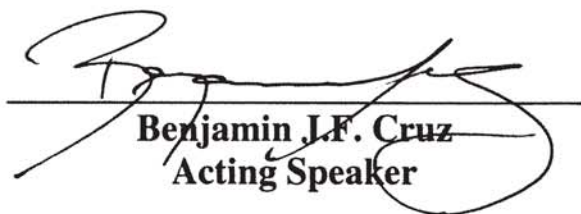
Section 12. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or applications,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

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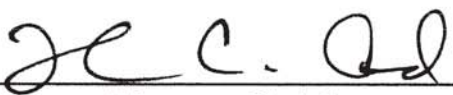
I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

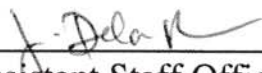
This is to certify that **Substitute Bill No. 118-32 (COR)**, “AN ACT TO ADD NEW §§ 3123, 3124, 3124.1 AND 3125 TO ARTICLE 1; TO AMEND § 3207 AND ADD NEW §§ 3212.1, 3230, 3231 AND 3232 OF ARTICLE 2; AND TO AMEND §3613 OF ARTICLE 6, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (h) TO §2105, A NEW SUBSECTION (c) TO §2107, AND A NEW §2111, ALL OF CHAPTER 2, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALCOHOL BEVERAGE CONTROL, AND TO BE KNOWN AS “THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT”, was on the 24th day of June, 2013, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker

Attested:


Thomas C. Ada
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 26th day of June, 2013, at 3:00 o'clock 1.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 118-32 (COR)

As substituted by the Committee on
Aviation, Ground Transportation,
Regulatory Concerns and Future Generations.

Introduced by:

Dennis 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. McCreadie
Tommy Morrison
T. R. Muña Barnes
T. C. Ada
Frank B. Aguon, Jr.
Chris M. Dueñas
Michael T. Limtiaco
Vicente (ben) C. Pangelinan
Aline A. Yamashita, Ph.D.

AN ACT TO ADD NEW §§ 3123, 3124, 3124.1 AND 3125 TO ARTICLE 1; TO AMEND § 3207 AND ADD NEW §§ 3212.1, 3230, 3231 AND 3232 OF ARTICLE 2; AND TO AMEND §3613 OF ARTICLE 6, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (h) TO §2105, A NEW SUBSECTION (c) TO §2107, AND A NEW §2111, ALL OF CHAPTER 2, TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ALCOHOL BEVERAGE CONTROL, AND TO BE KNOWN AS “THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT.”

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

2 **Section 1. Legislative Findings and Intent.** *I Mina'Trentai Dos Na*

3 *Liheslaturan Guåhan* finds that hundreds of bars, clubs, stores and restaurants
4 across the island engage in the sale and service of alcoholic beverages thousands of
5 times a day. For the individuals and corporations that hold these licenses the sale of
6 alcoholic beverages can be a very lucrative business. These license holders also
7 play a key role in the hospitality and retailing sectors of Guam's economy,
8 providing jobs for our people and tax revenue for the government.

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

12 *I Mina'Trentai Dos Na Liheslaturan Guåhan* also finds that there is
13 abundant statistical and anecdotal evidence pointing to unacceptably high levels of
14 criminal and societal problems that can be traced to the irresponsible sale, service,
15 and consumption of alcoholic beverages.

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

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

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

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

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

11 *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that generally these
12 alcohol enforcement programs overlook the importance of the proper education
13 and training of point of sale employees, both servers and sellers, their supervisors
14 and managers.

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

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

24 Under the law, employees who serve or sell alcoholic beverages have legally
25 mandated responsibilities, including, but not limited to, preventing the sale of
26 alcoholic beverages to persons under 21 years of age; recognizing falsified

1 identification documents; denial of service to an intoxicated or unruly person; and
2 the enforcement of hours of service and sale of alcoholic beverages.

3 The Legislature recognizes that these employees are being asked to fill a
4 vitally important role in keeping our island safe, and the transactions they conduct
5 can have extraordinary and even tragic consequences at the point of sale and
6 beyond, yet there is no standardized classroom training to help them understand
7 and execute their responsibilities or keep them mindful of the key role they play in
8 the upholding of community standards related to the service and sale of alcoholic
9 beverages.

10 It is the intent of *I Mina'Trentai Dos Na Liheslaturan Guåhan* for
11 standardized server/seller classroom training to be widely available and easily
12 accessible for employees who serve or sell alcoholic beverages, and for that
13 training to be a requirement for obtaining an ABC Alcohol Employee License.

14 **Section 2.** New §§3123, 3124, 3124.1 and 3125 are *added* to Article 1 of
15 Chapter 3, Title 11, Guam Code Annotated, to read:

16 “§ 3123. **Alcohol Employee.** *Alcohol employee* means a person
17 employed by any on-sale or off-sale licensee who sells or serves alcoholic
18 beverages, or who supervises others who sell or serve alcoholic beverages.
19 This includes, but is *not* limited to, bartenders, waitresses, waiters, hostesses,
20 hosts, cashiers, checkout clerks, supervisors, and managers of licensees who
21 are holders of Class 4, 5, 6, 7, 9, 10, 11, and 12 ABC Licenses.

22 § 3124. **Alcohol Server/Seller Training Program.** *Alcohol*
23 *server/seller training program* means a classroom only educational program
24 offered by a non-profit organization, an entity of the government of Guam, a
25 community college, or a university that has been approved by the
26 Administrator under regulations promulgated by the Board. Such regulations
27 *shall* include, but *not* be limited to, the content of the program, certification

1 of instructors of the program, and testing and methods of presentation, and
2 as further provided pursuant to 3 GAR Chapter 2 [Alcoholic Beverage
3 Control Board]. The Board, in drafting such regulations, *shall* consult with
4 community stakeholders and *shall* comply with the Administrative
5 Adjudication Act.

6 **§ 3124.1. Delegation of Authority.**

7 (a) The Administrator, with the approval of the Board, may enter
8 into an agreement with a non-profit organization, community college, or
9 university with an authorized program to conduct an Alcohol Server/Seller
10 Training program on behalf of the Board, to include:

11 (1) verification of qualifications;

12 (2) the collection of fees for application and licensure, as
13 provided pursuant to §3207 of this Chapter, on behalf of the Board,
14 notwithstanding 3 GAR §2101(d), which *shall not* be applicable in
15 this instance;

16 (3) the issuance of a Guam Alcohol Beverage Control
17 Alcohol Employee license on behalf of the Board; and

18 (4) the accounting and remittance of requisite fees collected
19 for application and licensure, the full sum of which *shall* be paid to
20 the Alcoholic Beverage Compliance Fees and Fines Fund, must be
21 used to promote the compliance and enforcement of liquor laws; the
22 act of which *shall* be deemed compliant with Title 11 Guam Code
23 Annotated, Chapter 3, §3515.

24 (b) Prior to remitting the fees collected pursuant to this Section to
25 the Alcoholic Beverage Compliance Fees and Fines Fund, the authorized
26 non-profit organization, community college, or university *shall* deduct and

1 retain from the fees collected the cost for tuition for the Alcohol
2 Server/Seller Training program.

3 **§ 3125. Manager.** All Class 4 on-sale establishments *shall* have a
4 duly registered manager or assistant manager on the premises, in the absence
5 of the licensee, and during the hours from 7:00 p.m. daily until closing.”

6 **Section 3.** §3207 of Article 2, Chapter 3, Title 11, Guam Code Annotated, is
7 *amended* to read:

8 **“§ 3207. Licenses: Classes and Fees.** The Board is authorized to
9 issue the following classes and kinds of licenses at the following fees:

10	Class 1. Manufacturer’s license	\$100.00 per year
11	Class 2. Agent’s license	\$250.00 per year
12	Class 3. Wholesale dealer’s license	\$1,000.00 per year
13	Class 4. Retail dealer’s on-sale license:	
14	Beer	\$300.00 per year
15	General	\$1,000.00 per year
16	Wine	\$300.00 per year
17	Manager/Assistant Manager	\$60.00 per 3 years
18	Alcohol Employee	\$60.00 per 3 years
19	Class 5. Retail dealer’s off-sale license:	
20	Beer	\$200.00 per year
21	General	\$1,000.00 per year
22	Alcohol Employee	\$60.00 per 3 years
23		
24	Class 6. Special Alcoholic license	\$25.00 per year
25	Alcohol Employee	\$60.00 per 3 years
26	Class 7. Temporary beer license	\$ 20.00 per day
27	but not to exceed	\$100.00 per event

1	Alcohol Employee	\$60.00 per 3 years
2		
3	Class 8. Public warehousemen's license	\$50.00 per year
4	Class 9. Club license	\$500.00 per year
5	Alcohol Employee	\$60.00 per 3 years
6	Class 10. Temporary general license \$ 50.00 per day, but not to	
7	exceed \$100.00 per event	
8	Alcohol Employee	\$60.00 per 3 years
9	Class 11. Microbrewery-pub restaurant license	\$1,000.00 per year
10	Alcohol Employee	\$60.00 per 3 years
11	Class 12. Mobile License:	
12	(a) Limousine Service – per vehicle	\$ 750.00 per year
13	(b) Charter Vehicle (Vans) – per vehicle	
14	Up to ten passengers	\$500.00 per year
15	(c) Charter Vehicle (Vans) - per vehicle	
16	More than ten passengers	\$750.00 per year
17	(d) Buses -per vehicle	\$1,000.00 per year
18	(e) Alcohol Employee	\$60.00 per 3 years
19	Class 13. Alcohol Server/Seller training program	\$200.00 per year.”

20 **Section 4.** A new §3212.1 is *added* to Article 2, Chapter 3, Title 11, Guam
21 Code Annotated, to read:

22 “§ 3212.1. Alcohol Employee License, Term and Portability.
23 *Except* as otherwise provided for a violation, as provided pursuant to this
24 Chapter, the License for an Alcohol Employee *shall*:
25 (a) be valid for a term of three years;
26 (b) be portable to additional or other premises;

1 (c) be in the possession of the employee at all times when
2 performing any duties involving the service or sale of any class of alcohol,
3 as provided for and defined pursuant to Article 1 of this Chapter;

4 (d) include the declaration that the holder has completed an ABC
5 Board approved Alcohol Server/Seller Training Program; and

6 (e) be issued by the Alcohol Server/Seller training program.”

7 **Section 5.** New §§3230, 3231 and 3232 are *added* to Article 2 of Chapter 3,
8 Title 11, Guam Code Annotated, to read:

9 **“§ 3230. Alcohol Employee License.**

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

13 (b) A Temporary Alcohol Employee License may be issued to an
14 employee who has registered for an ABC Board approved Alcohol
15 Server/Seller Training Program. The Temporary Alcohol Employee License
16 expires in thirty days or when the Alcohol Employee License is issued,
17 whichever is sooner.

18 (c) A dated receipt from an ABC Board approved Alcohol
19 Server/Seller Training Program indicating enrollment and the scheduled
20 date, time, and location of training *shall* be considered a Temporary Alcohol
21 Employee License. The receipt *shall* also state, “Temporary Alcohol
22 Employee License”, and *shall* contain the notation that the temporary license
23 *shall* expire within thirty days of issuance.

24 **§ 3231. Manager License.** An Alcohol Beverage Control
25 Manager License *shall* be required for all managers or assistant managers.
26 Every manager must provide the Board and their employer with proof that
27 the manager has successfully completed an ABC Board approved Alcohol

1 Server/Seller Training Program. Proof for the employer *shall* be satisfied by
2 the possession of a valid Alcohol Beverage Control Manager or Assistant
3 Manager License, which *shall* include the declaration, that the holder has
4 completed an ABC Board approved "Alcohol Server/Seller Training
5 Program.

6 **§ 3232. Alcohol Server/Seller Training Program License.** An
7 Alcohol Server/Seller training program license *shall* be issued to alcohol
8 server/seller training programs that have been approved by the
9 administrator."

10 **Section 6.** §3613 of Article 6, Chapter 3, Title 11, Guam Code
11 Annotated, is *amended* to read:

12 **"§ 3613. Same: Hearing.**

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

15 (b) The Board shall impose a penalty on a licensee found guilty of
16 violating any of the provisions of this Chapter amounting to One Thousand
17 Five Hundred Dollars (\$1,500.00) for the first offense; Two Thousand Five
18 Hundred Dollars (\$2,500.00) for the second offense; and Three Thousand
19 Five Hundred Dollars (\$3,500.00) for the third offense. For the fourth
20 offense, the Board may impose a penalty of up to Ten Thousand Dollars
21 (\$10,000.00), but *not less than* Five Thousand Dollars (\$5,000.00), and a
22 forty-eight hour suspension for every subsequent offense. Contingent on the
23 severity of any violation, the Board may use its discretion and suspend or
24 revoke the license of any licensee found guilty of violating any of the
25 provisions of this Chapter.

26 (c) In addition to the fines in Subsection (b) of this Section, the
27 Board *shall* suspend, for a period of *not less than* thirty days and *no more*

1 *than* ninety days, the license of any licensee found guilty of violating §3413
2 of this Chapter as a second offense. The Board *shall* revoke the license of
3 any licensee found guilty of violating §3413 of this Chapter as a third
4 offense.

5 (d) The Board *shall* suspend an Alcohol Employee's license for
6 seven days for a first offense of §3212.1(c) and (d), and/or §3230, of this
7 Chapter; a suspension of an Alcohol Employee's license for fourteen days
8 and a One Hundred Fifty Dollar (\$150) fine for a second offense; and
9 revocation of an Alcohol Employee's license for the third offense."

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

12 "(h) Class 4, 5, 6, 7, 9, 10, 11 and 12 ABC Licensees *shall not* hire
13 or employ any employee that *does not* have a valid Alcohol Employee
14 License from an approved Alcohol Server/Seller Training Program twelve
15 months from the effective date of this Act, provided, however:

16 (1) that a current ABC License *shall* continue to be valid
17 until expiration, but the licensee *shall* be required to have taken the
18 Alcohol Server/Seller Training Program prior to license renewal.
19 Further, the unexpired license *shall not* be portable, as provided
20 pursuant to §3212.1(b) which only applies to a licensee who has
21 passed an Alcohol Server/Seller Training Program."

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

24 "(c) The Administrator *shall* approve classroom alcohol
25 server/seller training programs that meet the regulations duly promulgated
26 by the Board pursuant to 11 Guam Code Annotated §3124."

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

3 **“§ 2111. Responsibilities of Alcohol Server/Seller Training**
4 **Programs.**

5 (a) No alcohol server/seller training program will offer or conduct
6 alcohol server/seller training classes until they have received written
7 approval from the Administrator.

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

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

14 (1) the ethics and responsibilities of serving alcoholic
15 beverages;

16 (2) basic alcohol content among different types of drinks
17 containing alcohol;

18 (3) the clinical effects of alcohol, including the identification
19 of progressive stages of intoxication and the visible signs associated
20 with each stage;

21 (4) variables associated with visible intoxication, including
22 the rate of drinking, tolerance, weight, food consumption, gender, and
23 use of other drugs;

24 (5) procedures for monitoring consumption, personal skills
25 to prevent intoxication and intervention procedures;

1 (6) acceptable forms of personal identification, techniques
2 for determining the validity of identification, and procedures for
3 dealing with fraudulent identification;

4 (8) personal skills to assess the need to ask for identification
5 based on appearance and company policy;

6 (9) the identification of potential third-party sales and
7 furnishing of alcoholic beverages to minors by persons 21 years of
8 age or over;

9 (10) the understanding of possible legal, civil, and
10 administrative consequences of violations of this Act, the rules of the
11 Board, and other pertinent laws;

12 (11) how to identify at place of employment spirits and other
13 alcoholic beverage products *not* intended for resale or commercial
14 distribution outside of military bases, and procedures for reporting
15 these violations to the Board;

16 (12) the understanding of Guam laws pertaining to minors
17 attempting to purchase, minors in possession, and third-party sales or
18 furnishing of alcoholic beverages by adults to minors;

19 (13) knowledge of the legal hours of alcohol service and
20 occupancy;

21 (14) identification of signs of prohibited activities, such as
22 gambling, 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
27 individuals seeking certification as instructors within the program. The

1 examination *shall* thoroughly test the individual's knowledge and
2 competency in the curriculum topics required by the Board. The minimum
3 passing grade for the examination participants of the program *shall* be *not*
4 *less than 75%*. For instructor certification, the passing grade *shall* be *not*
5 *less than 85%*. All tests *shall* be approved by the Administrator.

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

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

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

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

21 (i) The Administrator *shall not* approve online alcohol server/seller
22 training programs.”

23 **Section 10. Effective Date.** This Act *shall* become effective upon
24 enactment.

25 **Section 11. Phased Implementation for Enforcement.**

1 (a) The Board *shall* promulgate the requisite rules and regulations
2 mandated pursuant to §3124 of Title 11, Guam Code Annotated, within one
3 hundred fifty calendar days of the effective date of this Act.

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

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

S.Bill No: 118-32 (COR)

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15
Yea

Nay

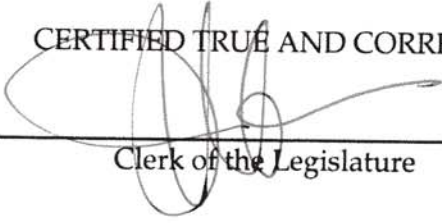
Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

I = Pass


Clerk of the Legislature

June 21, 2013



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



JUN 17 2013

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman
Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform

RE: Committee Report on Bill No. 118-32 (COR), As Substituted by the Committee

Dear Speaker Won Pat,

Håfa adai! Transmitted herewith is the committee report on Bill No. 118-32 (COR), as substituted by the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations – “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].”

Committee votes are as follows:

<u>3</u>	TO DO PASS
<u> </u>	TO NOT PASS
<u>5</u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN INACTIVE FILE

Respectfully,


MICHAEL F.Q. SAN NICOLAS

2013 JUN 17 PM 2:33



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT

BILL NO. 118-32 (COR) AS SUBSTITUTED BY THE COMMITTEE

**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].**



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



JUN 17 2013

MEMORANDUM

TO: All Members
Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations

RE: Committee Report on Bill No. 118-32 (COR), As Substituted by the Committee

Håfa adai! Transmitted herewith for your consideration is the Committee Report on Bill No. 118-32 (COR), as substituted by the Committee – “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].”

This report includes the following:

- Committee Voting Sheet
- Report Digest
- Copy of Bill No. 118-32 (COR), As Introduced
- Copy of Bill No. 118-32 (COR), As Substituted
- Public Hearing Sign-in Sheet
- Copy of COR Referral of Bill No. 118-32 (COR)
- Request for Fiscal Note
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Testimony
- Supplemental Documents

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

Respectfully,


MICHAEL F.Q. SAN NICOLAS





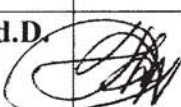
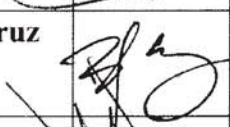


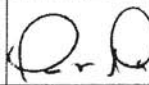
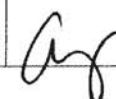
Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE VOTING SHEET

Bill No. 118-32 (COR), as Substituted by the Committee – “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].”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman	 6/17/13	<input checked="" type="checkbox"/>				
Senator Thomas C. Ada Vice Chairman				<input checked="" type="checkbox"/>		
Speaker Judith T. Won Pat, Ed.D. Member				<input checked="" type="checkbox"/>		
Vice Speaker Benjamin J.F. Cruz Member	 6/17/13	<input checked="" type="checkbox"/>				
Senator Tina Rose Muña Barnes Member				<input checked="" type="checkbox"/>		
Senator Vicente C. Pangelinan Member				<input checked="" type="checkbox"/>		
Senator Rory J. Respicio Member						
Senator V. Anthony Ada Member	 6/17/13	<input checked="" type="checkbox"/>				
Senator Aline A. Yamashita, Ph.D. Member				<input checked="" type="checkbox"/> 6/17/13		



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 118-32 (COR) was introduced on May 16, 2013 by Senator Dennis G. Rodriguez, Jr. The bill was subsequently referred by the Committee on Rules to the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations on May 16, 2013.

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations convened a public hearing on June 13, 2013 at 5:40 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the hearing agenda was Bill No. 118-32 (COR). The hearing was adjourned at 8:37 a.m.

Public Notice Requirements

Public hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on June 6, 2013, and again on June 11, 2013. Notice was also posted on the official website of *I Liheslaturan Guåhan* beginning on June 6, 2013.

Senators Present

Senator Michael F.Q. San Nicolas, Chairman
Senator Thomas C. Ada, Vice-Chairman
Vice Speaker Benjamin J. Cruz, Committee Member
Senator Rory J. Respicio, Committee Member
Senator V. Anthony Ada, Committee Member
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator Dennis G. Rodriguez, Jr.
Senator Frank B. Aguon, Jr.
Senator Brant McCreadie
Senator Thomas Morrison
Senator Michael Limtiaco
Senator Christopher M. Duenas

Public Testimony

Rebecca Respicio, Department of Youth Affairs
Audrey Topasna, Guam Behavioral Health and Wellness Center
Phil Tydingco, Deputy Attorney General, Attorney General's Office
Lucia Perez, Member, Alcoholic Beverage Control Board
Steve Ignacio, Guam Police Department

Written Testimony

Fred E. Bordallo, Jr., Police Chief, Guam Police Department
John P. Camacho, Director, Department of Revenue and Taxation
Annette M. David, Health Partners, L.L.C.

II. TESTIMONY & DISCUSSION

Chairman Michael San Nicolas: We do have a large turnout for Bill 87 and, in consideration for the individuals who are here for Bill 118, I would like to ask them to go first; if we could accommodate them, that way they can get their business done and we can move forward with Bill 87. I'd like to go ahead and call forward Lucia Perez, Phil Tydingco, Steve Ignacio and, with a short presentation, Rebecca Respicio and Audry Topasna. I would like to give some time to the author of the bill to go ahead and do his presentation on Bill 188. Senator Rodriguez.

Senator Dennis Rodriguez, Jr.: Thank you, Mister Chariman, and thank you for having this public hearing. The intent of this legislation is to give servers and sellers of alcoholic beverages basic knowledge and understanding of their responsibilities under the law. This legislation specifically calls for training to be conducted by non-profit organizations like GCC, for example. As an educational institution specializing in workforce training and skills development, they have a proven track record and can be trusted to put responsibility, training and public safety ahead of profits. Point of sale employees, whether at a bar, restaurant, supermarket, mom and pop store, gas station or other retailer, are the first line of defense against underage drinking, DUI and public intoxication; problems that eat up precious time of the police, prosecutors and the courts. What happens at the point of sales is, perhaps, the most crucial link in a more effective, community-wide partnership to make Guam safer and more enjoyable for all who live and visit here. To date, point of sale workers have been mostly overlooked in this effort. They certainly have not gotten the support they deserve from the rest of the community to help them do a better job. Server/seller training addresses this oversight. Server/seller training is a way to build confidence that the men and women our island has entrusted to dispense alcohol, whether by the glass or by the six pack, understand and comply with the responsibilities of their licensed occupation. Right now, because of the high number of alcohol related offenses our island experiences, especially those involving underage drinking, public intoxication and DUI, that confidence is lacking. Right now, there are different licensing standards for employees who serve at bars, clubs and restaurants then workers who sell at stores. This bill will level the playing field between these on-premise servers and off-premise sellers of alcohol by requiring all who serve and sell to be ABC-licensed alcohol employees. It will create parity among all workers who sell alcohol, no matter where they sell it. Efforts to ensure responsible sales and service are a natural fit with the existing "Drink Responsibly" campaign that various alcohol distributors promote. Point of sale employees are in a position to have substantial influence and impact on drunk driving, underage drinking and public intoxication, if they are properly educated and trained. Research has shown that training changes the attitudes of those serving or selling alcohol, and they are less likely to sell to someone who is underage or has already consumed too much. Historically, preventive education has been more effective and more cost-efficient than punitive actions, and responsible server/seller training is a proactive versus reactive or punitive approach to addressing alcohol-related problems. Additionally, the current process to get a Guam ABC card is complicated, cumbersome, time consuming, expensive and can be very frustrating. Applicants are required to get numerous government clearances that cost time and money. Yet, when all is said and done, all they receive for going through these hoops is a government-issued card. Training creates added value to having a server/seller card. Currently, these licenses must be renewed every year. This legislation will make their licenses good for three years. Presently, licenses lack portability. The server that holds more than one job has to get a separate license for each place they work. They also have to go through the process of getting another license each time they change jobs. This legislation proposes to make licenses portable. One person, one license and it can be used to work at any establishment where alcoholic beverages are served or sold. Finally, the compliance and enforcement are not only cornerstones of successfully regulating the service and sales of alcoholic beverages but also key in efforts of ensuring a safer and more livable community. Upon development and implementation of the server/seller curriculum, and putting in the hands of a non-profit or government training entity such as those identified in this bill, ABC will be free of a purely administrative and bureaucratic task and become

better positioned to strengthen and fulfill its compliance and enforcement mission to the benefit of employees, employers, customers and the community at-large. Thank you very much, Mister Chair.

Chairman San Nicolas: Thank you, Senator Rodriguez. Miss Perez.

Ms. Lucia Perez: Good evening, Mister Chair, and Senators. I am serving as an appointed member of the Board. I do have history with the Board. I served as a former member. I took a couple of weeks off to rethink and regroup, and decide what I wanted to do and if I wanted to continue. With that decision, I'm going to continue on. One of the items we have been working on, with the previous Board and current Board and with the Senator's office and DYA and other members, is this bill. The Board members believe that this is a good bill. It also allows flexibility for our servers who will receive so, instead of becoming before the Board or before the Compliance Branch every year and having their license specific to one location, they can have it portable which gives them more opportunities to go out there and be a productive member of the community and also provide feedback to the community. There are some other items that we are looking into as already stipulated by the written testimony by the Director in terms of the number of days for implementation. We are asking that we take a look at that because it probably will take a little more than six months and, although you gave the administrator and the Board time to go through the curriculum, because of the number of the employees that are currently there. If we can complete that, then we'll be good but I would not want to say that we can stick to the timeline of the five months because when we roll out this project, I'd like to ensure that it's rolled out correctly and we give all existing and new servers the opportunity to get what is needed to come into compliance with this. From the Board members' perspective, this is a good bill. It's something that is long-awaited. It will help emphasize and help enforcement rules because then we not only leave the enforcement and compliance to just the employees of the Department of Revenue and Taxation but also all the individual employees, managers, waitresses, servers out there. So, when you yourselves as parents, patrons or customers of these establishments go out there, or when your children who are under 21 go out to these sites, you will be more comfortable knowing that you've got servers who have been trained to spot and to know what to do and how to handle situations where alcohol is present. So, we believe this is a good bill. We would like to ask that you take a look at the implementation time so that it can be done properly but we support it.

Chairman San Nicolas: Thank you very much, Miss Perez. Officer Ignacio, I noticed that you check marked written testimony. Are you going to be reading that testimony for the record or do you have separate oral testimony?

Mr. Steve Ignacio: That is not necessary, sir.

Chairman San Nicolas: We will just go ahead and accept the written testimony. General Tydingco.

Mr. Phil Tydingco: Good evening. As you may or may not know, our office has been working with Senator Rodriguez on reviewing this bill. We support this bill. Any proactive and preventive measure is always helpful. As you may know, among our large categories and groups of cases the Office of the Attorney General has in the prosecutorial division, besides family violence, DUI is a big case group that we have. If I may share a little, I think that bills like this, which are proactive and provide the educational activities so that servers and all folks who sell alcohol, and I am especially pleased that we have identified cashiers; it's not simply the bars and restaurants. It's important that these stores and smaller establishments have that training too because, some of our evidence shows that, a great deal of those sales to folks that are clearly inebriated... for example, I have a case that I'm probably going to start in July, a homicide case in which the individual, who was in DUI court that morning, went out and got inebriated, bought the beer and killed a servicewoman, a motorcyclist going down the wrong side of the road in broad daylight. I think bills like this can have an impact and prevent, especially if we reach out to the stores where there are certain segments of our community who aren't patrons of, or not necessarily part of

the working class, middle class or people of a higher social economic status, to go to those establishments and buy alcohol. A great deal of that is done in those stores and establishments and this bill reaches those people. I think it is really important so I commend the Senators who are authors of this and supporters of this and we urge you to pass this bill.

Chairman San Nicolas: Thank you, General. You three are good to go unless there are any questions from any members of the panel; any members for these three? No. Thank you all very much. Audrey and Rebecca, are you two ladies ready to go? If I may ask that you attempt to keep this presentation within the five minute consideration timeline, please. Thank you.

Ms. Rebecca Respicio: I am a program coordinator with the Department of Youth Affairs and also a EUDL coordinator, which is the Enforcing Underage Drinking Laws grant. Additionally, I am also an RBS trainer.

Ms. Audrey Topasna: I am the Underage Drinking Prevention coordinator with the Guam Behavioral Health and Wellness Center.

(Ms. Respicio and Ms. Topasna make a Power Point presentation)

Ms. Respicio: We are here for obvious reasons. We work in the field of prevention and we have been working on establishing an RBS campaign here locally. Everyone knows the data and why there is a problem on our island, and Senator Rodriguez read the need for this kind of law and mandate. We fully support this RBS campaign because we feel there is an important responsibility that businesses do have. Businesses have a role in their community beyond providing goods and services to their customers. They have a responsibility to enforce laws here on island just like us as citizens. What we did was, in an effort to bring awareness to the community about the importance of an RBS training on Guam, we have a EUDL grant which enforces underage drinking laws locally and, in an Office of Juvenile Justice and Delinquency (OJJ) report, one of the high priority strategies was to educate merchants on the techniques and responsibilities. The effectiveness of that was that there is an effect in itself but that we recognize that there must be other efforts within our community that will tie into that which is why compliance checks are very important. That is something that we do work on. One thing that we do bring to the table is where it came from and as much as what we're doing. The U.S. Department of Justice has an office of OJJ Prevention which did create an Underage Drinking Enforcement Training Center. Locally, we have seven people who are trained by the Pacific Institute for Research and Evaluation (PIRE). We have only had a couple of trainings and we'll talk about the effectiveness of the trainings and how the participants felt. We had little to zero resistance from them, seeing how important this is for our community. Everyone who is trained does get certified by the DOJ because it is endorsed and recognized and that's important.

Ms. Topasna: I'm going to share with you a little about the two trainings we conducted on Guam. We held one in April and one in May. This is a glimpse of the different materials that each participant and establishment receives when they attend the trainings. They receive a bar sign, a door sign, a pin and also this packet that we have here. Out of the two trainings we held, there were 36 participants were trained and certified in RBS. The 36 represented 16 different establishments. Whenever we conduct training, we collect feedback from the trainees. That helps us identify areas to improve for success and sustainability. We wanted to share with you the highlights as to why the training is needed and wanted by these sellers. We asked our trainees if the materials presented would be useful to their daily situations at work. 64% strongly agreed, 36% agreed; slightly agreed and slightly disagreed were 0%. It was all positive. We asked if they would recommend the training to anyone. 92% said they strongly agreed that they would recommend this to others, 8% said they agreed. We asked how useful the information was. 83% said very useful and 17% said it was useful. Lastly, how satisfied were you with the overall quality of this training. 81% said that they were very satisfied and 19% said that they were satisfied. This indicates a want and a

need for this alcohol server/seller intervention training. You are hearing straight from the individuals that will have to go and obtain the alcohol license. We wanted to point out that Guam is not the first, and definitely not the last, to mandate alcohol server/seller intervention. In the U.S., over 35% of the states already mandate this training. You will see that the blue states already mandate it. The ones in purple are mandated and have volunteer trainings. The ones in pink have volunteer trainings. Overall, 73% of the states are implementing these alcohol server/seller trainings. This information is provided by the Alcohol Policy System. It is a project of the National Institute on Alcohol Abuse and Alcoholism. To reduce alcohol abuse and underage drinking requires a multi-strategic approach such as implementing individual and environmental level interventions. Individual would be school base or family based programs. Environmental level interventions include raising the price of alcohol, increasing the minimum drinking age and including alcohol server/seller intervention. Our island has dealt with far too many alcohol related motor vehicle crashes, family violence, cancer and suicide. We must continue to improve on Guam's environmental intervention and the passage of Bill 118 would be another significant environmental impact towards having a healthier and safer community.

Ms. Respicio: We just wanted to let you know of the other stakeholders: DYA; the PEACE Office from GBHWC; Sanctuary, Inc.; the Office of Public Safety at DPW; community volunteers, the NCD Consortium at DPHSS. We are in full support of this. It is something we had envisioned and hoped for. This mandate is going to help us educate the community and we, as government entities, also want to provide our support with that. We are open to sitting down and discussing how we can support and launch when this gets into law. We wanted to show you a commercial that has been playing about our RBS campaign. Additionally, it is a result or spin-off of our One Nation Alcohol-free campaign. Although we are in the field of prevention and recognize the need to promote an alcohol-free lifestyle, we also recognize the need to enforce the laws created to help keep our island safe. Once again, we support this and thank you for stepping up and being brave enough to try and make changes for our community.

(a short video is shown)

Chairman San Nicolas: Thank you very much for making the time. Please provide us a copy. We appreciate you expediting it. We want to give it our full consideration. Senator Aguon.

Senator Frank Aguon, Jr.: Thank you, Mister Chairman. I know that you glanced through it initially and it was part of your video clip but 17.7% of adults are binge drinkers and 22.8% of teenagers under 18 have access to alcohol. Despite the excellent presentation and the support for this legislation, that says why we need to move forward with legislation such as this. When 22.8% of individuals under 18 can access alcohol, then there's a challenge out there and we need to address it.

Chairman San Nicolas: Vice-Speaker Cruz.

Vice Speaker Benjamin Cruz: I send a FOIA request for federal grants from DYA, and I noted that you have a couple hundred thousand dollars left in EUDL funds and your grant is going to expire...

Ms. Respicio: We have an extension.

Vice Speaker Cruz: I just wanted to make sure that you had a plan to spend that money because I don't want that money being returned to the federal government.

Chairman San Nicolas: Thank you. Senator Rodriguez.

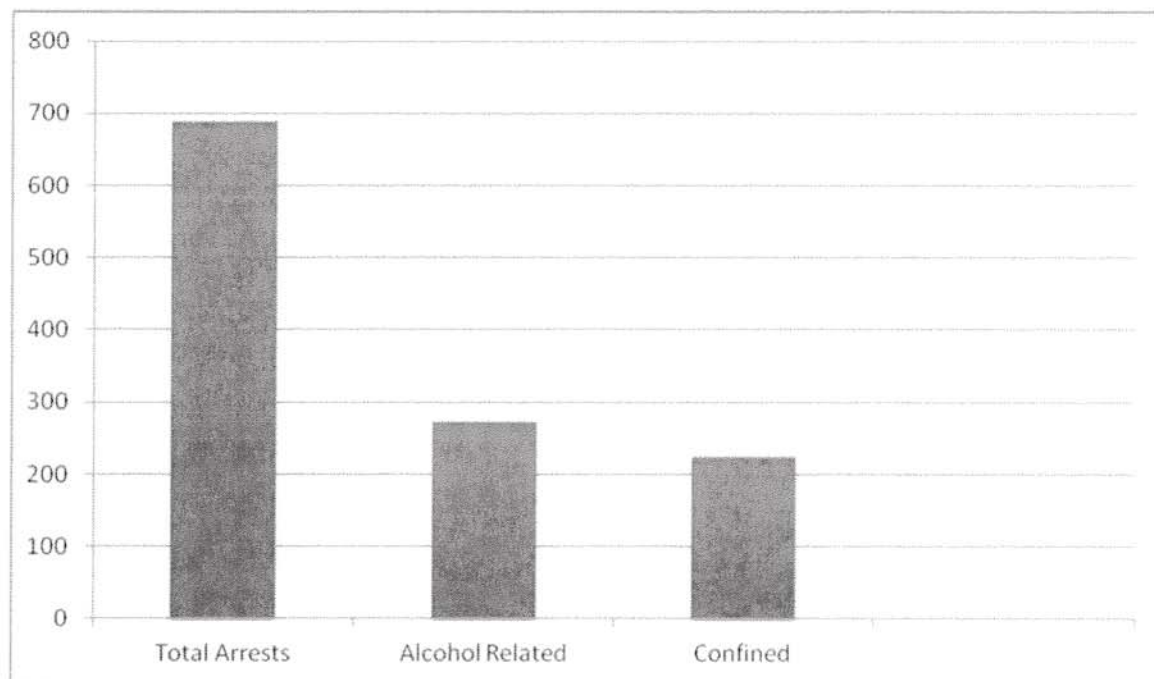
Senator Rodriguez: I just want to thank you for coming down and doing what you're doing. Even without this measure, you are already starting it. By mandating it, it will expand it and it does what it is intended to do.

Chairman San Nicolas: Thank you very much and thank you to all who came to testify on Bill 118. The hearing has now concluded.

III. FINDINGS AND RECOMMENDATIONS

The Committee finds that From January 1st through March 31st of this year 39% of all arrests by the Guam Police Department were alcohol related. Of all persons charged with alcohol related offenses at the time of their arrest 82% had to be confined.

**Arrests by GPD
Jan 01 through Mar 31, 2013**



Total Arrests: 685

Total Arrests with Alcohol Related Charges: 268

Total Number of Those Arrestees Confined: 220

The Committee further finds that varied constituencies throughout our community have acted individually and together to address alcohol linked problems.

- **Lawmakers** - raised the drinking age to 21 and reduced hours of operations for bars on weekends;
- **Regulators** - enforcement actions such as Operation Dragon have highlighted the need to follow alcohol related laws;

- **Law Enforcement** - driver check points and DUI messaging campaigns;
- **The Judiciary** - stricter sentencing, increased fines, license revocations, DUI court, and mandatory treatment programs;
- **Schools** – classroom discussion and lesson units at all levels: elementary, middle, high school, and college;
- **Public Health Officials** –awareness campaigns;
- **Government, Faith Based and Secular Community Organizations Working Together** - public awareness campaigns, counseling, programs that specifically target youth, have been aided by the Non Communicable Disease Task Force, and other community partners;
- **Private Sector** –messages about responsibility in advertising by the adult beverage industry; access to confidential evaluation and counseling through Employee Assistance Programs and insurance covered treatment options offered by employers across all industries

While all of these efforts represent a positive step forward, testimony provided at the public hearing indicates that the missing component in these efforts is standardized training for the men and women who serve and sell alcoholic beverages at bars, clubs, restaurants, supermarkets, and convenience stores.

The Committee finds that the transactions these employees conduct across a bar, at a restaurant table, or store checkout line appear simple and ordinary. But the reality is there is much more to what they do than just take an order or put items in a grocery bag and hand back some change.

Guam law requires that each of these workers be responsible for knowing the difference between real and fraudulent Identification. The law also says they are responsible for saying “no” to individuals who may already be intoxicated but want to drink more.

The transactions these store clerks, bartenders and table servers conduct can have extraordinary, unintended, and even tragic consequences at the point sale and beyond. These workers are being asked to fill a vitally important role in keeping our island safe and livable.

As such, Guam law has given these workers the power to sell or deny the sale of alcoholic beverages; allow or deny entry to establishments that serve alcoholic beverages. These workers are at ground zero, the place where efforts to combat alcohol linked criminal and social problems should begin. The workers who serve and sell alcoholic beverages must be fully included in the existing community wide effort to combat alcohol-related crime, social, and health problems. This can be achieved by requiring that all people who serve or sell alcoholic beverages and who manage or supervise those servers and sellers successfully complete an approved responsible server/seller training course.

The Committee finds that server training has been demonstrated to change the attitudes of those serving or selling alcohol, making participants less likely to sell to someone who is underage or has already consumed too much. Responsible server/seller training is a proactive vs. reactive or punitive approach to addressing alcohol related problems.

Today it is not necessary to complete an approved training course to serve or sell or alcoholic beverages in Guam, nor is it necessary to complete a training course to supervise or manage those employees. The measure as proposed will also allow trained ABC servers increased portability of their license beyond any single location. The measure will also extend the term of licenses from 1 to 3 years.

Based on the Public Hearing held for the measure, consultation with various community stakeholders and experts; the Committee has included the following revisions in Substitute Bill 118-32(COR):

- The measure has been revised to permit the operation of a qualified server training program by a government entity. (page 4, line 11)
- Community stakeholders must now be consulted in the drafting of regulations pursuant to this measure. (page 4, line 16-18)
- Licensure fees collected beyond the cost of the training program must be deposited to the Alcoholic Beverage Compliance Fees and Fines Fund. These funds *must* be used to promote the compliance and enforcement of liquor laws. (page 5, line 7-12)

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations hereby reports out Bill No. 118-32(COR), as substituted by the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations, with the recommendation TO REPORT OUT ONLY.

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].**

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>
	\$25.00 per year
<u>Alcohol Employee</u> Waiter/Waitress	<u>\$60.00 per 3 years</u>
	\$15.00 per year

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>

6 Class 6. Special Alcoholic license

7 <u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
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8 Class 7. Temporary beer license

9 but not to exceed \$ 20.00 per day \$100.00 per event

10 <u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
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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>
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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>
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18 Class 11. Microbrewery-pub restaurant license \$1,000.00 per year

19 <u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
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20 Class 12. Mobile License:

21 (a) Limousine Service – per vehicle	\$ 750.00 per year
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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
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27 (e) <u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
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28 <u>Class 13. Alcohol Server/Seller training program</u>	<u>\$200.00 per year</u>
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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;

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

(d) The alcohol server/seller training program shall administer a comprehensive examination to participants of the program, including individuals seeking certification as instructors within the program. The examination shall 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.

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

Bill No. 118-32 (COR)

**As substituted by the Committee on
Aviation, Ground Transportation,
Regulatory Concerns and Future Generations**

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].**

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.

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

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

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

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

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

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

1 *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that generally these
2 alcohol enforcement programs overlook the importance of the proper education
3 and training of point of sale employees, both servers and sellers, their supervisors
4 and managers.

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

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

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

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

26 It is the intent of *I Mina'Trentai Dos Na Liheslaturan Guåhan* for
27 standardized server/seller classroom training to be widely available and easily
28 accessible for employees who serve or sell alcoholic beverages workers and for

1 that training to be a requirement for obtaining an ABC Alcohol Employee License.

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

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

10 **§ 3124. Alcohol Server/Seller Training Program.** Alcohol server/seller
11 training program means a classroom only educational program offered by a non-
12 profit organization, entity of the Government of Guam, community college, or
13 university that has been approved by the Administrator under regulations
14 promulgated by the Board. Such regulations *shall* include, but not be limited to,
15 the content of the program, certification of instructors of the program, and testing
16 and methods of presentation, and as further provided pursuant to 3 GAR Chapter 2
17 [Alcoholic Beverage Control Board]. The Board, in drafting such regulations,
18 shall consult with community stakeholders and shall comply with the
19 Administaritve Ajudication Act.

20 **§3124.1. Delegation of Authority.** (a) The Administrator, with the
21 approval of the Board, may enter into an agreement with a non-profit organization,
22 community college, or university with an authorized program to conduct an
23 Alcohol Server/Seller Training program on behalf of the Board, to include:

24 (1) Verification of qualifications;

25 (2) The collection of fees for application and licensure, as provided
26 pursuant to §3207 of this Chapter, on behalf of the Board,

1 notwithstanding 3 GAR §2101(d), which shall not be applicable in
2 this instance;

3 (3)The issuance of a Guam Alcohol Beverage Control Alcohol
4 Employee License on behalf of the Board; and

5 (4)The accounting and remittance of requisite fees collected for
6 application and licensure, the full sum of which shall be paid to the
7 Alcoholic Beverage Compliance Fees and Fines Fund, *must* be
8 used to promote the compliance and enforcement of liquor laws;
9 the act of which shall be deemed compliant with 11 GCA, Chapter
10 3, §3515.

11 (b) Prior to remitting the fees collected pursuant to this Section to the
12 Alcoholic Beverage Compliance Fees and Fines Fund, the authorized non-profit
13 organization, community college, or university *shall* deduct and retain from the
14 fees collected the cost for tuition for the Alcohol Server/Seller Training program.

15 **§ 3125. Manager.** All class 4 on-sale establishments shall have a duly
16 registered manager or assistant manager on the premises, in the absence of the
17 licensee, and during the hours from 7:00 p.m. daily until closing.

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

20 **“§ 3207. Licenses: Classes and Fees.** The Board is authorized to issue the
21 following classes and kinds of licenses at the following fees:

22 Class 1. Manufacturer’s license	\$100.00 per year
23 Class 2. Agent’s license	\$250.00 per year
24 Class 3. Wholesale dealer’s license	\$1,000.00 per year
25 Class 4. Retail dealer’s on-sale license:	
26 Beer	\$300.00 per year

1	General	\$1,000.00 per year
2	Wine	\$300.00 per year
3	Manager/Assistant Manager	<u>\$60.00 per 3 years</u>
4		\$25.00 per year
5	<u>Alcohol Employee</u> Waiter/Waitress	<u>\$60.00 per 3 years</u>
6		\$15.00 per year
7	Class 5. Retail dealer's off-sale license:	
8	Beer	\$200.00 per year
9	General	\$1,000.00 per year
10	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
11		
12	Class 6. Special Alcoholic license	\$25.00 per year
13	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
14	Class 7. Temporary beer license	\$ 20.00 per day
15	but not to exceed	\$100.00 per event
16	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
17		
18	Class 8. Public warehousemen's license	\$50.00 per year
19	Class 9. Club license	\$500.00 per year
20	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
21	Class 10. Temporary general license \$ 50.00 per day, but not to exceed	
22	\$100.00 per event	
23	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
24	Class 11. Microbrewery-pub restaurant license \$1,000.00 per year	
25	<u>Alcohol Employee</u>	<u>\$60.00 per 3 years</u>
26	Class 12. Mobile License:	
27	(a) Limousine Service – per vehicle	\$ 750.00 per year
28	(b) Charter Vehicle (Vans) – per vehicle	
29	Up to ten (10) passengers	\$500.00 per year

(c) Charter Vehicle (Vans) - per vehicle

More than ten (10) passengers \$750.00 per year

(d) Buses -per vehicle \$1,000.00 per year

(e) Alcohol Employee \$60.00 per 3 years

Class 13. Alcohol Server/Seller training program \$200.00 per year

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

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

(a) be valid for a term of three (3) years;

(b) be portable to additional or other premises;

(c) be on the employee at all times when performing any duties involving the service or sale of any class of alcohol, as provided for and defined pursuant to Article 1 of this Chapter; and

(d) include the declaration that the holder has completed ABC Board approved “Alcohol Server/Seller Training Program.

(e) be issued by the Alcohol Server/Seller training program.”

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

“§ 3230. Alcohol Employee License.

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

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

8 (1) A dated receipt from an ABC Board approved Alcohol
9 Server/Seller Training Program indicating enrollment and the scheduled
10 date, time, and location of training shall be considered a Temporary Alcohol
11 Employee License. The receipt shall also state, "Temporary Alcohol
12 Employee License", and shall contain the notation that the temporary license
13 *shall* expire within thirty (30) days of issuance.

14 **§ 3231. Manager License.** An Alcohol Beverage Control Manager License
15 shall be required for all managers or assistant managers. Every manager must
16 provide the Board and their employer with proof that the manager has successfully
17 completed an ABC Board approved Alcohol Server/Seller Training Program.
18 Proof for the employer shall be satisfied by the possession of a valid Alcohol
19 Beverage Control Manager or Assistant Manager License which shall include the
20 declaration, that the holder has completed and ABC Board approved "Alcohol
21 Server/Seller Training Program.

22 **§ 3232. Alcohol Server/Seller Training Program License.** An Alcohol
23 Server/Seller training program license shall be issued to alcohol server/seller
24 training programs that have been approved by the administrator."

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

1 **“§ 3613. Same: Hearing.**

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

4 (b) The Board shall impose a penalty on a licensee found guilty of
5 violating any of the provisions of this Chapter amounting to One Thousand Five
6 Hundred Dollars (\$1,500.00) for the first offense; Two Thousand Five Hundred
7 Dollars (\$2,500.00) for the second offense; and Three Thousand Five Hundred
8 Dollars (\$3,500.00) for the third offense. For the fourth offense, the Board may
9 impose a penalty of up to Ten Thousand Dollars (\$10,000.00), but not less than
10 Five Thousand Dollars (\$5,000.00), and a forty-eight (48) hour suspension for
11 every subsequent offense. Contingent on the severity of any violation, the Board
12 may use its discretion and suspend or revoke the license of any licensee found
13 guilty of violating any of the provisions of this Chapter.

14 (c) In addition to the ~~aforementioned~~ fines in Subsection (b) of this
15 Section, the Board shall suspend, for a period of not less than thirty (30) days and
16 no more than ninety (90) days, the license of any licensee found guilty of violating
17 §3413 of this Chapter as a second offense. The Board shall revoke the license of
18 any licensee found guilty of violating §3413 of this Chapter as a third offense.

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

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

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

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

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

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

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

17 **“§ 2111. Responsibilities of Alcohol Server/Seller Training Programs.**

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

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

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

- 3 (1) The ethics and responsibilities of serving alcoholic beverages;
- 4 (2) Basic alcohol content among different types of drinks containing
5 alcoholic liquor;
- 6 (3) The clinical effects of alcohol including the identification of
7 progressive stages of intoxication and the visible signs associated with
8 each stage;
- 9 (4) Variables associated with visible intoxication, including the rate of
10 drinking, tolerance, weight, food consumption, gender, and use of
11 other drugs;
- 12 (5) Procedures for monitoring consumption, personal skills to prevent
13 intoxication and intervention procedures;
- 14 (6) Acceptable forms of personal identification, techniques for
15 determining the validity of identification, and procedures for dealing
16 with fraudulent identification;
- 17 (8) Personal skills to assess the need to ask for identification based on
18 appearance and company policy;
- 19 (9) The identification of potential third-party sales and furnishing of
20 alcoholic liquor to minors by persons 21 years of age or over;
- 21 (10) The understanding of possible legal, civil, and administrative
22 consequences of violations of this act, the rules of the Board, and
23 other pertinent laws;
- 24 (11) How to identify at place of employment spirits and other alcoholic
25 beverage products not intended for resale or commercial distribution
26 outside of military bases, and procedures for reporting these violations
27 to the Board;

1 (12) The understanding of Guam laws pertaining to minors attempting to
2 purchase, minors in possession, and third-party sales or furnishing of
3 alcoholic liquor by adults to minors;

4 (13) Knowledge of the legal hours of alcohol service and occupancy;

5 (14) Identification of signs of prohibited activities, such as gambling,
6 solicitation for prostitution and drug sales; and

7 (15) Any other pertinent laws as determined by the Board or
8 Administrator;

9 (d) The alcohol server/seller training program shall administer a
10 comprehensive examination to participants of the program, including individuals
11 seeking certification as instructors within the program. The examination shall
12 thoroughly test the individual's knowledge and competency in the curriculum
13 topics required by the board. The minimum passing grade for the examination
14 participants in the program shall be not less than 75%. For instructor certification
15 the passing grade shall be not less than 85% for instructors. All tests shall be
16 approved by the Administrator.

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

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

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

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

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

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

11 **Section 11. Phased implementation for enforcement.** (a) The Board *shall*
12 promulgate the requisite rules and regulations mandated pursuant to 11GCA §3124
13 within one-hundred-fifty (150) calendar days of the effective date of this Act.

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

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



I Mina'Trentai Dos na Liheslaturan Guåhan

Committee on Aviation, Ground Transportation,
Regulatory Concerns, and Future Generations

SENATOR MICHAEL F.Q. SAN NICOLAS

June 13, 2013

Bill No. 118-32 (COR), introduced by D.G. Rodriguez, Jr., B.J.F. Cruz, V. Anthony Ada, M.F. Q. San Nicolas, J.T. Won Pat, Ed.D., R.J. Respcio, B.T. McCreadie, T.A. 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]."

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Rebecca Respcio	DYA	735-5032	X		X	
Antrey Topaina	GRHWC	735-5032	X		X	
Phil Tydings	AGC		X		X	
Lucia Perez	ABC Bld.		X		X	
Steve Ignacio	GPO	475-8409		X	X	



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN
Government of Guam



FRED E. BORDALLO, JR.
Chief of Police

MAURICE J.Q. SAYAMA, Colonel
Police Commander

Bldg. 13-16A Mariner Avenue, Tiyan
Barrigada, Guam 96913
P.O. Box 23909 Barrigada, Guam 96921
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 472-4036

**Written Testimony
of
Fred E. Bordallo, Jr.
Chief of Police, Guam Police Department
Re: Bill No. 118-32(COR)**

**“An Act Relative to Alcohol Beverage Control, to be Known as
“The Responsible Alcohol Sales and Service Act...”**

For: The Honorable Dennis G. Rodriguez, Jr., Chairperson, and Members
Committee on Health & Human Services, Health Insurance Reform,
Economic Development & Senior Citizen
32nd Guam Legislature

Buenas yan Hafa Adai! On behalf of the men and women of the Guam Police Department (GPD), we hereby strongly support the intent of Bill 118-32(COR): to have an standardized server/seller classroom training to be widely available and easily accessible for employees who serve or sell alcoholic beverages and for that training to be a requirement for obtaining an ABC Alcohol Employee License.

Last year, the Guam Police Department, in coordination with the Department of Public Health and Social Services, had made significant progress in apprehending individuals who sell liquors to minors. GPD and ABC investigators conducted the “Operation Dragon,” where investigators covertly appear at selected bars to observe if there are minors who may be consuming alcohol, verify their identification, then identify the Server/Seller. As soon as a minor is identified, the result could be a fine or temporary closure pending further investigation by the Public Health.

Today, it is a regular scene to see a licensed drinking establishment hosts a fundraiser for a community organization, a baseball team, a medical fundraiser or a class reunion and I am sure that there have been minors that patronize the establishments.

This Server/Seller training will provide trained and qualified workers at bars, night clubs, restaurants and retail stores. They will be able to spot fraudulent identifications when carding to prevent minors from purchasing alcohol at their establishments. Trained and qualified workers

Written Testimony of Fred E. Bordallo, Jr.
Chief of Police, Guam Police Department
Re: Bill No. 118-32(COR)
June 12, 2013
Page 2 of 2

will also be able to spot signs of heavy intoxication and deny service and to follow the laws and regulations. This will surely have a tremendous impact and will have fewer impaired drivers on our road.

Lastly, Mr. Chairman, it is my recommendation that this Server/Seller training require that the students take an exam and must pass.

Thank you for the opportunity to provide comments on this very important and critical legislation.



FRED E. BORDALLO, JR.
Chief of Police

FEB:JAB\scr



Dipáttamenton Kontribusion yan Adu'aña

DEPARTMENT OF

REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guåhan

EDDIE BAZA CALVO, Governor / *Maga'låhi*
RAY TENORIO, Lt. Governor / *Tiñente Gubetnadot*

JOHN P. CAMACHO, Director
Direktot
MARIE M. BENITO, Deputy Director
Sigundo Direktot

June 12, 2013

The Honorable Michael F.Q. San Nicolas
Chairman, Committee on Aviation, Ground
Transportation, Regulatory Concerns, and
Future Generations
Thirty-Second Guam Legislature
Hagatna, Guam 96910

Re: Bill No. 118-32 "AN ACT TO 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 ANEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD]"

Dear Senator San Nicolas:

My name is John P. Camacho. I am the Director of the Department of Revenue and Taxation. I am neither in favor nor against Bill No. 118-32.

My understanding of Bill 118-32 is that this bill proposes to mandate alcohol server training for both on sale licensees and off-sale licensees. An on sale license entitles the licensee to serve customers to consume alcoholic beverage within the premises of the business establishment. An off-sale license allow consumers to buy but not to consume alcohol beverages within the premises of the business establishment.

Alcohol server training is a form of occupational education typically provided to servers, sellers and consumers of alcohol to prevent intoxication, drunk driving and underage drinking. Our information indicates that fourteen (14) states mandate alcohol service training. Around sixteen (16) have some form of voluntary alcohol server training. The remainder do not regulate alcohol server training at all.

Establishments that train their employees benefit by reducing risk and creating a safer, more responsible work environment. The training can be used to mitigate liability during a lawsuit involving intoxication by providing evidence of intent on the part of the establishment that serves and sells alcoholic beverages - a "reasonable efforts defense." In addition, this training can possibly lower liquor liability insurance premiums

Effective training will enhance the fundamental people skills of servers, sellers, and consumers of alcohol. At the same time, the training should help individuals understand the difference between people enjoying themselves and those who are getting into trouble with alcohol consumption. Employees and manager who participate in this training are generally able to spot underage drinkers and prevent sales to minors, recognize signs of intoxication, effectively intervene to prevent problem situations, and handle refusal situations with greater confidence.

Some states mandates alcohol server training in classroom by certified trainers. Some states allow online alcohol server training. Some require different training for employees that sell for licensees with off sale license such as restaurants, bars, hotels and night clubs and another type of training for those that sell off sale or off premises such as grocery stores, liquor stores, or convenience stores, etc. It is our observation that Bill 118-32 makes no distinction for requiring alcohol service training for those selling alcohol beverages for both on sale and off sale licenses.

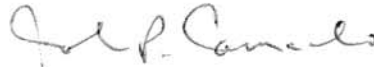
Our office is not aware if there are schools, colleges or universities that provide alcohol server training. To draft regulations, conduct public hearing and have the alcohol server training regulations be approved by the Guam Legislature may take more than six (6) months. Bill 118-32 does provide a transition period. However, we are not sure if at the end of this transition period, the regulations shall be in place.

We suggest the active involvement and participation of the public high schools particularly those with culinary arts program, the Guam Community College and including the University of Guam to offer alcohol server training as an elective subject to make this program work. The reason for the high school participation is to educate the youth particularly those below twenty one (21) years old the consequences of alcoholic consumption and for those above twenty (21) years old the need for moderate consumption for health and wellness reasons.

Given this huge task, our Regulatory Division, particularly the Compliance Division – which is down to four (4) inspectors - will not be able to contribute to this program due to lack of Compliance Inspectors and equipment to conduct the inspection. For this program alone, we need at a minimum three (3) Compliance Inspectors and one motor vehicle. Otherwise, this mandate will remain just an unfunded mandate with no prescription for success.

Due to the above given reasons our office neither support nor opposes this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "John P. Camacho", written in a cursive style.

JOHN P. CAMACHO
Director



12 June, 2013

Senator Dennis Rodriguez, Jr.
32nd Guam Legislature
Hagatna, Guam

RE: Bill 118-32 (COR) – An Act relative to Alcohol Beverage Control, to be known as “The Responsible Alcohol Sales and Service Act”

Dear Senator Rodriguez,

Once again, we laud you on your ongoing leadership for our island’s healthier future! We, the physicians and staff of Health Partners, LLC submit this testimony in strong support of **Bill 118-32 (COR) – An Act relative to Alcohol Beverage Control, to be known as “The Responsible Alcohol Sales and Service Act.”**

Our local data documents the high socio-economic and health costs of harmful alcohol use. Heavy alcohol use directly contributes to liver cirrhosis, the 10th leading cause of death on Guam. In addition, alcohol is implicated in some types of cancer, stroke, suicide, and motor vehicle accidents and can exacerbate diabetes – these comprise 5 of the top 10 causes of death in our island. Alcohol also contributes to 3 (liver, colon and rectum and nasopharynx for men; breast, colon and rectum and cervix for women) of the top 5 causes of cancer deaths on Guam for both males and females.

Alcohol use has been implicated in criminal arrests, motor vehicle crashes, violent crime including family violence and suicide. Alcohol-related offenses accounted for 8.6% of all juvenile arrests in 2011, up from 5.3% in 2010. Traffic accidents and “Driving under the influence” (DUI) arrests decreased from 2010 to 2011; however, the number of traffic-related fatalities increased. Alcohol was a factor in 27.3% of traffic-related fatalities in 2011 (Guam Epi Profile, 2013).

As Chair for Guam’s State Epidemiological Outcomes Workgroup, I can testify that evidence-based policies to reduce harmful alcohol use work very efficiently in Guam. For instance, the adult binge-drinking rate in Guam was increasing until 2010, when it dropped for the 1st time since 2001. Likewise, the youth binge-drinking rate dropped in 2011. These positive changes followed the landmark law legislating an increase in the legal minimum age for alcohol consumption from 18 to 21 years. Guam’s youth binge drinking rate also decreased in 2003, following the legislated increase in alcohol taxes (Guam Epi Profile, 2012).

The US Department of Health and Human Services in 2002 identified the following as effective community interventions to reduce the harmful use of alcohol:

- Increased enforcement of laws prescribing the minimum legal drinking age (21 years);
- Implementation, increased publicity and enforcement of other laws to reduce alcohol-impaired driving;
- Restrictions on alcohol retail density;
- Increased price and excise taxes on alcoholic beverages; and,
- Responsible beverage service policies on social and commercial settings.

Guam recently enacted laws that address the 1st and 3rd bullet points and Guam has existing laws that address the 2nd bullet point. Bill 118-32 addresses the 5th bullet point.

Research results on responsible beverage service (RBS) and sales are mixed; however, studies point out that the most effective programs are those that are mandatory, include owners and managers as well as servers, and where there is active and visible enforcement. In a review of research on strategies to reduce youth access to alcohol, the Institute of Medicine recommends, “States should require all sellers and servers of alcohol to complete state-approved training as a condition of employment” (2004).

Bill 118-32 will reinforce the existing policy interventions to reduce the tragic consequences of harmful alcohol use. Mandating it for both managers and sellers is consistent with evidence-based practice. To maximize its impact, the research recommends:

- A training curriculum that is comprehensive, with information on the social impact of alcohol as well as its impact on the body, local laws on alcohol, techniques to (1) prevent service or sales to underage persons and (2) cutting off service and refusing sales to intoxicated patrons; the curriculum should include a skills development component with role playing.
- The training should include management policy development to reduce alcohol-related harm to patrons. For example, management can require staff to check IDs for anyone under 30 or adopt practices that promote a safer environment for the establishment such as barring intoxicated persons from entering the outlet. Drink specials and promotions such as “all you can drink,” “two-fers,” ladies night, happy hours and the practice of last call encourage patrons to consume higher quantities of alcohol, even to intoxication, especially if these discounts are time limited (Erenberg and Hacker, 1997). Owners can prohibit these practices in their own establishments. They can also take action to provide a safer environment in their establishment. For example, some establishments apply crowd control policies in the establishment and for those waiting to enter, adequate lighting in parking lots, restroom hallways, etc. Potential benefits and incentives include

safer bars, less damage/vandalism, lower economic costs, lower liability risk, reduced rates of insurance, and increased community support and patronage.

- Training should last a minimum of 4 hours, and should be offered by reputable sources. Towards this end, consider **stipulating that course providers must guarantee they do not receive funding or other support from alcohol-related industries and groups.** This will avoid conflicts of interest and potential credibility gaps of the RBS providers.
- Periodic refresher or booster training is ideal; consider requiring proof of annual re-training as a condition for continuation of licensure.
- Since the Behavioral Health and Wellness Center (formerly DMHSA) and the Department of Youth Affairs already have the curriculum and capacity to conduct RBS training, consider including them in the list of acceptable RBS training providers.

If legislated this bill will complement and reinforce the recent laws raising the minimum legal age for alcohol consumption and reducing the hours of sales of alcoholic beverages. For the greatest impact on our community, consistent and strong enforcement of these laws is necessary.

Thank you for your continued championship of health-related public policies. We sincerely appreciate all that you do to improve our island's health and welfare.

Sincerely,



Annette M. David
Senior partner for health consulting services, Health Partners, LLC



SENATOR DENNIS G. RODRIGUEZ, JR.

ALCOHOLIC BEVERAGE SERVER/SELLER TRAINING FAQs

What is server/seller training?

Server/seller training is a proactive, preventative approach to reducing alcohol related crime and social problems. It standardizes and professionalizes alcoholic beverage sale transactions, it teaches basic understanding of ABC law including server's and seller's legal responsibilities, it also teaches skills that help workers better respond to customers at the point of sale of alcoholic beverages in bars, restaurants, and retail stores. Training involves one classroom session lasting 3-4 hours.

Don't we already have many programs to address social and criminal problems related to alcohol? Why do we need another one?

Yes, over the years all three branches of government, community groups, and the private sector have sponsored initiatives with some limited success. But these efforts, particularly enforcement programs, have largely overlooked what happens at the point of sale. Whether serving or selling, point of sale employees and their managers are in a position to have substantial influence and impact on issues such as underage drinking, public intoxication, over-service, and DUI if they are properly educated and trained.

Historically preventative education training is shown to be more effective and more cost efficient than punitive actions. The goal of server/seller training is to have trained, qualified workers who follow the law when serving and selling alcohol; not to rely on the threat of fines, license revocations, or other sanctions as a means of achieving better compliance. Server/Seller training is a proactive and preventative approach to problem solving. It is about prevention instead of punishment.

There is evidence that training changes the attitudes of those serving alcohol and they are less likely to sell to someone who is underage or has already consumed too much. This results in fewer minors obtaining access to alcohol, reduced incidents of public intoxication, and fewer impaired drivers on the road.

Why is server/seller training needed?

Under Guam law, employees who serve or sell alcoholic beverages have legally mandated responsibilities, such as identifying underage buyers and recognizing false identification, denying service to intoxicated or unruly persons, observing opening and closing times, to name just some. The transactions these store clerks, bartenders, and table servers conduct can have unintended, and even tragic consequences at the point sale and, down the road.

These workers are being asked to fill a vitally important, frontline role in keeping our island safe. It is a huge responsibility. Yet they receive little to no support from the community. Standardized, formal training to help them fully understand their role in upholding both the law



SENATOR DENNIS G. RODRIGUEZ, JR.

So what does it cost?

Nothing. This legislation has been written so the cost of training comes out of the ABC licensure fee for servers and sellers.

Doesn't server/seller training create a barrier or disincentive for people to enter the workforce?

No, and actually this legislation includes incentives for workers by making their ABC license portable, it currently is not. It also does away with annual renewal in favor of a three-year licensure period. Server/seller training teaches workers skills that are transferable beyond the hospitality or retail setting, especially when offered through a qualified workforce development entity. An example of this might be Guam Community College. Server/seller training is a means of professionalizing the hospitality and retail industry workforce to the benefit of workers and their employers.

Shouldn't server/seller training be voluntary?

Guam has relied on voluntary server/seller training for years, and unfortunately, it has just not worked.

- *Voluntary training is sold year-round by GHRA, including at its annual PHARE. The training is contracted out to a for-profit company at a cost of \$85 per person to GHRA member employees and \$110 per person to non-members.*
- *This year free voluntary server/seller training became available to hospitality and retail employees through the Department of Mental Health and Department of Youth Affairs. The first official training session attracted just 19 participants. This is a grant funded program with no clear sustainability or continuity plan should that funding not be renewed.*

Bill 118-32 not only mandates training, but also requires that it be conducted in a classroom setting by a qualified educational institution or non-profit at minimal cost. It will be self-sustaining because the cost of training is paid for out of ABC Alcohol Employee licensure fees.

Why does it matter if servers and sellers are trained?

Serving/Selling alcohol is a job that almost anyone can get hired and start immediately with little to no training. Most servers are ignorant of liquor regulations and the liability and responsibility that goes with serving someone alcohol. Training can give them the knowledge and tools to be able to handle situations that occur with the service of alcohol.

Server/Seller training is a preventative approach. For example, instead of violating an alcohol employee AFTER they have already served an underage or intoxicated person, training can help reduce those incidents from ever occurring.



SENATOR DENNIS G. RODRIGUEZ, JR.

it of employees because having a staff that has completed server/seller training often translates to lower liability insurance rates and helps shield business owners from third-party lawsuits. In Guam the GHRA promotes server/seller training to its membership. This legislation will formalize and standardize training for employees of on-premise and off-premise ABC license holders.



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SENATOR DENNIS G. RODRIGUEZ, JR.

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**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR


JUN 17 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st 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.


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
Total Department/Agency Appropriation(s) to date:	\$11,241,451

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$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
Total:	\$13,013,851	\$0	\$13,013,851

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
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions?
If Yes, see attachment / x / Yes / / No
- Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ / x / N/A / / Yes / / No
- Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies? / / Yes / x / No
Is there a federal mandate to establish the program/agency? / / Yes / / 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. Blos, Director Date: JUN 14 2013

See attachment for revenue generating provisions.

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>
Total	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.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 21, 2013

VIA E-MAIL
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
117-32 (COR)	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
118-32 (COR)	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].
119-32 (COR)	V. Anthony Ada Chris M.Duenas	AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9 GCA RELATIVE TO HOME INVASION.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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Senator
Michael F.Q. San Nicolas
Member

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 Guahan

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
118-32 (COR)	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			Fiscal Note Requested 5/21/13



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

First Notice - 6.13.13 Public Hearing

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Thu, Jun 6, 2013 at 2:33 PM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Dionesis Tamondong <dtamondong@guampdn.com>, Ed Davis <edavis@k57.com>, Jon Anderson <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, info@chinesetimesguam.com, Jason Salas <jason@kuam.com>, John Davis <john@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Mindy Aguon <mindy@kuam.com>, mwatanabe@guampdn.com, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, radioprod@kuam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, Maureen Maratita <publisher@glimpsesofguam.com>, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, jtyquiengco@spbgum.com, kevin@spbgum.com, hill.bruce@abc.net.au, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgum.com, editor@saipantribune.com, Clynt Ridgell <clynt@spbgum.com>, mcpherson.kathryn@abc.net.au, cimiculka@guampdn.com, arcordoba@guampdn.com, communications@guam.gov, natalie.quinata@guam.gov, Troy Torres <troy.torres@guam.gov>, phnotice@guamlegislature.org, Jermaine Alerta <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, delisakloppenbourg@gmail.com, Geraldine Castillo <geraldine@mvguam.com>, Joy White <joy@mvguam.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, josh@spbgum.com, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rolyforjagum@gmail.com>, "Senator Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Tom Ada <office@senatorada.org>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Tony Ada <tony@tonyada.com>, Senator Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, senatorbrantmccreadie@gmail.com, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Mike Limtiaco <mike@mikelimtiaco.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmoadmin@teleguam.net, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nbias_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacma@gmail.com>, konas.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, raymond.gibson@guam.gov, daleealvarez@gmail.com, Responsible Guam <responsibleguam@gmail.com>, christopherchenay@gmail.com, floterlaje@gmail.com, Derick Baza-Hills <derickbazahills@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, george.santos@dol.guam.gov, carl.dominguez@dpw.guam.gov, jay.rojas@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dlim.guam.gov, david.camacho@galc.guam.gov, Michael Duenas <mjduenas@ghura.org>, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, cgogue@pbsguam.org, Adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, John Camacho <jpcamacho@revtax.gov.gu>, Marie Benito <mmbenito@revtax.gov.gu>, benny.m.paulino@us.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jlflores@gpagwa.com, Ed Cruz

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Håfa adai,

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a hearing on Thursday, June 13, 2013, 5:30 p.m. The hearing will take place in *I Liheslaturan Guåhan*'s Public Hearing Room. See attachments for more information. Thank you for your time and attention on this matter.

Regards,

Jermaine Alerta

Committee Director

Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations

Office of Senator Michael F.Q. San Nicolas

1 Mina' Trentai Dos na Liheslaturan Guahan

32nd Guam Legislature

Tel: (671) 472-6453

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Bill No. 118-32 (COR).pdf

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Bill No. 87-32 (COR).pdf

71K



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

June 6, 2013

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a public hearing on **Thursday, June 13, 2013, 5:30 p.m.**, at *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

Bill No. 118-32 (COR), introduced by **D.G. Rodriguez, Jr., B.J.F. Cruz, V. Anthony Ada, M.F. Q. San Nicolas, J.T. Won Pat, Ed.D., R.J. Respicio, B.T. McCreadie, T.A. 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]."

Bill No. 87-32 (COR), introduced by **T.A. Morrison, M.F. Q. San Nicolas, C.M. Duenas, B.J.F. Cruz, T.R. Muña-Barnes**: "AN ACT TO AMEND §§3305 AND 3305.1, CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW."

If written testimonies are to be presented at the hearings, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at 472-6453.

###

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Second Notice - 6.13.13 Public Hearing

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Tue, Jun 11, 2013 at 9:41 AM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Ed Davis <edavis@k57.com>, Jon Anderson <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, info@chinesetimesguam.com, Jason Salas <jason@kuam.com>, John Davis <john@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Mindy Aguon <mindy@kuam.com>, mwatanabe@guampdn.com, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, radioprod@kuam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, Maureen Maratita <publisher@glimpsesofofguam.com>, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, jtyquiengco@spbgua.com, kevin@spbgua.com, hill.bruce@abc.net.au, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgua.com, editor@saipantribune.com, Clynt Ridgell <clynt@spbgua.com>, mcpherson.kathryn@abc.net.au, cimiculka@guampdn.com, arcordoba@guampdn.com, communications@guam.gov, Troy Torres <troy.torres@guam.gov>, phnotice@guamlegislature.org, Jermaine Alerta <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, delisakloppenbourg@gmail.com, Geraldine Castillo <geraldine@mvguam.com>, Joy White <joy@mvguam.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, josh@spbgua.com, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <roryforguam@gmail.com>, "Senator Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Tom Ada <office@senatorada.org>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Tony Ada <tony@tonyada.com>, Senator Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Mike Limtiaco <mike@mikelimtiaco.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmoadmin@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacma@gmail.com>, konas.r@gmail.com, arleen81@gmail.com, kenjoeadat@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, raymond.gibson@guam.gov, daleealvarez@gmail.com, Responsible Guam <responsibleguam@gmail.com>, christopherchenay@gmail.com, floterlaje@gmail.com, Derick Baza-Hills <derickbazahills@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, chuck.ada@guamairport.net, peteroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, george.santos@dol.guam.gov, carl.dominguez@dpw.guam.gov, jay.rojas@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dlim.guam.gov, david.camacho@galc.guam.gov, Michael Duenas <mjduenas@ghura.org>, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, cgogue@pbsguam.org, Adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, John Camacho <jpcamacho@revtax.gov.gu>, Marie Benito <mmbenito@revtax.gov.gu>, benny.m.paulino@us.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jlflores@gpagwa.com, Ed Cruz

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Håfa adai,

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a hearing on Thursday, June 13, 2013, 5:30 p.m. The hearing will take place in *I Liheslaturan Guåhan's* Public Hearing Room. See attachments for more information. Thank you for your time and attention on this matter.

Regards,

Jermaine Alerta

Committee Director
Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
Office of Senator Michael F.Q. San Nicolas
I Mina' Trentai Dos na Liheslaturan Guahan
32nd Guam Legislature
Tel: (671) 472-6453

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4 attachments



6.13.13 hearing.pdf

154K



6.13.13 agenda_hearing.pdf

147K



Bill No. 118-32 (COR).pdf

278K



Bill No. 87-32 (COR).pdf

71K



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

June 11, 2013

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a public hearing on **Thursday, June 13, 2013, 5:30 p.m.**, at *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

Bill No. 118-32 (COR), introduced by D.G. Rodriguez, Jr., B.J.F. Cruz, V. Anthony Ada, M.F. Q. San Nicolas, J.T. Won Pat, Ed.D., R.J. Respicio, B.T. McCreddie, T.A. 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]."

Bill No. 87-32 (COR), introduced by T.A. Morrison, M.F. Q. San Nicolas, C.M. Duenas, B.J.F. Cruz, T.R. Muña-Barnes: "AN ACT TO AMEND §§3305 AND 3305.1, CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW."

If written testimonies are to be presented at the hearings, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at 472-6453.

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Senator Michael F.Q. San Nicolas

Chairman – Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



PUBLIC HEARING

Thursday, June 13, 2013

5:30 p.m.

Public Hearing Room

I Liheslaturan Guåhan

AGENDA

- I. Call to Order**
- II. Opening Remarks/Announcements**
- III. Items for Public Consideration**

Bill No. 118-32 (COR), introduced by D.G. Rodriguez, Jr., B.J.F. Cruz, V. Anthony Ada, M.F. Q. San Nicolas, J.T. Won Pat, Ed.D., R.J. Respicio, B.T. McCreadie, T.A. 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].”

Bill No. 87-32 (COR), introduced by T.A. Morrison, M.F. Q. San Nicolas, C.M. Duenas, B.J.F. Cruz, T.R. Muña-Barnes: “AN ACT TO AMEND §§3305 AND 3305.1, CHAPTER 3 OF 16GCA RELATIVE TO IMPLEMENTING A UNIVERSAL HELMET LAW.”

- IV. Closing Remarks**
- V. Adjournment**



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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2013 JUN 19 AM 10:31

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Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
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Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 19, 2013

Memorandum

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

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

Subject: **Fiscal Notes**

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.

FISCAL NOTE:

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

WAIVER:

Bill No. 99-32(COR)

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

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JUN 17 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st 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.


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
Total Department/Agency Appropriation(s) to date:	\$11,241,451

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$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
Total:	\$13,013,851	\$0	\$13,013,851

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
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / x / Yes / / No
If Yes, see attachment
2. 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
3. Does the Bill establish a new program/agency? / / Yes / x / No
If yes, will the program duplicate existing programs/agencies? / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes / x / No
4. Will the enactment of this Bill require new physical facilities? / / Yes / x / No
5. 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.

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>
Total	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.



COMMITTEE ON RULES

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May 21, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
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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
117-32 (COR)	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
118-32 (COR)	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].
119-32 (COR)	V. Anthony Ada Chris M.Duenas	AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9 GCA RELATIVE TO HOME INVASION.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

May 16, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

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>
	\$25.00 per year
<u>Alcohol Employee</u> Waiter/Waitress	<u>\$60.00 per 3 years</u>
	\$15.00 per year

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."

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

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

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

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

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

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

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

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

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

(d) The alcohol server/seller training program shall administer a comprehensive examination to participants of the program, including individuals seeking certification as instructors within the program. The examination shall 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.