

Public Law 22-090

Bill No. 792 (LS)

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AN ACT TO ADD A NEW §90105.1 TO TITLE 10, GUAM CODE ANNOTATED, TO BAN SMOKING ON AIRLINE FLIGHTS TO AND FROM GUAM.

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

Section 1.

Legislative intent. It is most important to restrict smoking in areas of employment where employees are forced to spend a great portion of their day in order to insure their health and welfare. It is also important to have regard for the health of passengers on airlines, where a large portion of time is spent in an enclosed area.

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

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

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

Federal regulations already ban smoking on flights between any two points within the area

composed of Puerto Rico, the U. S. Virgin Islands, the District of Columbia, and the forty-eight contiguous states of the United States, which prohibition does not include Guam. Federal regulations also ban smoking on flights that are scheduled in the current *Official Airline Guide* to be six hours or less in duration and are between Puerto Rico, the U. S. Virgin Islands, the District of Columbia, the forty-eight contiguous states of the United States and any point in Alaska or Hawaii. This prohibition also does not include Guam. Federal regulations, however, specifically provide that “[n]othing in this regulation shall be deemed to require U. S. or foreign carriers to permit the smoking of tobacco aboard aircraft.” See Title 14, Code of Federal Regulations, §252.1.

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

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

Ban on smoking on airline flights to and from Guam. A new §90105.1 is added to Chapter 89, Title 10, Guam Code Annotated, to read:

“§90105.1. Prohibition of smoking on airline flights to and from Guam. Smoking is prohibited on board the aircraft of any flight that takes off and lands on Guam, from the point of embarkation to the point of debarkation, for the duration of the flight to and from Guam. Notwithstanding any other provision of this Chapter, the prohibition in this §89105.1 shall be enforced by the airline personnel operating the aircraft in the same manner as any other rule or regulation authorized to be enforced by airline personnel in regard to passenger behavior on board aircraft.”

NOTE: §89105.1, Chapter 89 of Title 10, Guam Code Annotated, has been changed to §90105.1, Chapter 90 of Title 10, Guam Code Annotated. Amended by Compiler, in order to reflect correct citation.