

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
187-37 (LS) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; substituted; and further amended on the Floor.	Sabina Flores Perez Chris Barnett Frank Blas, Jr. Joanne Brown Christopher M. Dueñas Thomas J. Fisher Jesse A. Lujan Tina Rose Muña Barnes William A. Parkinson Roy A. B. Quinata Joe S. San Agustin Dwayne T.D. San Nicolas Amanda L. Shelton Telo T. Taitague Therese M. Terlaje	AN ACT TO AMEND § 6102 (l) OF ARTICLE 1; AMEND § 6201 (c), § 6202, § 6206, AND § 6209 OF ARTICLE 2; REPEAL § 6205 OF ARTICLE 2; AMEND § 6301 (a) OF ARTICLE 3; REPEAL § 6401 (b) OF ARTICLE 4; AMEND AND RENUMBER § 6402 OF ARTICLE 4; AMEND § 6702 (b), § 6702 (c) OF ARTICLE 7; REPEAL § 6802 (c) AND § 6811 OF ARTICLE 8, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, PROHIBITING THE SALES OF TOBACCO, NICOTINE PRODUCTS, AND VAPE PRODUCTS THROUGH VENDING MACHINES ON GUAM.	10/13/23 3:58 p.m.	10/17/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 10/17/23 11/1/23	12/12/23 1:30 p.m.	1/24/24 3:18 p.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
2/19/24	AN ACT TO AMEND § 6102(f) OF ARTICLE 1; TO AMEND §§ 6201, 6202, 6206 AND 6209, AND REPEAL § 6205, ALL OF ARTICLE 2; TO AMEND § 6301(a) OF ARTICLE 3; TO REPEAL § 6401(b) AND AMEND § 6402 AND RENUMBER AS § 6403 OF ARTICLE 4; TO AMEND § 6507 OF ARTICLE 5; TO AMEND §§ 6702(b), 6702(p) AND 6702(f) OF ARTICLE 7; AND TO REPEAL §§ 6802(c) AND 6811 OF ARTICLE 8, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALES OF TOBACCO, NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES THROUGH VENDING MACHINES ON GUAM.	2/23/24	2/23/24	3/6/24	37-79	3/6/24	Received: 3/6/24 Mess and Comm. Doc. No. 37GL-24-1736		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

March 6, 20204

The Hon. Therese M. Terlaje, *Speaker*

I Mina'trentai Siette Na Liheslaturan Guåhan, 37th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Doc Type: 37GL-24-1736
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

MAR 06 2024

Time: 6:16 pm
Received: [Signature]

Re: Substitute Bill No. 187-37 (LS) - AN ACT TO AMEND § 6102(F) OF ARTICLE 1; TO AMEND §§ 6201, 6202, 6206, AND 6209, AND REPEAL § 6205, ALL OF ARTICLE 2; TO AMEND § 63019(a) OF ARTICLE 3; TO REPEAL § 6401(b) AND AMEND § 6402 AND RENUMBER AS §6403 OF ARTICLE 4; TO AMEND § 6507 OF ARTICLE 5; TO AMEND §§ 6702(b), 6702(p) AND 6702(r) OF ARTICLE 7; AND TO REPEAL §§ 6802(c) AND 6811 OF ARTICLE 8, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALES OF TOBACCO, NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES THROUGH VENDING MACHINES ON GUAM

Håfa Adai Madam Speaker,

Substitute Bill No. 187-37 (LS) prohibits any person from selling tobacco, nicotine products, or electronic cigarettes through a vending machine in Guam. While the Legislature noted Guam's last tobacco vending machine license expired in 2018, the Legislature recognized that it was still legal for a person or business to apply for a vending machine license for electronic cigarettes under Guam law. Now with the passage of this legislation no one can legally sell any tobacco, nicotine products, or electronic cigarettes in a vending machine.

The ban on the sale of tobacco, nicotine products or electronic cigarettes in a vending machine, is an important step in reducing the availability of these types of products to the young people on Guam. If young people don't have access to these addictive products, they are less likely to ever begin using them, even later in life. For these reasons, I sign Bill No. 187-37 (LS) into law as **Public Law 37-79**.

Senseramente,

LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam



Enclosure(s): Substitute Bill No. 187-37 (LS) nka P.L. 37-79

cc via email: The *Honorable* Joshua F. Tenorio, *Maga'låhen Guåhan*, Lt. Governor of Guam

Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN*

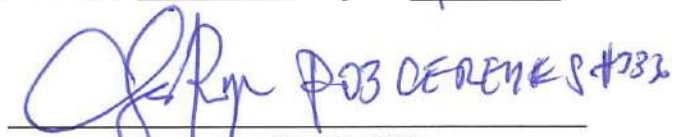
This is to certify that Substitute Bill No. 187-37 (LS), "AN ACT TO *AMEND* § 6102(f) OF ARTICLE 1; TO *AMEND* §§ 6201, 6202, 6206 AND 6209, AND *REPEAL* § 6205, ALL OF ARTICLE 2; TO *AMEND* § 6301(a) OF ARTICLE 3; TO *REPEAL* § 6401(b) AND *AMEND* § 6402 AND *RENUMBER* AS § 6403 OF ARTICLE 4; TO *AMEND* § 6507 OF ARTICLE 5; TO *AMEND* §§ 6702(b), 6702(p) AND 6702(r) OF ARTICLE 7; AND TO *REPEAL* §§ 6802(c) AND 6811 OF ARTICLE 8, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALES OF TOBACCO, NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES THROUGH VENDING MACHINES ON GUAM," was on the 23rd day of February 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

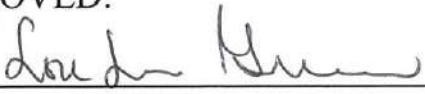
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23RD day of FEB,
2024, at 6:49 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 3/6/2024

Public Law No. 37-79

2024-21082
OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE
Rec'd By: Jessica Dydasco
Date: 2/24/24 Time: 11:33 AM

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
2023 (FIRST) Regular Session

Bill No. 187-37 (LS)

As amended by the Committee on Environment,
Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning; substituted;
and further amended on the Floor.

Introduced by:

Sabina Flores Perez
Chris Barnett
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *AMEND* § 6102(f) OF ARTICLE 1; TO *AMEND* §§ 6201, 6202, 6206 AND 6209, AND *REPEAL* § 6205, ALL OF ARTICLE 2; TO *AMEND* § 6301(a) OF ARTICLE 3; TO *REPEAL* § 6401(b) AND *AMEND* § 6402 AND *RENUMBER* AS § 6403 OF ARTICLE 4; TO *AMEND* § 6507 OF ARTICLE 5; TO *AMEND* §§ 6702(b), 6702(p) AND 6702(r) OF ARTICLE 7; AND TO *REPEAL* §§ 6802(c) AND 6811 OF ARTICLE 8, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALES OF TOBACCO, NICOTINE PRODUCTS, AND ELECTRONIC CIGARETTES THROUGH VENDING MACHINES ON GUAM.

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

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the last tobacco vending machine defined in 11 GCA Chapter 6 licensed through
3 the Department of Revenue and Taxation to sale tobacco products was issued in
4 2015 and expired in June of 2018. At present, there have been no applications and
5 renewals processed at the Department.

6 *I Liheslatura* further finds that in 2010, pursuant to the “Family Smoking
7 Prevention and Tobacco Control Act” (H.R. 1256), tobacco vending machine sales
8 were banned nationwide.

9 *I Liheslatura* finds that according to the State Epidemiological Outcomes
10 Workgroup (SEOW), it identifies that one of the leading causes of underage tobacco
11 and nicotine use among youth is “accessibility to tobacco and vape products” from
12 vendors licensed to do business on Guam. In August 2023, the State Epidemiological
13 Profile reported that tobacco consumption remains higher in Guam than in the U.S.,
14 for both adults and youth. Although the SEOW indicates an overall decline, Guam
15 still has one of the highest smoking prevalence rates across various U.S. states and
16 territories. Furthermore, SEOW reports that the decline over a ten (10)-year period
17 in tobacco and nicotine use in Guam is a result of strengthening local policies,
18 enforcement efforts, and increased taxation.

19 Therefore, it is the intent of *I Liheslaturan Guåhan* to continue to create
20 safeguards for Guam’s youth by removing all sales of tobacco, nicotine, electronic
21 cigarettes through vending machines in Guam.

22 **Section 2.** § 6102(f) of Article 1, Chapter 6, Title 11, Guam Code
23 Annotated, is hereby *amended* to read as follows:

24 “(f) *Retail License* means a license issued by the Director of Revenue
25 and Taxation for the retail sale of tobacco products.”

26 **Section 3.** § 6201 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
27 is hereby *amended* to read as follows:

1 **“§ 6201. License: Required.**

2 (a) It shall be a violation of this Chapter for any person to
3 wholesale tobacco products without first obtaining a valid wholesale
4 tobacco license.

5 (b) It shall be a violation of this Chapter for any person to
6 retail tobacco products without first obtaining a valid retail tobacco
7 license for each premise in which tobacco products are sold.

8 (c) It shall be a violation of this Chapter for any person to sell
9 tobacco, nicotine products, or electronic cigarettes through a vending
10 machine.

11 (d) Any person directly or indirectly engaged in the business
12 of manufacturing tobacco products may not retail tobacco products,
13 directly or indirectly, or hold a retail or wholesale license. It shall not
14 be a violation of this Chapter for any such person engaged in the
15 business of manufacturing tobacco products to import, export or sell for
16 resale tobacco products to a duly licensed tobacco wholesaler.”

17 **Section 4.** § 6202 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
18 is hereby *amended* to read as follows:

19 **“§ 6202. Same: Fees.**

20 The Director is authorized to issue the following classes of
21 licenses at the following fees, which shall be paid by the applicant at
22 the time of application:

23 (a) Annual Retail License: \$100.00;

24 (b) Annual Wholesaler License: \$1,000.00.”

25 **Section 5.** § 6205 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
26 is hereby *repealed*.

1 **Section 6.** § 6206 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
2 is hereby *amended* to read as follows:

3 **“§ 6206. Same: Multiple.**

4 A person applying for retail licenses to operate more than one (1)
5 premise shall obtain a separate retail license for each premise, and shall
6 pay the fee prescribed for each premise.”

7 **Section 7.** § 6209 of Article 2, Chapter 6, Title 11, Guam Code Annotated,
8 is hereby *amended* to read as follows:

9 **“§ 6209. Display of License.**

10 (a) A licensee for sales of tobacco products shall prominently
11 display the license on each licensed premise.

12 (b) Any licensee who violates this Section shall be fined Fifty
13 Dollars (\$50.00) per violation.”

14 **Section 8.** § 6301(a) of Article 3, Chapter 6, Title 11, Guam Code
15 Annotated, is hereby *amended* to read as follows:

16 “(a) The Director shall not issue a license to any person who then
17 holds a license of another class.”

18 **Section 9.** § 6401(b) of Article 4, Chapter 6, Title 11, Guam Code
19 Annotated, is hereby *repealed*.

20 **Section 10.** The second § 6402 of Article 4, Chapter 6, Title 11, Guam Code
21 Annotated, is hereby *amended* and *renumbered* to read as follows:

22 **“§ 6403. Display of Prohibition on Sales of Tobacco Products to**
23 **Persons Under Twenty-one (21) Years of Age.**

24 All licensees shall post notice that this Chapter prohibits the sale
25 of tobacco products to persons under twenty-one (21) years of age.

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

4 (b) Any licensee who violates this Section shall be
5 fined Fifty Dollars (\$50.00) per violation."

6 **Section 11.** § 6507 of Article 5, Chapter 6, Title 11, Guam Code Annotated,
7 is hereby *amended* to read as follows:

8 **"§ 6507. Report.**

9 The Director shall report monthly to the Guam Behavioral Health
10 and Wellness Center (GBHWC) a list of all licenses granted and
11 renewed, including the names and street addresses of the business, the
12 number of violations processed and the penalties imposed, and any
13 other information that the Director and GBHWC agree upon."

14 **Section 12.** § 6702(b) of Article 7, Chapter 6, Title 11, Guam Code
15 Annotated, is hereby *amended* to read as follows:

16 "(b) *Business location or place of business* means the entire premises
17 occupied by a retail tobacco permit applicant or an entity required to hold a
18 retail tobacco permit under this Chapter; and shall include, but is not limited
19 to, any store, stand, outlet, vehicle, cart, location, or structure from which
20 cigarettes or tobacco products are sold or distributed to a consumer."

21 **Section 13.** § 6702(p) of Article 7, Chapter 6, Title 11, Guam Code
22 Annotated, is hereby *amended* to read as follows:

23 "(p) *Retailer* means an entity that engages in the practice of selling
24 cigarettes, tobacco or nicotine products, or electronic cigarettes to
25 consumers."

26 **Section 14.** § 6702(r) of Article 7, Chapter 6, Title 11, Guam Code
27 Annotated, is hereby *amended* to read as follows:

1 “(r) *Retail sale or tobacco retailing* means the practice of selling
2 cigarettes, tobacco or nicotine products, or electronic cigarettes to
3 consumers.”

4 **Section 15.** § 6802(c) of Article 8, Chapter 6, Title 11, Guam Code
5 Annotated, is hereby *repealed*.

6 **Section 16.** § 6811 of Article 8, Chapter 6, Title 11, Guam Code Annotated,
7 is hereby *repealed*.

8 **Section 17.** The Guam Compiler of Laws shall renumber the various
9 sections of Chapter 6 of Title 11 Guam Code Annotated in this Act as needed.

10 **Section 18. Severability.** If any provision of this Act or its application to
11 any person or circumstance is found to be invalid or inorganic, such invalidity shall
12 not affect other provisions or applications of this Act that can be given effect without
13 the invalid provision or application, and to this end the provisions of this Act are
14 severable.

15 **Section 19. Effective Date.** This Act shall be effective upon enactment.