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

FILE COPY

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: _____

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."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that 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.

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

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

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

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

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

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

It is the intent of *I Mina'Trentai Dos Na Liheslaturan Guåhan* for 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.

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

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

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

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

§ 3124.1. Delegation of Authority.

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

(1) verification of qualifications;

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

(3) the issuance of a Guam Alcohol Beverage Control Alcohol 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 Alcoholic Beverage Compliance Fees and Fines Fund, must be used to promote the compliance and enforcement of liquor laws; the act of which *shall* be deemed compliant with Title 11 Guam Code Annotated, Chapter 3, §3515.

(b) Prior to remitting the fees collected pursuant to this Section to the Alcoholic Beverage Compliance Fees and Fines Fund, 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 11, 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	$60.00 per 3 years
Alcohol Employee	$60.00 per 3 years
Class 5. Retail dealer's off-sale license:	
Beer	$200.00 per year
General	$1,000.00 per year
Alcohol Employee	$60.00 per 3 years
Class 6. Special Alcoholic license	$25.00 per year
Alcohol Employee	$60.00 per 3 years
Class 7. Temporary beer license	$ 20.00 per day
but not to exceed	$100.00 per event

Alcohol Employee	$60.00 per 3 years
Class 8. Public warehousemen's license	$50.00 per year
Class 9. Club license	$500.00 per year
Alcohol Employee	$60.00 per 3 years
Class 10. Temporary general license $ 50.00 per day, but not to exceed $100.00 per event	
Alcohol Employee	$60.00 per 3 years
Class 11. Microbrewery-pub restaurant license	$1,000.00 per year
Alcohol Employee	$60.00 per 3 years
Class 12. Mobile License:	
(a) Limousine Service – per vehicle	$ 750.00 per year
(b) Charter Vehicle (Vans) – per vehicle	
Up to ten passengers	$500.00 per year
(c) Charter Vehicle (Vans) - per vehicle	
More than ten 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 11, Guam Code Annotated, 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 years;

(b) be portable to additional or other premises;

(c) be in the possession of 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;

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

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

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

"**§ 3230. Alcohol Employee License.**

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

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

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

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

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

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

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

"**§ 3613. Same: Hearing.**

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

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

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

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

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

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

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

(1) that a current ABC License *shall* continue to be valid until expiration, but the licensee *shall* be required to have taken the Alcohol Server/Seller Training Program prior to license renewal. Further, the unexpired license *shall not* be portable, as provided pursuant to §3212.1(b) which only applies 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 Guam Code Annotated §3124."

Section 9. A new §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 alcohol;

(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 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

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

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

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

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

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

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

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

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.

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:

Clerk of the Legislature

I = Pass

June 21, 2013

COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • *www.guamlegislature.com*
E-mail: *roryforguam@gmail.com* • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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

2013 JUN 19 AM 10:31

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), 108-32COR), 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
Hagåtna, 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? /x/ N/A / / 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:

6/13/13

Analyst: _____ Date: 6/13/13 Director: _____ Date: JUN 14 2013
Michael M. Aflague, B&M Analyst IV John A. Rios, Director

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]	$0	$0	$0	$0	$0
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/mangers 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

Senator
Vicente (Ben) C. Pangelinan
Member

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

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Dennis G. Rodriguez, Jr.
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Legislative Secretary
Tina Rose Muña Barnes
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 21, 2013

2013 MAY 21 PM 2:02

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,

Rory J. Respicio

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

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

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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 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

2013 NOV 19 PM 9:27

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.

I Mina'Trentai DOS Na Liheslaturan Guåhan finds that generally these alcohol enforcement programs overlook the importance of the proper education

and training of point of sale employees, both servers and sellers, their supervisors and managers.

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

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

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

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

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

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

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

§ 3124. Alcohol Server/Seller Training Program. Alcohol server/seller training program means a classroom only educational program offered by a non-profit organization, community college, or university that has been approved by the Administrator under regulations promulgated by the Board. Such regulations *shall* include, but not be limited to, the content of the program, certification of instructors of the program, and testing and methods of presentation, and as further provided pursuant to 3 GAR Chapter 2 [Alcoholic Beverage Control Board].

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

(1) Verification of qualifications;

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

(3) The issuance of a Guam Alcohol Beverage Control Alcohol 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	$60.00 per 3 years ~~$25.00 per year~~
Alcohol Employee ~~Waiter/Waitress~~	$60.00 per 3 years ~~$15.00 per year~~

Class 5. Retail dealer's off-sale license:	
Beer	$200.00 per year
General	$1,000.00 per year
Alcohol Employee	$60.00 per 3 years
Class 6. Special Alcoholic license	$25.00 per year
Alcohol Employee	$60.00 per 3 years
Class 7. Temporary beer license	$ 20.00 per day
but not to exceed	$100.00 per event
Alcohol Employee	$60.00 per 3 years
Class 8. Public warehousemen's license	$50.00 per year
Class 9. Club license	$500.00 per year
Alcohol Employee	$60.00 per 3 years
Class 10. Temporary general license $ 50.00 per day, but not to exceed $100.00 per event	
Alcohol Employee	$60.00 per 3 years
Class 11. Microbrewery-pub restaurant license $1,000.00 per year	
Alcohol Employee	$60.00 per 3 years
Class 12. Mobile License:	
(a) Limousine Service – per vehicle	$ 750.00 per year
(b) Charter Vehicle (Vans) – per vehicle	
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.

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

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

(1) A dated receipt from an ABC Board approved Alcohol Server/Seller Training Program indicating enrollment and the scheduled date, time, and location of training shall be considered a Temporary Alcohol

Employee License. The receipt shall also state, "Temporary Alcohol Employee License", and shall contain the notation that the temporary license *shall* expire within thirty (30) days of issuance.

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

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

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

"§ 3613. Same: Hearing.

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

(b) The Board shall impose a penalty on a licensee found guilty of violating any of the provisions of this Chapter amounting to One Thousand Five Hundred Dollars ($1,500.00) for the first offense; Two Thousand Five Hundred Dollars ($2,500.00) for the second offense; and Three Thousand Five Hundred Dollars ($3,500.00) for the third offense. For the fourth offense, the Board may impose a penalty of up to Ten Thousand Dollars ($10,000.00), but not less than

Five Thousand Dollars ($5,000.00), and a forty-eight (48) hour suspension for every subsequent offense. Contingent on the severity of any violation, the Board may use its discretion and suspend or revoke the license of any licensee found guilty of violating any of the provisions of this Chapter.

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

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

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

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

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

topics required by the board. The minimum passing grade for the examination participants in the program shall be not less than 75%. For instructor certification the passing grade shall be not less than 85% for instructors. All tests shall be approved by the Administrator.

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

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

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

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

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

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

Section 11. Phased implementation for enforcement. (a) The Board ***shall*** promulgate the requisite rules and regulations mandated pursuant to 11GCA §3124

within one-hundred-fifty (150) 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 (12) calendar 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.