I Mina'Trentai Dos Na Liheslaturan Received

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
264-32 (COR)	Dennis G. Rodriguez, Jr. Brant T. McCreadie T.C. Ada R. J. Respicio T. R. Muña Barnes V. Anthony Ada	AN ACT TO RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS, BY ADDING A NEW § 6101(l) TO ARTICLE 1, AND AMENDING § 6400 OF ARTICLE 4, CHAPTER 6, TITLE 11 GUAM CODE ANNOTATED.	1/17/14 10:03 a.m.	01/17/14	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	03/12/14 9:30a.m.	05/06/14 10:08 a.m.	**Fiscal Note Requested 01/28/14 Fiscal Note Waiver received 2/20/14**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
	5/9/2014	AN ACT TO ADD A NEW SUBSECTION (l) TO § 6101 OF ARTICLE 1, AND TO AMEND § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.	5/12/14	2:43 p.m.	5/22/2014			**Passed**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 2:43 pm DATE 5/12/14

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 264-32 (COR), "AN ACT TO *ADD* A NEW SUBSECTION (l) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS,"** was on the 9th day of May, 2014, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2014, at 2:43 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 264-32 (COR)

Introduced by: Dennis G. Rodriguez, Jr.
Brant T. McCreadie
T. C. Ada
R. J. Respicio
T. R. Muña Barnes
V. Anthony Ada
Tommy Morrison
Chris M. Dueñas
FRANK B. AGUON, JR.
B. J.F. Cruz
Michael T. Limtiaco
Vicente (ben) C. Pangelinan
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW SUBSECTION (l) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the increasing popularity and unregulated distribution of electronic cigarettes is resulting in its widespread utilization by the youth in our island community.

I Liheslaturan Guåhan finds that it has clearly been scientifically determined that nicotine is a harmful and highly addictive drug, the use of which may lead to illness or premature death.

I Liheslatura further finds that the prevalent belief that e-cigarettes are simply safe smoke cessation devices is not applicable when considered within the context of its use by a minor. Although the matter of regulation has not yet been determined by the U.S. Food and Drug Administration, its utilization by minors is a reverse application of a product which leads to addiction, not the cessation of tobacco product utilization. The current usage of e-cigarettes has been reported to be highly prevalent amongst Guam's middle and high school students.

A number of states, principally California, Colorado, and Maryland, have succeeded in passing legislation banning the sale of electronic cigarettes to minors. Likewise, the states of Hawaii, Iowa, and New York have pending legislation under consideration with the similar intent of banning the sale or distribution of these products to minors.

I Liheslaturan Guåhan finds that electronic cigarettes contain nicotine, which is a highly addictive substance, as is similarly found in tobacco products. For the purposes of this Act, *I Liheslaturan Guåhan* duly notes that according to the U.S. Food and Drug Administration, "electronic cigarettes", also known as "e-cigarettes", are battery operated products designed to deliver nicotine, flavor and other chemicals. They turn nicotine, which is highly addictive, and other chemicals into a vapor that is inhaled by the user.

It is the intent of *I Liheslaturan Guåhan* to include, regulate and prohibit, under Title 11 GCA, Chapter 6, the sale or distribution of electronic cigarettes to a minor, or possession by a minor. It is, further, the intent of *I Liheslaturan Guåhan* that the prohibition pursuant to this Section *solely* pertains to minors, and *shall not*

prohibit the use or possession of an electronic cigarette by a person eighteen (18) years of age or older.

It is the intent of *I Liheslaturan Guåhan* to protect Guam's youth from nicotine addiction, as well as the potentially harmful effects of chemicals present in unregulated e-cigarette devices, by prohibiting the sale or distribution of electronic cigarettes to, or use by minors. It is, further, the intent to accomplish this objective by regulating electronic cigarettes along with tobacco products for the purposes of the enforcement of this prohibition, which *shall* apply *solely* to minors.

Section 2. A new Subsection (l) is hereby *added* to § 6101 of Article 1, Chapter 6, Title 11, Guam Code Annotated, to read:

"(l) *Electronic cigarettes*, also known as *e-cigarettes*, are battery operated products designed to deliver nicotine, flavor and other chemicals. They turn nicotine, which is highly addictive, and other chemicals into a vapor that is inhaled by the user. For the purposes of this Chapter, and the prohibition pertaining *solely* to a minor pursuant to § 6400, tobacco products *shall* also be deemed to include and *shall* be similarly applicable to electronic cigarettes."

Section 3. § 6400 of Article 4 of Chapter 6, Title 11, Guam Code Annotated, is hereby *amended* to read:

"**§ 6400. Sale or Distribution of Tobacco Products and Electronic Cigarettes to Minors Prohibited.**

It *shall* be a violation of this Chapter for any person to sell or distribute tobacco products or electronic cigarettes to minors. It *shall not* be a violation of this Chapter for any person to refuse to sell or distribute tobacco products or electronic cigarettes to any person whom the seller or the distributor reasonably believes to be under twenty-seven (27) years of

age, and who is unable to produce acceptable photographic identification and proof that he is over the age of eighteen (18) years.

The sale or distribution of electronic cigarettes to minors, or its possession by a minor, is prohibited and *shall* be regulated and enforced pursuant to this Chapter. Any provision of this Chapter applicable to the regulation and prohibition of the sale or distribution of tobacco products to a minor, or possession by a minor, *shall* be applicable to electronic cigarettes, and *shall* be regulated and enforced in the same manner as tobacco products, to include the applicability of all penalties and fines.

(a) Vending machines selling tobacco products or electronic cigarettes *shall* be located so that they are accessible *only* to persons over the age of eighteen (18), or are under the constant, direct supervision and unobstructed line of sight of the person authorizing the installation or placement of the tobacco or electronic cigarette vending machine upon the premises he manages or otherwise controls, or his agent or employee. Said supervising adult *shall* ensure that minors *do not* purchase tobacco products or electronic cigarettes from vending machines. A person who authorizes the installation or placement of the tobacco or electronic cigarette vending machine upon premises he manages, or otherwise controls, and who knows or should know that the tobacco or electronic cigarette vending machine will likely be used by minors, *shall* be liable if minors purchase tobacco products or electronic cigarettes from said machines.

(b) A licensee or an employer may distribute tobacco products or electronic cigarettes to any employee who handles tobacco products or electronic cigarettes in the course of the commercial distribution or sale of the products. In any proceeding for

the suspension or revocation of any license, and based upon a violation of this Section, proof that the defendant licensee or his agent or employee demanded and was shown, before furnishing any tobacco product or electronic cigarette to a minor, an identification card, *shall* be a defense to the charges."

Section 4. Severability. *If* any provision of this law 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 application, and to this end the provisions of this law are severable.

Section 5. Effective Date. This Act *shall* be effective upon enactment.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 264-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

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

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 264-32 (COR)
*

Introduced by: Dennis G. Rodriguez, Jr.
Brant T. McCreadie
T. C. Ada
R. J. Respicio
T. R. Muña Barnes
V. Anthony Ada
Tommy Morrison
Chris M. Dueñas

AN ACT TO *ADD* A NEW SUBSECTION (l) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.

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The sale or distribution of electronic cigarettes to minors, or its possession by a minor, is prohibited and *shall* be regulated and enforced pursuant to this Chapter. Any provision of this Chapter applicable to the regulation and prohibition of the sale or distribution of tobacco products to a minor, or possession by a minor, *shall* be applicable to electronic cigarettes,

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(b) A licensee or an employer may distribute tobacco products or electronic cigarettes to any employee who handles tobacco products or electronic cigarettes in the course of the commercial distribution or sale of the products. In any proceeding for the suspension or revocation of any license, and based upon a violation of this Section, proof that the defendant licensee or his agent or employee demanded and was shown, before furnishing any tobacco product or electronic cigarette to a minor, an identification card, *shall* be a defense to the charges."

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invalidity *shall not* affect other provisions or applications of this law which can be given effect without the invalid provisions or application, and to this end the provisions of this law are severable.

Section 5. Effective Date. This Act *shall* be effective upon enactment.