UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA · GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI · LIEUTENANT GOVERNOR

35GL-19-0323
Speaker Tina Rose Muña Barnes

April 4, 2019

APR 04 2019
Time 309 ( )AM (X)PM
Received By:

Honorable Tina Muna Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96932

2019 APR -4 PM 4:31

Re: Executive Order

Dear Madame Speaker:

Pursuant to Public Law 34-16, transmitted herewith is a copy of the following Executive Order:

- **Executive Order 2019-11:** Relative to the Government of Guam's Drug Free Workplace Policy.

If you have any questions, please contact the Office of the Governor.

Senseramente,

SOPHIA SANTOS DIAZ
Legal Counsel

Attachment

cc: Office of the Compiler of Laws
Central Files, Office of the Governor

0323

ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGÅTÑA, GUAM 96932
U.S.A.

Executive Order No. 2019-11

RELATIVE TO THE GOVERNMENT OF GUAM'S DRUG FREE WORKPLACE POLICY

WHEREAS, Public Law ("P.L.") 35-5 decriminalized the use of cannabis and marijuana under Guam law; and

WHEREAS, Section 8112 of P.L. 35-5 specifically permits employers to maintain drug and alcohol free workplaces which may include the prohibition of use of marijuana; and

WHEREAS, employees who are under the influence of drugs or alcohol are less productive, inefficient and make poor work decisions; and

WHEREAS, the Government of Guam's Drug Free Workplace Program (the "Drug Free Workplace Program"), as maintained by the Department of Administration, was established in 1995 by Executive Order No. 95-29 and later amended by Executive Order 2005-18; and

WHEREAS, the Drug Free Workplace Program provides for procedures for testing, rehabilitation and discipline of its employees who use drugs in the workplace or while in their official capacities; and

WHEREAS, the Government of Guam's employees, including those in the autonomous agencies, should be held to the highest degree of accountability because of the trusted nature of public service; and

WHEREAS, it is the policy of the Government of Guam to maintain a drug and alcohol free workplace and this policy includes refraining from otherwise legal substances, including cannabis and tobacco, while in government of Guam workplace facilities and while otherwise on duty.

NOW, THEREFORE, I, LOURDES A. LEON GUERERRO, *Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do ORDER as follows:

1. Notwithstanding the enactment of P.L. 35-5, the Government of Guam's Drug Free Workplace Program, as maintained by the Department of Administration, shall continue to prohibit the use of marijuana and drug testing will continue to include testing for marijuana use.

2. Law enforcement personnel, as defined by Chapter 75, Title 10 of the Guam Code Annotated continue to be prohibited from consuming cannabis products and shall continue to be subject to the same standards, rules and regulations as was established prior to the enactment of P.L. 35-5.

3. The Department of Administration shall undertake a review of its Drug Free Workplace Program and make recommendations for amendment as it deems necessary.

4. The Department of Administration shall seek input from the Guam Behavioral Health and Wellness Center, the Department of Public Health and Social Services, the Department of Integrated Services for Individuals with Disabilities, and the Guam Veterans Affairs Office when conducting such review and may request input from all other agencies of the Government of Guam, which shall provide requested input.

5. The Department of Administration shall report its findings in written form no later than October 1, 2019.

Signed and Promulgated at *Hagåtña*, Guam, this 4th day of April, 2019.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'hågan Guåhan
Lieutenant Governor of Guam