

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
338-37 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor	Therese M. Terlaje Sabina Flores Perez Telo T. Taitague Joanne M. Brown Chris Barnett Jesse A. Lujan Roy A. B. Quinata	AN ACT TO <i>ADD</i> A NEW §3127 AND §3128 TO ARTICLE 1, <i>AMEND</i> §3207 AND <i>ADD</i> A NEW §3229.1 TO ARTICLE 2, CHAPTER 3, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO ADDING A NEW INSTRUCTIONAL TASTING LICENSE.	8/9/24 4:10 p.m.	8/13/24 2:48 p.m.	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 8/13/24 8/21/24	9/5/24 2:00 p.m.	9/12/24 8:44 a.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	
9/23/24	AN ACT TO <i>ADD</i> NEW §§ 3127 AND 3128 TO ARTICLE 1; AND <i>ADD</i> A NEW CLASS 14 TO § 3207 AND A NEW § 3229.1, BOTH OF ARTICLE 2, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ADDING A NEW INSTRUCTIONAL TASTING LICENSE.	10/7/24	10/8/24	10/19/24	37-128	10/11/24	Received: 10/11/24 Messages and Communications Doc. No. 37GL-24-2826		

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

October 11, 2024

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-24-2826
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

OCT 11 2024
Time: 5:55 PM
Received: [Signature]

Re: Bill No. 338-37 (COR), "AN ACT TO ADD NEW §§ 3127 AND 3128 TO ARTICLE 1; AND ADD A NEW CLASS 14 TO § 3207 AND A NEW § 3229.1, BOTH OF ARTICLE 2, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ADDING A NEW INSTRUCTIONAL TASTING LICENSE."

Håfa Adai Madam Speaker,

Bill No. 338-37 expands the Guam Alcoholic Beverage Control Board's licensing ability to include a new Instructional Tasting License. The Instructional Tasting License allows a licensee to provide tastings of small samples of wine or beer at authorized breweries, wineries, wine boutiques, or wine shops. This bill provides safeguards to prevent underage drinking and specific requirements for tasting events to prevent competition with traditional establishments such as bars and restaurants.

Bill No. 338-37 benefits both local businesses and consumers. It provides consumers, both Guam residents and tourists, access to events at which they can explore and encounter new beverages, including products uniquely available in Guam. Local businesses can develop and expand their customer base and diversify their products based on customer experiences and feedback. Importantly, the bill allows tasting events to be done with public safety standards at the forefront.

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RECEIVED
Oct 10/16/24
3:30 P.M.

To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Joshua F. Tenorio, Acting Governor of Guam
Date: October 11, 2024
Re: No. 338-37 (COR)

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For the foregoing reasons, I am signing Bill No. 338-37 (COR) into law as **Public Law 37-128**.

Senseramento,



JOSHUA F. TENORIO

I Ákto Maga'låhen Guåhan

Acting Governor of Guam

Enclosure(s): Substitute Bill No. 124-37 (COR) nka P.L. 37-128

cc via email: The *Honorable* Lourdes A. Leon Guerrero, *Maga'hågan Guåhan*, Governor of Guam
Compiler of Laws

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

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

This is to certify that **Bill No. 338-37 (COR)**, “AN ACT TO *ADD* NEW §§ 3127 AND 3128 TO ARTICLE 1; AND *ADD* A NEW CLASS 14 TO § 3207 AND A NEW § 3229.1, BOTH OF ARTICLE 2, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO ADDING A NEW INSTRUCTIONAL TASTING LICENSE,” was on the 7th day of October 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 8th day of October, 2024, at 9:00 o'clock A.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:

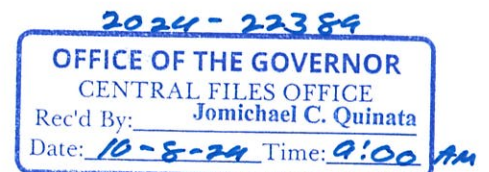


JOSHUA F. TENORIO, *I Åkto Maga'låhen Guåhan*

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 10-11-24

Public Law No. 37-128



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

Bill No. 338-37 (COR)

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

Introduced by:

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

AN ACT TO *ADD* NEW §§ 3127 AND 3128 TO ARTICLE 1; AND *ADD* A NEW CLASS 14 TO § 3207 AND A NEW § 3229.1, BOTH OF ARTICLE 2, ALL OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO *ADDING* A NEW INSTRUCTIONAL TASTING LICENSE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam currently has thirteen (13) types of alcohol-related licenses issued by the
4 Guam Alcoholic Beverage Control (ABC) Board to oversee alcohol consumption
5 and sales on Guam.

1 *I Liheslaturan Guåhan* finds that Guam lacks a hybrid ABC license that would
2 authorize the selling of alcohol to customers for consumption off premises while still
3 allowing the tasting of the alcohol on the authorized premise before they purchase
4 it. This gap hinders the potential for businesses to provide an educational experience
5 where customers can taste and subsequently purchase alcohol.

6 *I Liheslaturan Guåhan* further finds that an Instructional Tasting License will
7 enable businesses to offer educational tastings of alcohol and subsequent sales in a
8 retail setting, as well as allow businesses to host tasting events for educational
9 purposes. This Instructional Tasting License can support local businesses such as
10 wineries, breweries, wine boutiques, or wine shops by enabling them to offer tastings
11 in a controlled and educational environment.

12 *I Liheslaturan Guåhan* finds that the instructional tasting license includes
13 specific guidelines to ensure tasting events or on-premises tasting are conducted
14 responsibly. Restrictions on the size of the tasting area and the amount of alcohol
15 served are designed to prevent any negative impact on the community and to uphold
16 public safety standards.

17 *I Liheslaturan Guåhan* also finds that a new Instructional Tasting License will
18 promote the responsible consumption and appreciation of alcoholic beverages by
19 providing a structured setting where consumers can learn about different types of
20 alcohol. It will help local producers or retailers showcase their products, thereby
21 boosting local businesses and contributing to the economy.

22 *I Liheslaturan Guåhan* finds that businesses who obtain an Instructional
23 Tasting License will be limited in the size and frequency of Tasting Events
24 permitted, ensuring that they do not replicate the atmosphere or business model of
25 traditional on-sale establishments such as bars and restaurants. This distinction is
26 crucial to maintaining a fair market for all types of businesses involved in the sale
27 of alcoholic beverages.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to create a new
2 Instructional Tasting License which will provide a unique opportunity for consumers
3 to engage with local alcohol retailers or producers in a meaningful way, fostering a
4 greater understanding and appreciation of their products without undermining the
5 business operations of bars and restaurants.

6 **Section 2.** New §§ 3127 and 3128 are *added* to Article 1 of Chapter 3, Title
7 11, Guam Code Annotated, to read as follows:

8 “**§ 3127. Tastings.**

9 Tasting or Tastings as used in § 3229.1 of this Chapter means sampling
10 or drinking of wine or beer served by a business holding an Instructional
11 Tasting License.

12 **§ 3128. Tasting Event.**

13 A Tasting Event or Tasting Events as used in § 3229.1 of this Chapter
14 means an event hosted by a business holding an Instructional Tasting License
15 where Tastings of wine or beer may be served and sealed wine or beer may
16 be sold to attendees by the licensed business.”

17 **Section 3.** A new Class 14 is *added* to § 3207 of Article 2, Chapter 3, Title
18 11, Guam Code Annotated, to read as follows:

19 “Class 14. Instructional Tasting License \$ 500.00 per year
20 Alcohol Employee \$ 60.00 per 3 years”

21 **Section 4.** A new § 3229.1 is *added* to Article 2 of Chapter 3, Title 11,
22 Guam Code Annotated, to read as follows:

23 “**§ 3229.1. License: Instructional Tasting License.**

24 (a) An Instructional Tasting License can only be issued to businesses
25 with off-sale retail licenses, and it is valid for use solely at the premises
26 specified in the retail license. An Instructional Tasting License may be issued
27 to any of the following businesses:

1 (1) Wineries, Wine Boutiques or Wine Shops

2 (2) Breweries

3 (b) Requirements for Businesses holding an Instructional Tasting
4 License.

5 (1) License holders shall submit annually to the Alcoholic
6 Beverage Control Board evidence that displays at least eighty percent
7 (80%) of product sales are derived from off-premise sales. Other non-
8 alcoholic consumables or products, including gourmet food, may also
9 be sold at an entity holding an Instructional Tasting License.

10 (2) The license holder shall prominently display signage
11 prohibiting persons under twenty-one (21) years of age from
12 consuming alcohol.

13 (3) A license holder that serves alcohol to a person under the
14 age of twenty-one (21) is guilty of a misdemeanor. Any person under
15 twenty-one (21) years of age who consumes alcohol is guilty of a
16 misdemeanor and shall be punished by a fine of the same or less as a
17 license holder.

18 (4) The license holder is permitted to host Tasting(s) or
19 Tasting Event(s).

20 (A) Tasting Requirements.

21 License holders:

22 (i) may sell a maximum of three (3)
23 servings of three ounces (3oz) wine or beer for
24 tasting per customer per day;

25 (ii) shall conduct Tastings only during
26 operating hours, but not within the hours of 12:00
27 a.m. to 11:00 a.m.;

1 (iii) shall not permit any consumer to leave
2 the instructional tasting area with an open container
3 of alcohol;

4 (iv) shall not serve alcohol to a person who
5 is under twenty-one (21) years of age or a person
6 who is visibly intoxicated; and

7 (v) the size of the tasting area shall not be
8 more than thirty percent (30%) of the leasable
9 business space.

10 (B) Tasting Events Requirements.

11 (i) License holders shall not conduct Tasting
12 Events for more than two (2) consecutive days per week,
13 nor more than a total of six (6) days per month.

14 (ii) Tasting Events shall occur only outside
15 regular operating hours, when the business is closed to
16 walk-in patrons, but not within the hours of 12:00 a.m. to
17 11:00 a.m.

18 (iii) During a Tasting Event, the sale of any sealed
19 alcohol may be transacted; however, the sealed alcohol
20 may only be picked up or delivered at another date after
21 the event.

22 (iv) The maximum capacity for any event is not
23 to exceed forty (40) attendees.

24 (v) An attendee is allowed a maximum of three
25 (3) glasses of six ounces (6oz) wine or beer for the
26 duration of the event.”

1 **Section 5. Promulgation of Rules and Regulations.** The ABC Board
2 shall, within one hundred twenty (120) days of the enactment of this Act, develop
3 necessary procedures, and as deemed necessary, promulgate rules and regulations,
4 if any, to implement this Act. The procedures, rules, and regulations shall be duly
5 promulgated by the Board pursuant to Article 3 - Rule Making Procedures, of
6 Chapter 9, Title 5, Guam Code Annotated.

7 **Section 6. Effective Date.** This Act shall be effective upon enactment.