

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|--------------|--|--|----------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 294-36 (COR) | Jose "Pedo" Terlaje Clynton E. Ridgell Tina Rose Muña Barnes | AN ACT TO ADD A NEW §3502 TO ARTICLE 5, CHAPTER 3, DIVISION 1 OF TITLE 22; RELATIVE TO PROHIBITING PRE-EMPLOYMENT INQUIRIES OR TESTING FOR CANNABIS USE. | 4/21/22 4:52 p.m. | | | | | | |

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 294-36 (COR)

Introduced by:

Jose “Pedo” Terlaje
Clynton E. Ridgell
Tina Rose Muña Barnes

**AN ACT TO ADD A NEW §3502 TO ARTICLE 5, CHAPTER 3,
DIVISION 1 OF TITLE 22; RELATIVE TO PROHIBITING
PRE-EMPLOYMENT INQUIRIES OR TESTING FOR
CANNABIS USE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Pre-Employment Inquiries or Testing for Cannabis Use

Prohibited. A new § 350 is hereby added to Article 5, Chapter 3, Division 1 of
Title 22, to read:

“§ 3502. Pre-Employment Inquiries or Testing for Cannabis Use Prohibited.

(a) It shall be unlawful for any employer, labor organization, employment
agency, or any agent thereof to require of a prospective employee:

(1) to provide any answer verbally or in writing about their use of
cannabis as defined in 11GCA Chapter 8 §8102.

as part of an interview;

(2) to provide any answer in writing about their use of cannabis as
defined in 11GCA Chapter 8 §8102.

as part of a written employment application; or

1 (3) to submit to pre-employment drug testing for cannabis as defined
2 in 11GCA Chapter 8 §8102.

3 (b) For the purposes of subsection (a) of this section, a prospective employee
4 shall not include any person applying or under consideration of hiring for a
5 position:

6 (1) as a law enforcement or peace officer, as those terms are defined
7 in of the 5 GCA §8104;

8 (2) for which a Commercial Driver's License is required;

9 (3) involving the supervision or care of children, medical patients,
10 persons with disabilities, or the elderly;

11 (5) with the potential to significantly impact the health or safety of
12 employees or members of the public, as determined by the Director of the
13 Department of Public Health and Social Services;

14 (c) the provisions of this section shall not apply to drug testing required by:

15 (1) any regulation promulgated by the federal department of
16 transportation that requires testing of a prospective employee in accordance
17 with 49 CFR 40 or any rule promulgated by the departments of
18 transportation of this territory adopting such regulation for purposes of
19 enforcing the requirements of that regulation with respect to intrastate
20 commerce;

21 (2) any contract entered into between the federal government and an
22 employer or any grant of financial assistance from the federal government to
23 an employer that requires drug testing of prospective employees as a
24 condition of receiving the contract or grant;

25 (3) any federal or territorial statute, regulation, or order that requires
26 drug testing of prospective employees for purposes of safety or security;

1 (4) a valid collective bargaining agreement that specifically addresses
2 the pre-employment screening and/or drug testing of such applicants;

3 (d) Violations of Subsection (a) of this Section are civil violations
4 punishable by a fine of One Thousand Dollars (\$1,000) for the first offense
5 and Two Thousand Dollars (\$2,000) for subsequent offenses.”

6 **Section 2. Date of Enactment.** Section 1 of this Act shall become effective ninety
7 (90) days following the date of enactment of this Act.

8 **Section 3. Severability.** If any of provision of this law or its application to any
9 person or circumstance is found to be invalid or contrary to law, that invalidity
10 shall not affect other provisions or applications of this law, which can be given
11 effect without the invalid provisions or applications and to this end the provisions
12 of this act are severable.