









**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   
THOMAS C. ADA   
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TINA MUNA BARNES   
V. ANTHONY ADA   
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**AN ACT TO RELATIVE TO PROHIBITING THE SALE OR  
DISTRIBUTION OF ELECTRONIC CIGARETTES TO  
MINORS, BY ADDING A NEW § 6101(I) TO ARTICLE 1, AND  
AMENDING § 6400 OF ARTICLE 4, CHAPTER 6, TITLE 11  
GUAM CODE ANNOTATED.**

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

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

5        *I Liheslaturan Guåhan* finds that it has been clearly been scientifically  
6 determined that nicotine is a harmful and highly addictive drug, the use of which  
7 may lead to illness or premature death. It further finds that the prevalent belief that  
8 e-cigarettes are simply safe smoke cessation devices is not applicable when  
9 considered within the context of its use by a minor. Although the matter of  
10 regulation has not yet been determined by the U.S. FDA, its utilization by minors  
11 is a reverse application of a product which leads to addiction, not the cessation of  
12 tobacco product utilization. The current usage of e-cigarettes has been reported to  
13 be highly prevalent amongst Guam's middle and high school students.

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

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

13           It is the intent of *I Liheslaturan Guåhan* to include, regulate and prohibit  
14 under 11 GCA Ch 6 the sale or distribution of electronic cigarettes to a minor, or  
15 possession by a minor. It is, further, the intent of *I Liheslaturan Guåhan* that  
16 prohibition pursuant to this Section *solely* pertains to minors, and *shall* not prohibit  
17 the use or possession of an electronic cigarette by a person eighteen (18) years of  
18 age or older.

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

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

3           “(l) *Electronic cigarette*, also known as “E-Cigarettes”, are battery  
4 operated products designed to deliver nicotine, flavor and other chemicals. They  
5 turn nicotine, which is highly addictive, and other chemicals into a vapor that is  
6 inhaled by the user.

7           (i) For the purposes of this Chapter and the prohibition pertaining  
8 solely to a minor pursuant to § 6400, *tobacco product* shall also be  
9 deemed to include and shall be similarly applicable to an electronic  
10 cigarette.”

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

13           **“§ 6400. Sale or Distribution of Tobacco Products and Electronic**  
14 **Cigarettes to Minors Prohibited.**

15           It shall be a violation of this Chapter for any person to sell or distribute  
16 tobacco products or electronic cigarettes to minors. It shall not be a violation of  
17 this Chapter for any person to refuse to sell or distribute tobacco products or  
18 electronic cigarettes to any person whom the seller or the distributor reasonably  
19 believes to be under twenty-seven (27) years of age, and who is unable to produce  
20 acceptable photographic identification and proof that he is over the age of eighteen  
21 (18) years.

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

1 of the sale or distribution of a tobacco product to a minor, or possession by a  
2 minor, shall be applicable to electronic cigarettes and shall be regulated and  
3 enforced in the same manner as a tobacco product, to include the applicability of  
4 all penalties and fines.

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

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

1           **Section 4: Severability.** *If* any provision of this law or its application to  
2 any person or circumstance is found to be invalid or contrary to law, such  
3 invalidity *shall not* affect other provisions or applications of this law which can be  
4 given effect without the invalid provisions or application, and to this end the  
5 provisions of this law are severable.

6           **Section 5: Effective Date.** This Act *shall* be immediately effective upon  
7 enactment.