


MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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Bill No. 159 (COR)

Introduced by:

B.J.F. Cruz 

AN ACT TO ADD A NEW CHAPTER 90A TO TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PROHIBITION OF IMPORTING INGESTIBLE TOBACCO FILM STRIPS, INGESTIBLE TOBACCO STICKS, TOBACCO HARD CANDIES, NICOTINE LOLLIPOPS, NICOTINE LIP BALM, AND NICOTINE WATER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that tobacco use is the leading cause of preventable, early death in America. Every year in our nation, tobacco causes over 400,000 deaths, and 8,600,000 Americans have chronic illnesses linked to tobacco. A 50 percent reduction in tobacco use by minors would prevent over 10,000,000 of today's children from becoming daily smokers. This would save over 3,000,000 of them from premature death due to tobacco-induced disease. A reduction in youth tobacco use would result in approximately \$75,000,000,000 in savings attributable to reduced health care costs. Tobacco manufacturers routinely advertise to the youth tobacco products as being socially acceptable and healthful. Therefore, it is the intent of *I Liheslaturan Guåhan* to prohibit the importation and sale of all orally dissolvable tobacco products and nicotine

1 water and nicotine lip balm. In effect, this prohibition will prevent these
2 products from reaching consumers under the age of 18, to whom they are
3 most aggressively being marketed.

4 **Section 2. A new Chapter 90A is hereby added to Title 10, Guam Code**
5 **Annotated, to read:**

6 § 90A100 This Chapter shall be known and may be cited as ‘Prohibition of
7 Ingestible Tobacco Film Strips, Tobacco Sticks, Hard Candies, Nicotine
8 Lollipops, Nicotine Lip Balm, and Nicotine Water’

9 **Section 3. § 90A101 Definitions:**

10 ‘*Distributor*’ means any person who imports tangible personal property or
11 consumable goods and distributes to retailer for resale.

12 ‘*Nicotine*’ means a colorless, oily, water-soluble, highly toxic, liquid
13 alkaloid, C₁₀H₁₄N₂, found in tobacco and valued as an insecticide. Nicotine has
14 powerful pharmacologic effects including increased heart rate, heart stroke
15 volume, and oxygen consumption by the heart muscle as well as powerful
16 psychodynamic effects such as euphoria, increased alertness, and a sense of
17 relaxation. Nicotine is also powerfully addictive.

18 ‘*Nicotine Lip Balm*’ means any emollient product infused with any amount
19 of any form of nicotine designed to be used on the lips for the purpose of
20 delivering nicotine into the bloodstream through the mucous membranes.

21 ‘*Nicotine Lollipops*’ means any sweetened, dissolvable confection infused
22 with any amount of any form of nicotine and available as a skewered hard candy,
23 for the purpose of delivering nicotine into the bloodstream.

24 ‘*Nicotine Water*’ means any bottled drinking water infused with any amount
25 of any form of nicotine.

26 ‘*Orbs*’ means the brand name of dissolvable lozenge-type product made of
27 finely ground and flavored tobacco that melts in the mouth within 30 minutes.

1 ‘*Retailer*’ means the seller of tangible personal property or consumable
2 goods for consumption or use by the purchaser and not for resale.

3 ‘*Sticks*’ means the brand name of a dissolvable toothpick-shaped product
4 made of finely ground and flavored tobacco that melts in the mouth within 10
5 minutes.

6 ‘*Strips*’ means the brand name of dissolvable film-like product made of
7 finely ground and flavored tobacco that melts in the mouth within 3 minutes.

8 **Section 4. § 90A102 Importation of Ingestible Tobacco Film Strips,**
9 **Tobacco Sticks, Hard Candies, Nicotine Lollipops, Nicotine Lip Balm, and**
10 **Nicotine Waters to Guam Illegal: Punished**

11 (a) A person commits a felony when he imports, attempts to import, or
12 causes to import ingestible tobacco film strips, tobacco sticks, hard candies,
13 nicotine lollipops, nicotine lip balm, and nicotine water into the territorial
14 jurisdiction of Guam.

15 (b) Any ingestible tobacco film strips, tobacco sticks, hard candies, nicotine
16 lollipops, nicotine lip balm, and nicotine water in violation of this Section shall be
17 subject to seizure and forfeiture.

18 (1) Any property subject to forfeiture under this Section shall be seized by a
19 peace officer, including Guam Customs Officer, upon process issued by the
20 Superior Court, except that seizure without such process may be made when the
21 seizure is incident to an arrest or a search under a search warrant or an inspection
22 under an administrative inspection warrant; the property subject to seizure has been
23 the subject of a prior judgment in a criminal injunction or forfeiture proceeding; or
24 the peace officer has probable cause to believe that the property has been used or
25 intended to be used in violation of this Section. In the event of a seizure pursuant to
26 this Subsection, proceedings under Subsection (c) shall be instituted promptly.

1 (c) Property taken or detained under this Section shall not be repleviable, but
2 shall be deemed to be in the custody of the government subject only to the orders
3 and decrees of the Court. Whenever property is seized under the provisions of this
4 Section, the government shall destroy all ingestible tobacco film strips, tobacco
5 sticks, hard candies, nicotine lollipops, nicotine lip balm, and nicotine water seized
6 and forfeited upon order of the Court.

7 (d) Any person found guilty of the importation, attempted importation or
8 causing the importation of ingestible tobacco film strips, tobacco sticks, hard
9 candies, nicotine lollipops, nicotine lip balm, and nicotine water to Guam shall be
10 guilty of a felony and be subject to imprisonment for not more than five (5) years,
11 a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00) per incident of
12 importation, or both such fine and imprisonment.

13 **Section 5. § 90A103 Effective Date:** This Act shall take effect ninety (90)
14 days after its enactment.