



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

22 APR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 6 (LS), "AN ACT TO AMEND §67.401.2.1, AND TO ADD A NEW §67.401.2.2 TO CHAPTER 67 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE SALE OF BUTANE, PROPANE AND OTHER INHALANTS TO MINORS," which I signed into law on April 21, 2005, as Public Law 28-25.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole MMS
Print Name & Initial
Time: 9:47 Date: 4/26/05

Office of the Speaker
MARK FORBES
Date: 4/25/05
Time: 10:40
Rec'd by: Jane
Print Name:
DOC # 0136



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

April 11, 2005

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,

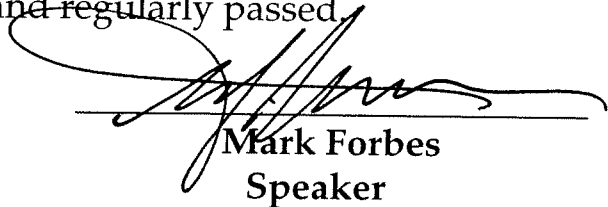
EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (14)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 6 (LS), "AN ACT TO AMEND §67.401.2.1., AND TO ADD A NEW §67.401.2.2 TO CHAPTER 67 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE SALE OF BUTANE, PROPANE AND OTHER INHALANTS TO MINORS," was on the 9th day of April, 2005, duly and regularly passed

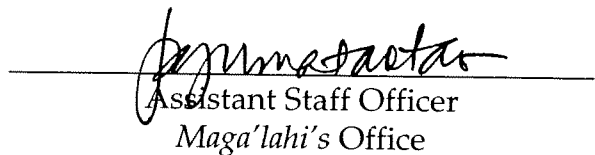

Mark Forbes
Speaker

Attested:

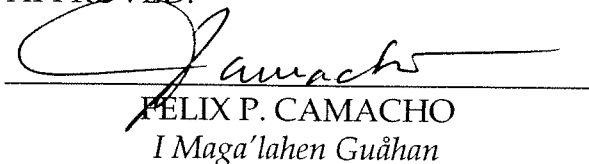


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 11 day of April, 2005,
at 4:32 o'clock P.M.


Assistant Staff Officer
Maga'laha's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 72-25-25 4/21/05

Public Law No. 28-25

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (LS)

As substituted by the Committee
on Criminal Justice, Public Safety,
Youth & Foreign Affairs and amended.

Introduced by:

L. F. Kasperbauer
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

AN ACT TO AMEND §67.401.2.1., AND TO ADD A NEW
§67.401.2.2 TO CHAPTER 67 OF TITLE 9 GUAM CODE
ANNOTATED, RELATIVE TO REGULATING THE SALE
OF BUTANE, PROPANE AND OTHER INHALANTS TO
MINORS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Section 67.401.2.1. of Chapter 67 of Title 9 Guam Code
3 Annotated is hereby *amended* to read:

4 "§67.401.2.1. Inhalants. (a) Use of Inhalants. It is unlawful for a
5 person to inhale, ingest, apply or smell the gases, vapors or fumes of an

1 aerosol spray product, volatile chemical, substance or other inhalant,
2 that is not used pursuant to the instructions or prescription of a licensed
3 health care provider, or that is not used pursuant to the manufacturer's
4 label instructions, for the purpose of becoming under the influence of
5 such substance, causing intoxication, euphoria, inebriation, stupefaction
6 or the dulling of that person's brain or nervous system.

7 (b) It is unlawful for a person to possess any gas, hazardous
8 inhalant, aerosol spray product, substance containing a volatile chemical
9 or substance containing a chemical material capable of releasing toxic
10 vapors with the intent to violate the above.

11 (c) Nothing in this Section applies to the inhalation of a
12 prescription or over-the-counter product for medical or dental purposes,
13 or the inhalation of the vapors or fumes of an alcoholic beverage, the
14 sale and consumption of which is authorized by law.

15 (d) Proof that a person intentionally or knowingly inhaled,
16 ingested, applied or used a substance in a manner contrary to the
17 directions for use, cautions or warnings on a label of a container of the
18 substance gives rise to a presumption that the person violated
19 Subsection (a).

20 (e) For purposes of this Section, it is presumed that the
21 ingredients in a container are, in fact, the ingredients listed on the label
22 of the container or the ingredients listed for that substance in databases
23 maintained or relied upon by a poison control center certified by a
24 national association of poison control centers.

1 (f) A person who violates this Section commits a petty
2 misdemeanor. A person who violates Subsections (h), (i) or (j) of this
3 Section commits a petty misdemeanor for the first offense and a
4 misdemeanor for subsequent offenses.

5 (g) A juvenile court may require a minor found in violation of
6 this Section be provided with treatment and counseling.

7 (h) It is a petty misdemeanor for any person or business to sell, or
8 transfer butane gas or butane lighters or butane in any other form to any
9 person under the age of eighteen (18).

10 (i) It is a petty misdemeanor for any person or business to sell or
11 transfer propane gas to any person under the age of eighteen (18).

12 (j) It is a petty misdemeanor for any person or business to sell
13 or transfer substances on the *List of Known Inhalants with Potential for*
14 *Abuse*, as defined in §67.401.2.2(1) & (2) of this Chapter, to any person
15 under the age of eighteen (18). This Subsection shall not apply to
16 prescription or over-the-counter medication.

17 (k) It is not unlawful to transfer inhalants to persons under the
18 age of eighteen (18) provided that the minor's use of such inhalants is
19 consistent with the product's labeling and is supervised by an adult
20 over the age of eighteen (18)."

21 **Section 2. A new Section 67.401.2.2. is hereby added to Chapter 67 of**
22 **Title 9 Guam Code Annotated to read:**

23 **"§67.401.2.2. List of Known Inhalants with Potential for Abuse.**

24 (1) The Department of Mental Health and Substance Abuse shall
25 maintain a *List of Known Inhalants with Potential for Abuse*. Such list shall

1 contain all known substances with the potential for abuse as defined in
2 §67.401.2.1 of this Chapter. The list shall be:

- 3 (a) reviewed and updated at least once annually;
4 (b) maintained on the Internet; and
5 (c) distributed to island retailers and all public and private
6 schools as the list is updated.

7 (2) Butane and propane shall be on the *List of Known Inhalants*
8 *with Potential for Abuse*.

9 (3) The Department shall, by Administrative Rules and
10 Regulations, develop the procedures by which Inhalants are added to
11 the *List of Known Inhalants with Potential for Abuse*.

12 (4) All additions to the *List of Known Inhalants with Potential for*
13 *Abuse* shall require the approval of *I Maga'lahi*.

14 (5) Penalties contained in §67.401.2.1(j) shall *not* apply until such
15 substance has been on the *List of Known Inhalants with Potential for Abuse*
16 for a period of *not less than* six (6) months."

17 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
18 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
19 Department of Mental Health and Substance Abuse for the purpose of
20 carrying out the provisions of Section 2 of this Act.

IX TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN
(Included in File w/ All Bills Transmitted)

S BILL NO. 6(15)

- EXHIBITS ATTACHED *None*
- CONFIRM NUMBER OF PAGES *4*
- CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ENGROSSED SIGN "*" REMOVED FROM BILL
- 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- EMERGENCY DECLARATION, if any *m*

Confirmed By: *[Signature]*
FINAL REVIEW:

Dated: 4/11/05
Dated: _____

- HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, [unclear] OR OTHERS)
- ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to [unclear])

FILED by: _____

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 4/9/05

VOTING SHEET

5 Bill No. 6 (LS)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.					✓
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1 EA

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

March 2, 2005

The Honorable Mark Forbes
Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

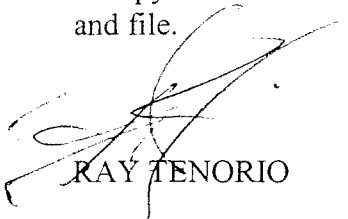
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 6(LS): "An act to amend §67.401.2.1 of, and to add a new §67.401.2.2 to Chapter 67 of Title 9, Guam Code Annotated relative to regulating the sale of butane, propane and other inhalants to minors, now wishes to report back the same with the recommendation TO PASS.**

The voting record is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.


RAY TENORIO





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

February 24, 2005

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – BILL NO. 6(LS): An Act To Amend §67.401.2.1 Of, And To Add A New §67.401.2.2 To Chapter 67 Of Title 9, Guam Code Annotated Relative To Regulating The Sale Of Butane, Propane And Other Inhalants To Minors.

Transmitted herewith, for your information and action, is the report on BILL NO. 6(LS) from the Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 6(LS), as substituted
4. Written Testimony
5. Public Hearing Sign-in Sheet
6. Notice of Public Hearing
7. Bill No. 6(LS)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.


RAY TENORIO





Office of
SENATOR RAY TENORIO
 MAJORITY LEADER
 CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

VOTING RECORD

BILL NO. 6(LS): An Act To Amend §67.401.2.1 Of, And To Add A New §67.401.2.2 To Chapter 67 Of Title 9, Guam Code Annotated Relative To Regulating The Sale Of Butane, Propane And Other Inhalants To Minors.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPRBAUER Vice Chair	X				
 JOANNE BROWN, Member	✓				
 ROBERT KLITZKIE, Member	RA				
 JESSE A. LUJAN, Member	✓				
 ANTONIO R. UNPINGCO, Member	✓				
FRANK B. AGUON, Member					
 BENJAMIN J. CRUZ, Member	✓				
 ADOLPHO PALACIOS, Member	✓				
 JUDI WON PAT, Member	✓				
RORY J. RESPECIO, Member					
 Mark Forbes, Ex-Officio	✓				



I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs conducted a public hearing on February 10, 2005 in the Legislative Public Hearing Room, *Liheslaturan Guåhan*. Public notice was printed in the Pacific Daily News on February 3 and February 8, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator Lawrence Kasperbauer, Vice-Chairman
3. Senator Adolpho Palacios, Member
4. Senator Edward Calvo

II. SUMMARY OF TESTIMONY

Douglas Moylan, Attorney General of Guam, submitted written testimony (see attached) in opposition to Bill No. 6. Mr. Moylan stated that the prohibition on selling butane, propane, or "known inhalants with potential for abuse" to minors would cause an unnecessary effect on purchases made for legitimate purposes. Mr. Moylan further stated that the "List of Known Inhalants with Potential for Abuse" that is to be maintained by the DMHSA is given no standards and would not withstand constitutional scrutiny.

III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs finds that there is a growing epidemic among the youth, both locally and nationally, in the abuse of inhalants. The Committee further finds that inhalants are often among the first drugs young children use. Studies indicate that inhalant abuse can become chronic and extend into adulthood. There is an array of medical consequences suffered by inhalant abusers. Prolonged sniffing can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes of prolonged sniffing. Short-term effects from inhalant abuse include dizziness, drowsiness, lethargy and general muscle weakness. Some long-term effects include weight loss, muscle weakness, disorientation and depression.

The Committee also finds that minors can easily purchase these inhalants at various stores around the island. Bill No. 6 aims to curb this accessibility by holding persons or businesses accountable for the sale or transfer of inhalants to minors.

IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out Bill No. 6(LS): "An act to amend §67.401.2.1 of, and to add a new §67.401.2.2 to Chapter 67 of Title 9, Guam Code Annotated relative to regulating the sale of butane, propane and other inhalants to minors" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

2nd
4-7-05

3rd
4-7-05

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (LS)
As Substituted by the
Committee on Criminal Justice, Public Safety,
Youth & Foreign Affairs

Introduced by:

L.F. Kasperbauer

AN ACT TO AMEND §67.401.2.1. ~~OF~~, AND TO ADD A NEW
§67.401.2.2 TO CHAPTER 67 OF TITLE 9, GUAM CODE
ANNOTATED RELATIVE TO REGULATING THE SALE OF
BUTANE, PROPANE AND OTHER INHALANTS TO MINORS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2
3 Section 1. Section 67.401.2.1. of Chapter 67 of Title 9, Guam Code
4 Annotated is hereby *amended* to read:

5 ¹§67.401.2.1. **Inhalants.** (a) Use of Inhalants. It is unlawful for a person to
6 inhale, ingest, apply or smell the gases, vapors or fumes of an aerosol spray
7 product, volatile chemical, substance or other inhalant, that is not used pursuant to
8 the instructions or prescription of a licensed health care provider, or that is not
9 used pursuant to the manufacturer's label instructions, for the purpose of becoming
10 under the influence of such substance, causing intoxication, euphoria, inebriation,
11 stupefaction or the dulling of that person's brain or nervous system.

12 (b) It is unlawful for a person to possess any gas, hazardous inhalant,
13 aerosol spray product, substance containing a volatile chemical or substance
14 containing a chemical material capable of releasing toxic vapors with the intent to
15 violate the above.

1 (c) Nothing in this Section applies to the inhalation of a prescription or
2 over-the-counter product for medical or dental purposes, or the inhalation of the
3 vapors or fumes of an alcoholic beverage, the sale and consumption of which is
4 authorized by law.

5 (d) Proof that a person intentionally or knowingly inhaled, ingested, applied
6 or used a substance in a manner contrary to the directions for use, cautions or
7 warnings on a label of a container of the substance gives rise to a presumption that
8 the person violated Subsection (a).

9 (e) For the purposes of this Section, it is presumed that the ingredients in a
10 container are, in fact, the ingredients listed on the label of the container or the
11 ingredients listed for that substance in databases maintained or relied upon by a
12 poison control center certified by a national association of poison control centers.

13 (f) A person who violates this Section commits a petty misdemeanor. A
14 person who violates subsections (h), (i) or (j) ^{of} this Section commits a petty
15 misdemeanor for the first offense and a misdemeanor for subsequent offenses.

16 (g) A juvenile court may require a minor found in violation of this Section
17 be provided with treatment and counseling.

18 (h) It is a petty misdemeanor for any person or business to sell, or transfer
19 butane gas or butane lighters or butane in any other form to any person under the
20 age or Eighteen (18).

21 (i) It is a petty misdemeanor for any person or business to sell or transfer
22 propane gas to any person under the age or Eighteen (18).

23 (j) It is a petty misdemeanor for any person or business to sell or transfer
24 substances on the *List of Known Inhalants with Potential for Abuse* as defined in
25 §67.401.2.2~~1~~ (1) & (2) of this Chapter to any person under the age or Eighteen

1 (18). This subsection shall not apply to prescription or over-the-counter
2 medication.

3 (k) It is not unlawful to transfer inhalants to persons under the age of
4 Eighteen (18) provided that the minors use of such inhalants is consistent with the
5 product's labeling and is supervised by an adult over the age of Eighteen (18)."

6
7 **Section 2.** A new Section 67.401.2.2. is hereby *added* to Chapter 67 of
8 Title 9, Guam Code Annotated to read:

9 ^{1\}**§67.401.2.2. List of Known Inhalants with Potential for Abuse.** (1) The
10 Department of Mental Health and Substance Abuse shall maintain a *List of Known*
11 *Inhalants with Potential for Abuse*. Such list shall contain all known substances
12 with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall
13 be:

14 →(a) reviewed and updated at least once annually,

15 (b) maintained on the Internet, and

16 (c) distributed to island retailers and all public and private schools as the list
17 is updated.

18 (2) Butane and propane shall be on the *List of Known Inhalants with*
19 *Potential for Abuse*.

20 (3) The Department shall, by Administrative Rules and Regulations,
21 develop the procedures by which Inhalants are added to the *List of Known*
22 *Inhalants with Potential for Abuse*

23 (4) All additions to the *List of Known Inhalants with Potential for Abuse*
24 shall require the approval of the Governor.

1 (5) Penalties contained ~~§67.401.2.1/~~ (j) shall not apply until such substance
2 has been on the *List of Known Inhalants with Potential for Abuse* for a period of
3 not less than six (6) months.

4 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
5 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
6 Department of Mental Health and Substance Abuse for the purpose of carrying out
7 the provisions of Section 2 of this Act.



Office of the Attorney General

Douglas B. Maglar
Attorney General of Guam
Guam Judicial Center, Suite 2-200E
120 West O'Brien Drive
Hagåtña, Guam 96910 • USA
(671) 475-2324 • (671) 472-2493 (Fax)
www.guamattorneygeneral.com • law@mail.justice.gov.gu

LEGISLATIVE TESTIMONY

Bill Number 6

(Public Hearing on Thursday, February 10, 2005)

The Office of the Attorney General currently is not in support as to the above identified legislation as drafted. The reasons are set forth below.

While this bill seeks to solve a present problem, I believe it goes too far. First, in addition to enhancing penalties, which is no problem, it prohibits the sale of butane, propane and "known inhalants with potential for abuse" to minors. This will have an unnecessary effect on the purchase of these items for legitimate purposes, such as barbecues, cooking after storms, etc.

Secondly, the amendment prohibits the transfer of inhalants, by anybody by any means, to a minor without that person being supervised by an adult. Does this mean that a child with, say, asthma, and who must carry an inhaler with him at all times, can never go out without an adult supervising him? This is akin to a police state! This will lead to the absurd "no tolerance" policies of some stateside schools. It would allow far too much possibility of intrusion by authorities into ordinary life and legal activities and would tend to brand youth with certain health problems as inherently suspect.

Finally, the DPHSS is required to come up with a *List of Known Inhalants with Potential for Abuse*. No standards are given. Note that the Controlled Substances Act provides clear standards for each level of controlled substance. This section would not withstand constitutional scrutiny.

Author: Consumer Counsel Troutman

(The Office's testimony provided herein is intended to help the Committee evaluate the legislation. Since our time and staff resources remain scant and this testimony reflects our voluntary assistance, the testimony provided herein shall not be binding upon us, and is subject to our changing position in the event that facts or law are discovered which were not considered at the time of submitting this testimony.)



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
 Senator Ray Tenorio, Chairman

Public Hearing
 Thursday, February 10, 2023 • 9:00am
 Legislative Chamber

BILL NO. 01(S): Amended §67.401.2.1 of, and to add a new §67.401.2.2 to Chapter 67 of Title 9, Guam Code Annotated relative to regulating the sale of butane, propane and other inhalants to minors.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Douglas Muga	AG		✓		✓	



I Mina' Bente O Na Liheslaturan Guahan
 Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Senator Ray Tenorio, Chairman & Majority Leader

Public Hearing, Thursday, February 10, 2005 at 9:00a.m.
 Public Hearing Room: Temporary Legislature, 155 Hesler Place, Hagåtña, Guam
 Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey
 Bill No.:

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 31(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
- 32(EC) Regulations for the control of handbidding within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.

This ad is paid for by government funds.

49 Pacific Daily News, Thursday, February 3, 2005 guampdn.com

abs chf O ip Sos

formal agreement of his contract with the team's S...
 Sosa's contract contains a provision that would allow him to be traded, and for a \$3.5 million deal. Baltimore Orioles manager Jerry Budenick said the deal would be finalized soon. He said the deal would be finalized soon. He said the deal would be finalized soon.



In addition, the deal would be finalized soon. He said the deal would be finalized soon. He said the deal would be finalized soon. He said the deal would be finalized soon.

Green S nders m

Kevin the Superhero will be engaged in a charity event. He'll be engaged in a charity event. He'll be engaged in a charity event. He'll be engaged in a charity event.

Volleyball

Pohnpei Volleyball team will begin a season play. The league will begin a season play. The league will begin a season play. The league will begin a season play.

ching is a

JMSH **Alupang Beach Tower** **Maiana** **HORIZON**

...a place to fit your lifestyle™

DBA: Alupang Beach Tower/Garden Villa/Maiana Airport Plaza/Horizon Condominium

We are currently searching for experienced candidates for the following positions:

Systems Specialist

- Must be proficient in MS Word, Excel; Networking
- Working knowledge of either RDP or Fidelio 7.11 reservation systems
- Knowledgeable in Web Design is a must
- Hotel industry experience is plus but not requirement

Assistant Front Office Manager

- 3 years experience in the hotel industry;
- Must be proficient in MS Word, Excel;
- Working knowledge of either RDP, ASI, or Fidelio 7.11 reservation systems
- Japanese speaking preferred

Guest Service Attendant

- Must have a valid D or G license
- Posses a positive; team-oriented attitude
- Able to work flexible hours

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The Honorable Felix P. Camacho Governor of Guam The Honorable Kaleo S. Moylan Lt. Governor of Guam

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Felix P. Camacho
 Governor of Guam

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 Lieutenant Governor

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PRE BID CONFERENCE: February 10, 2005
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INTERESTED PARTIES MAY OBTAIN INFORMATION BY VISITING THE PORT AUTHORITY OF GUAM WEBSITE AT www.paguam.net OR BY CONTACTING THE PORT AUTHORITY OF GUAM AT 472-3319. A NON-REFUNDABLE FEE OF \$250.00 IS REQUIRED FOR EACH BID.

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By authority from the U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, the U.S. Citizenship and Immigration Services is making Certification Applications for the positions of **United States Workers** that will be used for the employment of the alien(s) will not be on conditions of similarly employed United States workers shall be offered the same benefits to the employer, to alien workers.

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Massage customers & guests & administer massage or remedial purposes. Provides massages, aromatherapy, herbal wraps, alcohol, lubricants & other rubbing compounds. Massage body using such techniques as stimulate blood circulation, reflex connected. Administers steam or dry heat, according to request of customer. Gives directions to remedial exercise. Examines client & recommends treatments. Records treatment furnished & sends products.

Benefits: Roundtrip transportation to/from job site. Worker's Compensation Insurance. Interested applicants should apply to the One-Stop Career Center located at Hagåtña and Hagåtña. The job offer is open to all qualified persons regardless of Race, Color, National Origin, Age, Sex, or Disability who are qualified, willing and able to perform the job.

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Internal Auditor - \$12,000/yr.
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I Mina' Bente Ocho Na Liheslaturan Guåhan
 Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Senator Ray Tenorio, Chairman & Majority Leader

Public Hearing, Thursday, February 10, 2005 at 9:00a.m.
 Public Hearing Room; Temporary Legislature, 155 Hesler Place, Hagåtña, Guam

Guam Parole Board Member Nominees: Ms. Soledad H. Chargaialaf & Mr. Michael D. Carey

Bill No.:

- 38(BC) Establishing a special allegation to be known as "Crime Against the Community."
- 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
- 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.

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MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (US)

Introduced by:

L.F. Kasperbauer *LFK*

AN ACT TO AMEND §67.401.2.1. OF, AND TO ADD A NEW
§67.401.2.2 TO CHAPTER 67 OF TITLE 9, GUAM CODE
ANNOTATED RELATIVE TO REGULATING THE SALE OF
BUTANE, PROPANE AND OTHER INHALANTS TO MINORS.

2005-1-11-3: AM 10:55
Clarar

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2

3 Section 1. Section 67.401.2.1. of Chapter 67 of Title 9, Guam Code
4 Annotated is hereby *amended* to read:

5 **67.401.2.1. Inhalants.** (a) Use of Inhalants. It is unlawful for a person to
6 inhale, ingest, apply or smell the gases, vapors or fumes of an aerosol spray
7 product, volatile chemical, substance or other inhalant, that is not used pursuant to
8 the instructions or prescription of a licensed health care provider, or that is not
9 used pursuant to the manufacturer's label instructions, for the purpose of becoming
10 under the influence of such substance, causing intoxication, euphoria, inebriation,
11 stupefaction or the dulling of that person's brain or nervous system.

12 (b) It is unlawful for a person to possess any gas, hazardous inhalant,
13 aerosol spray product, substance containing a volatile chemical or substance
14 containing a chemical material capable of releasing toxic vapors with the intent to
15 violate the above.

16 (c) Nothing in this Section applies to the inhalation of a prescription or
17 over-the-counter product for medical or dental purposes, or the inhalation of the

1 vapors or fumes of an alcoholic beverage, the sale and consumption of which is
2 authorized by law.

3 (d) Proof that a person intentionally or knowingly inhaled, ingested, applied
4 or used a substance in a manner contrary to the directions for use, cautions or
5 warnings on a label of a container of the substance gives rise to a presumption that
6 the person violated Subsection (a).

7 (e) For the purposes of this Section, it is presumed that the ingredients in a
8 container are, in fact, the ingredients listed on the label of the container or the
9 ingredients listed for that substance in databases maintained or relied upon by a
10 poison control center certified by a national association of poison control centers.

11 (f) A person who violates this Section commits a petty misdemeanor. A
12 person who violates Items (h), (i) or (j) this Section commits a petty misdemeanor
13 punishable by a fine not exceed Two Hundred Dollars (\$200) for the first offense
14 and not less than Two Hundred Dollars (\$200) but not more than One Thousand
15 (\$1,000) for subsequent offenses.

16 (g) A juvenile court may require a minor found in violation of this Section
17 be provided with treatment and counseling.

18 (h) It is unlawful for any person or business to sell, or transfer butane gas or
19 butane lighters or in any other form to any person under the age or Eighteen (18).

20 (i) It is unlawful for any person or business to sell, or transfer propane gas
21 to any person under the age or Eighteen (18).

22 (j) It is unlawful for any person or business to sell, or transfer substances on
23 the *List of Known Inhalants with Potential for Abuse* as defined in §67.401.2.2. of
24 this chapter to any person under the age or Eighteen (18).

1 (k) It is not unlawful to transfer inhalants to persons under the age of
2 Eighteen (18) provided that the minors use of such inhalants is consistent with the
3 products labeling and is supervised by an adult over the age of Eighteen (18)."
4

5 **Section 2.** A new Section 67.401.2.2. is hereby *added* to Chapter 67 of
6 Title 9, Guam Code Annotated to read:

7 **§67.401.2.2. List of Known Inhalants with Potential for Abuse.** The
8 Department of Mental Health and Substance Abuse shall maintain a *List of Known*
9 *Inhalants with Potential for Abuse*. Such list shall contain all known substances
10 with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall
11 be:

- 12 (a) reviewed and updated at least once annually,
- 13 (b) maintained on the Internet, and
- 14 (c) distributed to island retailers and all public and private schools as the list
15 is updated.

16
17 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
18 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
19 Department of Mental Health and Substance Abuse for the purpose of carrying out
20 the provisions of Section 2 of this Act.



I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN

TWENTY-EIGHTH GUAM LEGISLATURE

155 Hessler Place, Hagåtña, Guam 96910

(671)472-3408

The Honorable Mark Forbes
Speaker

The Honorable Joanne M.S. Brown
Vice Speaker

The Honorable Edward J.B. Calvo
Secretary of the Legislature

March 3, 2005

(Date)

Memorandum

To: Senator Kasperbauer

From: Patricia C. Santos, Clerk of the Legislature *PS*

Subject: Committee Report on Bill No. 6(LS) and 9(LS)

Pursuant to Section 7.04 of Rule VII of the 28th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 6(LS) and 9(LS), for which you are the prime sponsor.

Should you have any questions or need further information, please contact the Clerk at 472-3464/5.

Attachment(s)



Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

March 2, 2005

The Honorable Mark Forbes
 Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
 155 Hesler Street
 Hagåtña, Guam 96910

2005 MAR -2 PM 4:19

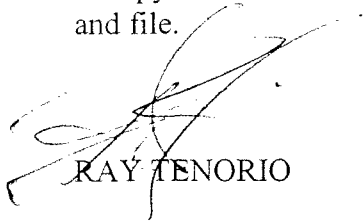
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 6(LS): "An act to amend §67.401.2.1 of, and to add a new §67.401.2.2 to Chapter 67 of Title 9, Guam Code Annotated relative to regulating the sale of butane, propane and other inhalants to minors, now wishes to report back the same with the recommendation TO PASS.**

The voting record is as follows:

TO PASS	10
NOT TO PASS	0
TO REPORT OUT ONLY	0
ABSTAIN	0
TO PLACE IN INACTIVE FILE	0

A copy of the Committee report and other pertinent documents are attached for your information and file.


 RAY TENORIO





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

February 24, 2005

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – BILL NO. 6(LS): An Act To Amend §67.401.2.1 Of, And To Add A New §67.401.2.2 To Chapter 67 Of Title 9, Guam Code Annotated Relative To Regulating The Sale Of Butane, Propane And Other Inhalants To Minors.

Transmitted herewith, for your information and action, is the report on BILL NO. 6(LS) from the Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 6(LS), as substituted
4. Written Testimony
5. Public Hearing Sign-in Sheet
6. Notice of Public Hearing
7. Bill No. 6(LS)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.


RAY TENORIO





Office of
SENATOR RAY TENORIO
 MAJORITY LEADER
 CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

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 167 East Marine Corps Drive
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VOTING RECORD

BILL NO. 6(LS): An Act To Amend §67.401.2.1 Of, And To Add A New §67.401.2.2 To Chapter 67 Of Title 9, Guam Code Annotated Relative To Regulating The Sale Of Butane, Propane And Other Inhalants To Minors.

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPRBAUER Vice Chair	X				
 JOANNE BROWN, Member	✓				
 ROBERT KLITZKIE, Member	PA				
 JESSE A. LUJAN, Member	✓				
 ANTONIO R. UNPINGCO, Member					
 FRANK B. AGUON, Member					
 BENJAMIN J. CRUZ, Member	✓				
 ADOLPHO PALACIOS, Member	✓				
 JUDI WON PAT, Member	✓				
 RORY J. RESPECIO, Member					
 Mark Forbes, Ex-Officio	✓				



I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs conducted a public hearing on February 10, 2005 in the Legislative Public Hearing Room, *Liheslaturan Guåhan*. Public notice was printed in the Pacific Daily News on February 3 and February 8, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator Lawrence Kasperbauer, Vice-Chairman
3. Senator Adolpho Palacios, Member
4. Senator Edward Calvo

II. SUMMARY OF TESTIMONY

Douglas Moylan, Attorney General of Guam, submitted written testimony (see attached) in opposition to Bill No. 6. Mr. Moylan stated that the prohibition on selling butane, propane, or "known inhalants with potential for abuse" to minors would cause an unnecessary effect on purchases made for legitimate purposes. Mr. Moylan further stated that the "List of Known Inhalants with Potential for Abuse" that is to be maintained by the DMHSA is given no standards and would not withstand constitutional scrutiny.

III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs finds that there is a growing epidemic among the youth, both locally and nationally, in the abuse of inhalants. The Committee further finds that inhalants are often among the first drugs young children use. Studies indicate that inhalant abuse can become chronic and extend into adulthood. There is an array of medical consequences suffered by inhalant abusers. Prolonged sniffing can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes of prolonged sniffing. Short-term effects from inhalant abuse include dizziness, drowsiness, lethargy and general muscle weakness. Some long-term effects include weight loss, muscle weakness, disorientation and depression.

The Committee also finds that minors can easily purchase these inhalants at various stores around the island. Bill No. 6 aims to curb this accessibility by holding persons or businesses accountable for the sale or transfer of inhalants to minors.

IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out Bill No. 6(LS): "An act to amend §67.401.2.1 of, and to add a new §67.401.2.2 to Chapter 67 of Title 9, Guam Code Annotated relative to regulating the sale of butane, propane and other inhalants to minors" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (LS)

As Substituted by the
Committee on Criminal Justice, Public Safety,
Youth & Foreign Affairs

Introduced by:

L.F. Kasperbauer

**AN ACT TO AMEND §67.401.2.1. OF, AND TO ADD A NEW
§67.401.2.2 TO CHAPTER 67 OF TITLE 9, GUAM CODE
ANNOTATED RELATIVE TO REGULATING THE SALE OF
BUTANE, PROPANE AND OTHER INHALANTS TO MINORS.**

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

2
3 **Section 1.** Section 67.401.2.1. of Chapter 67 of Title 9, Guam Code
4 Annotated is hereby *amended* to read:

5 **§67.401.2.1. Inhalants.** (a) Use of Inhalants. It is unlawful for a person to
6 inhale, ingest, apply or smell the gases, vapors or fumes of an aerosol spray
7 product, volatile chemical, substance or other inhalant, that is not used pursuant to
8 the instructions or prescription of a licensed health care provider, or that is not
9 used pursuant to the manufacturer's label instructions, for the purpose of becoming
10 under the influence of such substance, causing intoxication, euphoria, inebriation,
11 stupefaction or the dulling of that person's brain or nervous system.

12 (b) It is unlawful for a person to possess any gas, hazardous inhalant,
13 aerosol spray product, substance containing a volatile chemical or substance
14 containing a chemical material capable of releasing toxic vapors with the intent to
15 violate the above.

1 (c) Nothing in this Section applies to the inhalation of a prescription or
2 over-the-counter product for medical or dental purposes, or the inhalation of the
3 vapors or fumes of an alcoholic beverage, the sale and consumption of which is
4 authorized by law.

5 (d) Proof that a person intentionally or knowingly inhaled, ingested, applied
6 or used a substance in a manner contrary to the directions for use, cautions or
7 warnings on a label of a container of the substance gives rise to a presumption that
8 the person violated Subsection (a).

9 (e) For the purposes of this Section, it is presumed that the ingredients in a
10 container are, in fact, the ingredients listed on the label of the container or the
11 ingredients listed for that substance in databases maintained or relied upon by a
12 poison control center certified by a national association of poison control centers.

13 (f) A person who violates this Section commits a petty misdemeanor. A
14 person who violates subsections (h), (i) or (j) this Section commits a petty
15 misdemeanor for the first offense and a misdemeanor for subsequent offenses.

16 (g) A juvenile court may require a minor found in violation of this Section
17 be provided with treatment and counseling.

18 (h) It is a petty misdemeanor for any person or business to sell, or transfer
19 butane gas or butane lighters or butane in any other form to any person under the
20 age or Eighteen (18).

21 (i) It is a petty misdemeanor for any person or business to sell or transfer
22 propane gas to any person under the age or Eighteen (18).

23 (j) It is a petty misdemeanor for any person or business to sell or transfer
24 substances on the *List of Known Inhalants with Potential for Abuse* as defined in
25 §67.401.2.2: (1) & (2) of this Chapter to any person under the age or Eighteen

1 (18). This subsection shall not apply to prescription or over-the-counter
2 medication.

3 (k) It is not unlawful to transfer inhalants to persons under the age of
4 Eighteen (18) provided that the minors use of such inhalants is consistent with the
5 product's labeling and is supervised by an adult over the age of Eighteen (18)."
6

7 **Section 2.** A new Section 67.401.2.2. is hereby *added* to Chapter 67 of
8 Title 9, Guam Code Annotated to read:

9 **§67.401.2.2. List of Known Inhalants with Potential for Abuse.** (1) The
10 Department of Mental Health and Substance Abuse shall maintain a *List of Known*
11 *Inhalants with Potential for Abuse*. Such list shall contain all known substances
12 with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall
13 be:

14 (a) reviewed and updated at least once annually,

15 (b) maintained on the Internet, and

16 (c) distributed to island retailers and all public and private schools as the list
17 is updated.

18 (2). Butane and propane shall be on the *List of Known Inhalants with*
19 *Potential for Abuse*.

20 (3) The Department shall, by Administrative Rules and Regulations,
21 develop the procedures by which Inhalants are added to the *List of Known*
22 *Inhalants with Potential for Abuse*

23 (4) All additions to the *List of Known Inhalants with Potential for Abuse*
24 shall require the approval of the Governor.

1 (5) Penalties contained §67.401.2.1: (j) shall not apply until such substance
2 has been on the *List of Known Inhalants with Potential for Abuse* for a period of
3 not less than six (6) months.

4 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
5 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
6 Department of Mental Health and Substance Abuse for the purpose of carrying out
7 the provisions of Section 2 of this Act.



Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam

Guam Judicial Center, Suite 2-200E

120 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamattorneygeneral.com • law@mail.justice.gov.gu

LEGISLATIVE TESTIMONY

Bill Number 6

(Public Hearing on Thursday, February 10, 2005)

The Office of the Attorney General currently is not in support as to the above identified legislation as drafted. The reasons are set forth below.

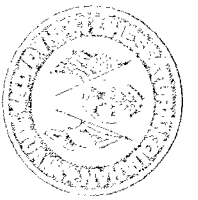
While this bill seeks to solve a present problem, I believe it goes too far. First, in addition to enhancing penalties, which is no problem, it prohibits the sale of butane, propane and “known inhalants with potential for abuse” to minors. This will have an unnecessary effect on the purchase of these items for legitimate purposes, such as barbecues, cooking after storms, etc.

Secondly, the amendment prohibits the transfer of inhalants, by anybody by any means, to a minor without that person being supervised by an adult. Does this mean that a child with, say, asthma, and who must carry an inhaler with him at all times, can never go out without an adult supervising him? This is akin to a police state! This will lead to the absurd “no tolerance” policies of some stateside schools. It would allow far too much possibility of intrusion by authorities into ordinary life and legal activities and would tend to brand youth with certain health problems as inherently suspect.

Finally, the DPHSS is required to come up with a *List of Known Inhalants with Potential for Abuse*. No standards are given. Note that the Controlled Substances Act provides clear standards for each level of controlled substance. This section would not withstand constitutional scrutiny.

Author: Consumer Counsel Troutman

(The Office's testimony provided herein is intended to help the Committee evaluate the legislation. Since our time and staff resources remain scant and this testimony reflects our voluntary assistance, the testimony provided herein shall not be binding upon us, and is subject to our changing position in the event that facts or law are discovered which were not considered at the time of submitting this testimony.)



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs
Senator Ray Tenorio, Chairman

Public Hearing
Thursday - February 10, 2005 - 9:00am.
Legislatura Guahan

BILL NO. 6(LS): An act to amend §67, A01.2.1 of, and to add a new §37, A01.2.2 to Chapter 67 of Title 9, Guam Code Annotated relative to regulating the sale of butane, propane and other inhalants to minors.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
Dennis Bragdon	AG		/		/	



I Mina' Bente O Na Liheslaturan Guahan

Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs

Senator Ray Tenorio, *Chairman & Majority Leader*

Public Hearing, Thursday, February 10, 2005 at 9:00a.m.

Public Hearing Room: Temporary Legislature, 155 Hesler Place, Hagåtña, Guam

Guam Parole Board Member Nominees: Ms. Soledad H. Changuialaf & Mr. Michael D. Carey

Bill No.:

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 31(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on island sources.
- 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.

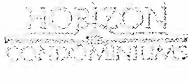
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- Working knowledge of either RDP or Fidelio 7.11 reservation systems
- Knowledgeable in Web Design is a must
- Hotel industry experience is plus but not requirement

Assistant Front Office Manager

- 3 years experience in the hotel industry;
- Must be proficient in MS Word, Excel;
- Working knowledge of either RDP, ASI, or Fidelio 7.11 reservation systems
- Japanese speaking preferred

Guest Service Attendant

- Must have a valid D or G license
- Posses a positive; team-oriented attitude
- Able to work flexible hours

Applications are available at the Front Office in Alupang Beach Tower. Current police and court clearances must be submitted with employment application.

No Phone Calls Please

We are an Equal Opportunity Employer



Department of Public Works

(DIPATAMENTON CHE'CHO PUBLIKO)

542 North marine Dr. Upper Tumon, Guam 96913 Telephone: (671) 646-3131/3232

The Honorable Felix P. Camacho
Governor of Guam

The Honorable Kalen S. Moylan
Lt. Governor of Guam

REQUEST FOR PROPOSALS

The Department of Public Works is soliciting proposals from Engineering Firms to provide professional engineering services for the following projects:

49 Pacific Daily News, Thursday, February 3, 2005 guampdn.com

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GOVERNOR OF GUAM

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Lieutenant Governor

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Pin, Guam 96919

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BID INVITATION

Bid No. **PAG 05-013**

For **Diesel Fueled Generator**

Opening

Date: **February 10, 2005** Time

PRE-BID CONFERENCE: February 9, 2005
Place: Port Authority of Guam Procurement

INTERESTED PARTIES
FORMS/SPECIFICATION
A NON-REFUNDABLE FEE OF \$100 FOR EACH BID

NOTICE OF JOB OPENING

By authority from the U.S. Citizenship and Immigration Services, Guam Department of Labor is making available Certification Applications for the positions of United States workers that are qualified and the employment of the alien(s) will not adversely affect the conditions of similarly employed United States workers must be at least equal to the prevailing wages and workers shall be offered the same benefits to the employer, to alien workers.

2 - Massage (1 yr. exp.)

Massage customers & guests & administer hygienic or remedial purposes. Provides massages, aromatherapy, herbal wraps, alcohol, lubricants & other rubbing compounds. Massage body using such techniques as stimulate blood circulation, relax contracted muscles. Administers steam or dry heat, ultraviolet request of customer. Gives directions to remedial exercise. Examines client & recommends treatments. Records treatment furnished brand products.

Benefits: Round-trip transportation to home per week. Worker's Compensation Insurance. Interested applicants should apply to One-Stop Career Center located at Hagatña. The job offer is open to all qualified to Race, Color, National Origin, Age, Sex with disabilities who are qualified, with (Ref. No. 2005-025).

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JOB OPENING

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Duties: Conducts audits for management to assess effectiveness of controls, accuracy of financial records, and efficiency of operations; Examines records of departments and interviews workers to ensure recording of transactions and compliance with applicable laws and regulations. Inspects accounting systems to determine their efficiency and protective value. Reviews records pertaining to material assets, such as equipment and buildings, and staff to determine degree to which they are utilized. Analyzes data obtained for evidence of deficiencies on controls, duplication of effort, extravagance, fraud, or lack of compliance with laws, government regulations, and management policies and procedures. Prepares reports of findings and recommendations for management. May conduct special audits for management, study its internal control system, and investigate fraud and to develop controls for fraud prevention. Requirements: Minimum 2 years experience in the job described in the duties above. 4-year College Graduate with a degree of B.S.B.A. in Accounting. Benefits: One-way airfare from point of hire. Apply at Path Corporation, POB 10629, Tamuning, Guam 96851.

I Mina' Bente Ocho Na Liheslaturan Guahan
Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs

Senator Ray Tenorio, Chairman & Majority Leader

Public Hearing, Thursday, February 10, 2005 at 9:00a.m.
Public Hearing Room; Temporary Legislature, 155 Hesler Place, Hagatña, Guam

Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey

Bill No.:

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
- 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
- 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
- 9(LS) Providing exceptions for prior licenses.
- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.

This ad is paid for by government funds.

IT&E, Guam's Telecommunications Leader,
is looking to hire outgoing, hardworking and experienced individuals to work in our organization.

PRODUCTS SERVICE
Responsible for the development and implementation of marketing plans for the sales of the company's products and services. Supervises Account Executives to ensure sales goals are achieved. Positive attitude and flexibility in work schedule is a must.

ACCOUNT EXECUTIVE
Primarily develops and maintains relationships with business customers by introducing a variety of telecommunication products and services, including Long Distance, Telenet Internet, Wireless Digital PCS and Customer Premise Equipment.

ADVERTISING COORDINATOR
Responsible for the coordination and implementation of advertising programs and campaigns for print, radio, television and other media; evaluates advertising proposals for review; and perform administrative and clerical duties. Strong organizational skills a must.

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (US)

Introduced by:

L.F. Kasperbauer *LFK*

AN ACT TO AMEND §67.401.2.1. OF, AND TO ADD A NEW
§67.401.2.2 TO CHAPTER 67 OF TITLE 9, GUAM CODE
ANNOTATED RELATIVE TO REGULATING THE SALE OF
BUTANE, PROPANE AND OTHER INHALANTS TO MINORS.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2
3 Section 1. Section 67.401.2.1. of Chapter 67 of Title 9, Guam Code
4 Annotated is hereby *amended* to read:

5 **67.401.2.1. Inhalants.** (a) Use of Inhalants. It is unlawful for a person to
6 inhale, ingest, apply or smell the gases, vapors or fumes of an aerosol spray
7 product, volatile chemical, substance or other inhalant, that is not used pursuant to
8 the instructions or prescription of a licensed health care provider, or that is not
9 used pursuant to the manufacturer's label instructions, for the purpose of becoming
10 under the influence of such substance, causing intoxication, euphoria, inebriation,
11 stupefaction or the dulling of that person's brain or nervous system.

12 (b) It is unlawful for a person to possess any gas, hazardous inhalant,
13 aerosol spray product, substance containing a volatile chemical or substance
14 containing a chemical material capable of releasing toxic vapors with the intent to
15 violate the above.

16 (c) Nothing in this Section applies to the inhalation of a prescription or
17 over-the-counter product for medical or dental purposes, or the inhalation of the

1 vapors or fumes of an alcoholic beverage, the sale and consumption of which is
2 authorized by law.

3 (d) Proof that a person intentionally or knowingly inhaled, ingested, applied
4 or used a substance in a manner contrary to the directions for use, cautions or
5 warnings on a label of a container of the substance gives rise to a presumption that
6 the person violated Subsection (a).

7 (e) For the purposes of this Section, it is presumed that the ingredients in a
8 container are, in fact, the ingredients listed on the label of the container or the
9 ingredients listed for that substance in databases maintained or relied upon by a
10 poison control center certified by a national association of poison control centers.

11 (f) A person who violates this Section commits a petty misdemeanor. A
12 person who violates Items (h), (i) or (j) this Section commits a petty misdemeanor
13 punishable by a fine not exceed Two Hundred Dollars (\$200) for the first offense
14 and not less than Two Hundred Dollars (\$200) but not more than One Thousand
15 (\$1,000) for subsequent offenses.

16 (g) A juvenile court may require a minor found in violation of this Section
17 be provided with treatment and counseling.

18 (h) It is unlawful for any person or business to sell, or transfer butane gas or
19 butane lighters or in any other form to any person under the age or Eighteen (18).

20 (i) It is unlawful for any person or business to sell, or transfer propane gas
21 to any person under the age or Eighteen (18).

22 (j) It is unlawful for any person or business to sell, or transfer substances on
23 the *List of Known Inhalants with Potential for Abuse* as defined in §67.401.2.2. of
24 this chapter to any person under the age or Eighteen (18).

1 (k) It is not unlawful to transfer inhalants to persons under the age of
2 Eighteen (18) provided that the minors use of such inhalants is consistent with the
3 products labeling and is supervised by an adult over the age of Eighteen (18).”
4

5 **Section 2.** A new Section 67.401.2.2. is hereby *added* to Chapter 67 of
6 Title 9, Guam Code Annotated to read:

7 **§67.401.2.2. List of Known Inhalants with Potential for Abuse.** The
8 Department of Mental Health and Substance Abuse shall maintain a *List of Known*
9 *Inhalants with Potential for Abuse*. Such list shall contain all known substances
10 with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall
11 be:

- 12 (a) reviewed and updated at least once annually,
13 (b) maintained on the Internet, and
14 (c) distributed to island retailers and all public and private schools as the list
15 is updated.

16
17 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
18 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
19 Department of Mental Health and Substance Abuse for the purpose of carrying out
20 the provisions of Section 2 of this Act.

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 6 (LS)

Introduced by:

L.F. Kasperbauer *LFK*

AN ACT TO AMEND §67.401.2.1. OF, AND TO ADD A NEW §67.401.2.2 TO CHAPTER 67 OF TITLE 9, GUAM CODE ANNOTATED RELATIVE TO REGULATING THE SALE OF BUTANE, PROPANE AND OTHER INHALANTS TO MINORS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Section 67.401.2.1. of Chapter 67 of Title 9, Guam Code Annotated is hereby *amended* to read:

67.401.2.1. Inhalants. (a) Use of Inhalants. It is unlawful for a person to inhale, ingest, apply or smell the gases, vapors or fumes of an aerosol spray product, volatile chemical, substance or other inhalant, that is not used pursuant to the instructions or prescription of a licensed health care provider, or that is not used pursuant to the manufacturer's label instructions, for the purpose of becoming under the influence of such substance, causing intoxication, euphoria, inebriation, stupefaction or the dulling of that person's brain or nervous system.

(b) It is unlawful for a person to possess any gas, hazardous inhalant, aerosol spray product, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate the above.

(c) Nothing in this Section applies to the inhalation of a prescription or over-the-counter product for medical or dental purposes, or the inhalation of the

1 vapors or fumes of an alcoholic beverage, the sale and consumption of which is
2 authorized by law.

3 (d) Proof that a person intentionally or knowingly inhaled, ingested, applied
4 or used a substance in a manner contrary to the directions for use, cautions or
5 warnings on a label of a container of the substance gives rise to a presumption that
6 the person violated Subsection (a).

7 (e) For the purposes of this Section, it is presumed that the ingredients in a
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20 (i) It is unlawful for any person or business to sell, or transfer propane gas
21 to any person under the age or Eighteen (18).

22 (j) It is unlawful for any person or business to sell, or transfer substances on
23 the *List of Known Inhalants with Potential for Abuse* as defined in §67.401.2.2. of
24 this chapter to any person under the age or Eighteen (18).

1 (k) It is not unlawful to transfer inhalants to persons under the age of
2 Eighteen (18) provided that the minors use of such inhalants is consistent with the
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4

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6 Title 9, Guam Code Annotated to read:

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8 Department of Mental Health and Substance Abuse shall maintain a *List of Known*
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10 with the potential for abuse as defined in §67.401.2.1 of this Chapter. The list shall
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- 14 (c) distributed to island retailers and all public and private schools as the list
15 is updated.

16
17 **Section 3. Appropriation.** The sum of Thirty Thousand Dollars
18 (\$30,000.00) is hereby appropriated from the **Healthy Futures Fund** to the
19 Department of Mental Health and Substance Abuse for the purpose of carrying out
20 the provisions of Section 2 of this Act.