



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

25 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. 54 (EC), "AN ACT TO AMEND SUBSECTION 40120(f)(3) OF CHAPTER 40 OF TITLE 10 OF THE GUAM CODE ANNOTATED; TO ADD §11106(d) AND TO AMEND §11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO REDUCING THE PRICE OF EGGS BY REMOVING THE INDIVIDUAL EGG STAMPING REQUIREMENT OF IMPORTED EGGS THAT MEET LOCAL AND UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION REQUIREMENTS," which I signed into law on April 22, 2005, as Public Law 28-33.

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

0150

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 3:14 Date: 4-29-05

Office of the Speaker
MARK FORBES
Date: 4/26/05
Time: 3:45
Rec'd by: [Signature]
Print Name: [Signature]
28-058-0149



**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,

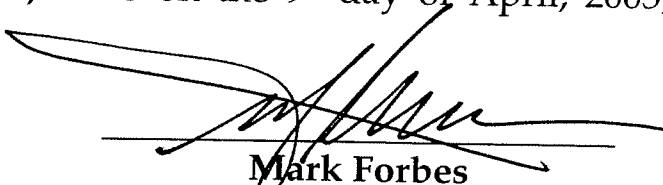
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (14)


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

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

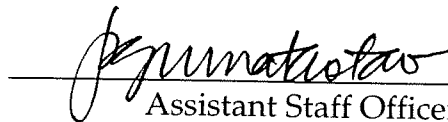
This is to certify that Bill No. 54 (EC), "AN ACT TO AMEND SUBSECTION 40120(f)(3) OF CHAPTER 40 OF TITLE 10 OF THE GUAM CODE ANNOTATED; TO ADD §11106(d) AND TO AMEND §11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO REDUCING THE PRICE OF EGGS BY REMOVING THE INDIVIDUAL EGG STAMPING REQUIREMENT OF IMPORTED EGGS THAT MEET LOCAL AND UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION REQUIREMENTS," was on the 9<sup>th</sup> day of April, 2005, duly and regularly passed.

  
Mark Forbes  
Speaker

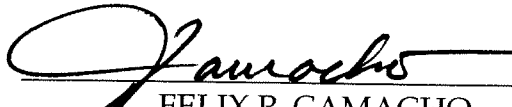
Attested:

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

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

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahen Guåhan*

Date: 4/22/05

Public Law No. 28-33

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

**Bill No. 54 (EC)**

As amended on the Floor.

Introduced by:

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

AN ACT TO AMEND SUBSECTION 40120(f)(3) OF CHAPTER 40 OF TITLE 10 OF THE GUAM CODE ANNOTATED; TO ADD §11106(d) AND TO AMEND §11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO REDUCING THE PRICE OF EGGS BY REMOVING THE INDIVIDUAL EGG STAMPING REQUIREMENT OF IMPORTED EGGS THAT MEET LOCAL AND UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION REQUIREMENTS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*  
3 finds that much legislation has been enacted to regulate the sale of shell eggs.

1 The laws apply to the edibility of the product and to its quality and grade.  
2 Both Federal and State laws are applicable to eggs, but practically most of  
3 those pertaining to grading have been enacted by the States.

4 The Egg Products Inspection Act (EPIA) (United States Public Law 91-  
5 597), which became law in 1970, provides for the uniformity of standards and  
6 grades. The Act states: "For eggs which have moved or are moving in  
7 interstate or foreign commerce, no State or local jurisdiction may require the  
8 use of standards of quality, condition, weight, quantity, or grade which are in  
9 addition to or different from the official Federal standards." This has  
10 prompted States with egg laws in which the standards and grades differ  
11 somewhat from the official Federal standards and grades to amend their laws  
12 to comply with the Federal standards. A provision on labeling prohibits  
13 States from requiring labeling on eggs from other areas to indicate the State or  
14 other geographic area of production or origin. This provision does not apply  
15 to Alaska, Hawaii, Puerto Rico, Guam or the Virgin Islands. However, Guam  
16 is the only U.S. jurisdiction that requires individual egg stamp labeling.

17 Guam's administrative rules require that the origin of the eggs must be  
18 stamped on each egg. As the only U.S. domestic jurisdiction with this  
19 requirement, egg producers apply an added cost that inevitably is borne by  
20 the consumers of Guam. As much as ten percent (10%) of the freight on board  
21 (FOB) cost is added to the packaged product cost. The existing stamping  
22 requirement has no added benefit for the consumers of Guam. The Federal  
23 Food, Drug, and Cosmetic Act, and the regulations for its enforcement, apply  
24 to all food products in interstate commerce, including shell eggs. This Act is  
25 designed to prevent the shipment of adulterated and misbranded foods.

1 Additionally, the Federal Trade Commission has responsibility for regulating  
2 the business practices engaged in by firms marketing eggs in interstate or  
3 foreign commerce. Therefore, *I Liheslaturan Guåhan* finds that the removal of  
4 Guam's egg stamping policies will benefit the people of Guam by reducing  
5 the cost of imported egg products.

6 **Section 2. Subsection 11106(d) is hereby *added* to Chapter 11,**  
7 **Division 2 of Title 8 of the Guam Administrative Rules and Regulations to**  
8 **read:**

9 “(d) In the case of eggs imported from mainland United States or  
10 foreign countries, regardless of the person producing the same,  
11 imported eggs shall be marked by the importer on each carton or other  
12 type of container or package of eggs as required by 5 GCA Chapter 66,  
13 the *Chicken Egg Regulation*.”

14 **Section 3. Section 11107 of Chapter 11, Division 2 of Title 8 of the**  
15 **Guam Administrative Rules and Regulations is *amended* to read:**

16 “§11107. **Notice of Grade and Size; Designation of Origin of**  
17 **Imported Eggs.** (a) It shall be unlawful for any person to sell, or offer  
18 to sell or expose for sale to a consumer, any eggs other than those of his  
19 own production intended for human consumption without notifying by  
20 suitable sign or label the person purchasing or intending to purchase the  
21 same whether the same are imported from the mainland United States  
22 or foreign countries or of local production, and the exact grade or  
23 quality and size or weight and date such eggs were graded.

24 (b) The word ‘local’ shall be used to designate eggs produced in  
25 Guam.

1 (c) Anybody importing eggs into Guam for sale shall obtain a  
2 permit from the Department of Agriculture, stating the country of  
3 origin, the volume of eggs to be imported and other pertinent data as  
4 may be prescribed by the Department in compliance with 5 GCA  
5 Chapter 66, the *Chicken Egg Regulation*."

6 **Section 4. Subsection 40120(f)(3) of Chapter 40 of Title 10 of the**  
7 **Guam Code Annotated is amended to read:**

8 "(3) Notwithstanding any provision of law, all fresh or frozen  
9 packaged meat, fresh eggs, bread, fresh milk and fresh daily products  
10 and ice cream, and such other food, drug and consumer commodity  
11 designated by the Director of the Department of Public Health and  
12 Social Services shall have a clearly designated expiration date on each  
13 package offered for retail sale. Notwithstanding any other provision of  
14 law, in lieu of stamping any required labels whatsoever on individual  
15 eggs, such information may instead be stamped on each egg carton if  
16 the eggs are packed in individual cartons of twelve (12) eggs or less as  
17 required by 5 GCA Chapter 66, the *Chicken Egg Regulation*."

18 **Section 5. Severability.** *If any provision of this Act or its application*  
19 *to any person or circumstance is found to be invalid or contrary to law, such*  
20 *invalidity shall not affect other provisions or applications of this Act which*  
21 *can be given effect without the invalid provisions or application, and to this*  
22 *end the provisions of this Act are severable.*

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 4/9/05

## VOTING SHEET

Bill No. 54 (EC)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				GA
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

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence





***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

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April 6, 2005

**Speaker Mark Forbes**  
**I Mina' Bente Ocho Na Liheslaturan Guahan**  
**155 Hesler Place**  
**Hagatna, Guam 96910**

The Committee on General & Omnibus Matters to which Bill No. 54 was referred, wishes to report its findings and recommendations **TO DO PASS BILL No. 54 (EC):** "An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements".

Transmitted herewith for your consideration and action is our committee report on the above subject matter.

The voting record is as follows:

  7   TO PASS  
       NOT TO PASS  
       TO REPORT OUT ONLY  
       ABSTAIN  
       INACTIVE FILE

Copies of the Committee Report and other pertinent documents are attached. Thank you and si Yu'os ma'ase for your attention to this matter.

  
**MARK FORBES**

Attachments

**MEMORANDUM**

**TO:** Committee Members

**FROM:** Chairman

**SUBJECT:** Committee Report- Bill No. 54 (EC): "An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements."

Transmitted herewith for your information and action is the report on Bill No. 54 (EC) from the Committee on General and Omnibus Matters.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 54 (EC)
4. Public Hearing Sign-In Sheet
5. Fiscal Note/ Fiscal Note Waiver
6. Notice of Public Hearing

Please take the appropriate action on the voting sheet. Your attention and cooperation in this matter is greatly appreciated.

Should you have questions regarding the report or accompanying documents, please do not hesitate to contact me.

Thank you and si Yu'os ma'ase.

  
**MARK FORBES**

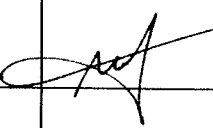

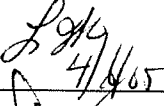
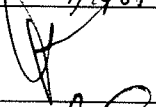


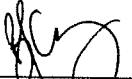
Attachments

# COMMITTEE ON GENERAL AND OMNIBUS MATTERS

*I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN*  
155 HESLER PLACE, HAGÅTNA, GUAM 96910

An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements.

## VOTING SHEET

	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT OF COMMITTEE	ABSTAIN	INACTIVE FILE
Mark Forbes, Chairman		✓				
Edward J.B. Calvo		✓				
Lawrence F. Kasperbauer, Ph.D.	 4/14/05	+				
Jesse A. Lujan	 4/14/05	✓				
Ray Tenorio		✓				
Michael Cruz, M.D.						
Lou A. Leon Guerrero						
Judith T. Won Pat		✓				
Benjamin J.F. Cruz		✓				

2nd  
4-7-05

3rd  
4-8-05

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) REGULAR SESSION

Bill No. 54 (EC)

Introduced by:

Jesse A. Lujan  
Edward J.B. Calvo

*JK*

*jal FAS*

AN ACT TO AMEND SUBSECTION 40120(f)(3) OF CHAPTER 40 OF TITLE 10 OF THE GUAM CODE ANNOTATED; TO ADD §11106(d) AND TO AMEND §11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO REDUCING THE PRICE OF EGGS BY REMOVING THE INDIVIDUAL EGG STAMPING REQUIREMENT OF IMPORTED EGGS THAT MEET LOCAL AND UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION REQUIREMENTS.

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

*line #3*

**Section 1. Legislative Intent.** / *Liheslaturan Guåhan* finds that much

legislation has been enacted to regulate the sale of shell eggs. The laws apply to the edibility of the product and to its quality and grade. Both Federal and State laws are applicable to eggs, but practically most of those pertaining to grading have been enacted by the States.

The Egg Products Inspection Act (EPIA)(United States Public Law 91-597), which became law in 1970, provides for the uniformity of standards and grades. The Act states: "For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction may require the use of standards of quality, condition, weight, quantity, or grade which are in addition to or different from the official Federal standards." This has prompted States with egg laws in which the standards and grades differ somewhat from the official Federal standards and grades to amend their laws to comply with the Federal standards. A provision on labeling prohibits States from requiring labeling on eggs from other areas to indicate the State or other geographic area of

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 54

jal  
\_\_\_\_\_  
**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

add yk as # 3 sponsor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Below only for Clerk of Legislature's use and processing))*

Date 4/8, 2005

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

[Signature]  
\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
\_\_\_\_\_  
Engrossment Staff

production or origin. This provision does not apply to Alaska, Hawaii, Puerto Rico, Guam or the Virgin Islands. However, Guam is the only U.S. jurisdiction that requires individual egg stamp labeling.

Guam's administrative rules require that the origin of the eggs must be stamped on each egg. As the only U.S. domestic jurisdiction with this requirement, egg producers apply an added cost that inevitably is borne by the consumers of Guam. As much as ten percent (10%) of the freight on board (FOB) cost is added to the packaged product cost. The existing stamping requirement has no added benefit for the consumers of Guam. The Federal Food, Drug, and Cosmetic Act, and the regulations for its enforcement, apply to all food products in interstate commerce, including shell eggs. This act is designed to prevent the shipment of adulterated and misbranded foods. Additionally, the Federal Trade Commission has responsibility for regulating the business practices engaged in by firms marketing eggs in interstate or foreign commerce. Therefore, *Liheslaturan Guåhan* finds that the removal of Guam's egg stamping policies will benefit the people of Guam by reducing the cost of imported egg products.

**Section 2.** Subsection 11106(d) is hereby added to Chapter 11, Division 2 of Title 8 of the Guam Administrative Rules and Regulations to read:

**(d)** In the case of eggs imported from mainland United States or foreign countries, regardless of the person producing the same, imported eggs shall be marked by the importer on each carton or other type of

container or package of eggs as required by 5 GCA  
Chapter 66, the *Chicken Egg Regulation*.“ )

**Section 3.** Section 11107 of Chapter 11, Division 2 of Title 8 of the Guam Administrative Rules and Regulations is amended to read:

**“§11107. Notice of Grade and Size; Designation of Origin of Imported Eggs.** (a) It shall be unlawful for any person to sell, or offer to sell or expose for sale to a consumer, any eggs other than those of his own production intended for human consumption without notifying by suitable sign or label the person purchasing or intending to purchase the same whether the same are imported from the mainland United States or foreign countries or of local production, and the exact grade or quality and size or weight and date such eggs were graded.

(b) The word local shall be used to designate eggs produced in the ~~Territory of~~ Guam.

(c) ~~In the case of eggs imported from mainland United States or foreign countries, regardless of the person producing the same, each egg so imported shall be marked by the importer in clear and plain letters, of not less than twelve (12) point type, the letters “U.S.,” if such egg was produced in the mainland united States, or the name of the country, if such egg was produced in a foreign country, before such eggs may be removed from~~

~~any dock or landing until the consignee thereof has been furnished with a certificate issued by the Department certifying that the eggs contained in the shipment in which such eggs arrived are marked as provided in this Section.~~

**(cd)** Anybody importing eggs into the Territory Guam for sale shall obtain a permit from the Department of Agriculture, stating the country of origin, the volume of eggs to be imported and other pertinent data as may be prescribed by the Department in compliance with 5 GCA Chapter 66, the *Chicken Egg Regulation*.

**Section 4.** Subsection 40120(f)(3) of Chapter 40 of Title 10 of the Guam Code Annotated is amended to read:

**(3)** Notwithstanding any provision of law, all fresh or frozen packaged meat, fresh eggs, bread, fresh milk and fresh daily products and ice cream, and such other food, drug and consumer commodity designated by the Director of the Department of Public Health and Social Services shall have a clearly designated expiration date on each package offered for retail sale. Notwithstanding any other provision of law, in lieu of stamping any required labels whatsoever on individual eggs, such information may instead be stamped on each egg carton if the eggs are packed in individual cartons of twelve (12) eggs or



less as required by 5 GCA Chapter 66, the *Chicken Egg*  
*Regulation.*"

**Section 5. Severability.** *If* any provision of this <sup>Act</sup> ~~Law~~ or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this <sup>Act</sup> ~~Law~~ which can be given effect without the invalid provisions or application, and to this end the provisions of this <sup>Act</sup> ~~Law~~ are severable.

**I MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
COMMITTEE ON GENERAL & OMNIBUS MATTERS  
SPEAKER MARK FORBES, CHAIRMAN**

**COMMITTEE REPORT**

**ON**

**BILL NO. 54 (EC)**

**AN ACT TO AMEND SUBSECTION 40120(F)(3) OF CHAPTER 40 OF TITLE 10 OF THE GUAM CODE ANNOTATED; TO ADD §11106(D) AND TO AMEND §11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF THE GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO REDUCING THE PRICE OF EGGS BY REMOVING THE INDIVIDUAL EGG STAMPING REQUIREMENT OF IMPORTED EGGS THAT MEET LOCAL AND UNITED STATES DEPARTMENT OF AGRICULTURE INSPECTION REQUIREMENTS.**

## **I. OVERVIEW**

The Committee on General and Omnibus Matters held a public hearing at 9 a.m., Friday, March 18, 2005 in the Session Hall, I Liheslaturan Guåhan. Public notice was submitted to all media (see facsimile poll/activity report attachment) on Friday, March 11, 2005 and confirmed received. A print ad of the Public Notice was printed in the March 15, 2005, edition of the Pacific Daily News (PDN), posted in the Government Meetings Section in the March 17 edition of the PDN. A second submittal of public notice to all media was done on March 16, 2005 (see facsimile poll/activity report attachment).

Senators present at the public hearing were:

Speaker Mark Forbes, Chairman  
Senator Jesse A. Lujan, Member

## **II. SUMMARY OF TESTIMONY**

There were no Individuals who attended the public hearing on Bill 54 to present testimony.

**Mr. M. Thomas Nadeau** of the Department of Public Health and Social Services, submitted written testimony in favor of Bill 54. He writes the only concern the Department of Public Health and Social Services has is related to the issuance of a sanitary permit and requirements on safe handling and storage guidelines for shelled eggs.

### **Comments by the Author;**

Senator Jesse Lujan spoke on the intent of the bill. He said that the legislation is needed to update an archaic law regulating the stamping of eggs. He said that Guam is the only island that requires the individual stamping of eggs and that currently most U.S. States have adopted regulations allowing for eggs to be stamped by carton.

## **III. FINDINGS AND RECOMMENDATION**

The Committee on General and Omnibus Matters finds that the intent of Bill No. 54 will update the current law regulating the stamping of eggs. Guam is the only domestic jurisdiction that requires the individual stamping of eggs. This requirement is costly, especially if the eggs are imported. The cost is burdened by the consumers of imported eggs. This measure will change the administrative rules requirement of the labeling of the origin of the egg on each individual egg and to allow for the stamping of a carton of twelve eggs or less. This lessens the expense of packaging, thereby reducing the cost on consumers.

Accordingly, the Committee on General and Omnibus Matters to which Bill No. 54 (EC) was referred does hereby submit its findings and recommendations to I Mina' Bente Ocho Na Liheslaturan Guåhan **TO DO PASS BILL NO. 54 (EC)**, "An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements."

#### IV. PUBLIC HEARING AGENDA

### AGENDA COMMITTEE ON GENERAL & OMNIBUS MATTERS, and EXECUTIVE COMMITTEE

**Public Hearing**  
**Session Hall, Temporary Legislative Building**  
**Friday, March 18, 2005, 9:00 a.m.**

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

**Bill No. 44 (LS) - by L. A. Leon Guerrero**

An Act To Amend Section 4109(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

**Bill No. 50 (EC) - by B. J.F. Cruz- Postponed**

The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Residential Lot Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program; To Allow Cottage Industry Activities On Residential Leases By Leaseholders; And To Remove The 21 Year Cap On Licenses For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 75 Of Division 2 Of Title 21 Of The Guam Code Annotated.

**Bill No. 54 (EC) - by J. A. Lujan**

An Act To Amend Subsection 40120(f)(3) Of Chapter 40 Of Title 10 Of The Guam Code Annotated; To Add §11106(d) And To Amend §11107 Of Chapter 11, Division 2 Of Title 8 Of The Guam Administrative Rules And Regulations Relative To Reducing The Price Of Eggs By Removing The Individual Egg Stamping Requirement Of Imported Eggs That Meet Local And United States Department Of Agriculture Inspection Requirements.

**Bill No. 69 (EC) - by Edward J.B. Calvo**

An Act Authorizing I Maga'láhen Guáhan To Exchange Lot Numbers 123-R1-1-1g And 123-R1-1-2g, Municipality Of Umatac, With Tract 3241-A, Block 5a, Lot Number 7, Municipality Of Umatac.

**Bill No. 82 (EC) - by B. J.F. Cruz**

An Act To Standardize The Electoral Process For The Office Of The Public Auditor And The Office Of The Attorney General And To Require Majority Votes Cast For Election For Such Offices.

#### IV. SIGN IN SHEET (There were no individuals who appeared for the public hearing on Bill 54)

Written testimony was submitted at a later date by Mr. M. Thomas Nadeau. See Attachment.



***I Mina' Bente Ocho Na Liheslaturan Guahan***  
**The 28<sup>th</sup> Guam Legislature**

155 Hesler Place  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

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**WAIVER OF FISCAL NOTE**

In accordance with §9105 Title 2 GCA, I hereby certify that prompt committee action on Bill 54 is necessary to the proper conduct of legislative business. Therefore, I am waiving requirement of a fiscal note on Bill 54.

A handwritten signature in black ink, appearing to read "Mark Forbes", is written over a horizontal line.

**MARK FORBES**  
Speaker and Chairman,  
Committee on General and Omnibus Matters

VI. PUBLIC HEARING NOTICES

Pacific Daily News; Pg. 42, Tuesday, March 15, 2005.

**NOTICE OF PUBLIC HEARING**

COMMISSION ON THE CONSTITUTION OF THE STATE  
LEGISLATIVE COMMITTEE

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

TOPIC: \_\_\_\_\_

FOR ADA ASSISTANCE CONTACT: MARGUERITE SANTOS,  
OFFICE OF THE SPEAKER, PHONE: 415-775-3007  
FOR E-MAIL INQUIRIES: [speakers@legis.ca.gov](mailto:speakers@legis.ca.gov)

Notice paid for by government funds.



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**▲ GUAM BOARD OF EXAMINERS FOR PHARMACY:** 8 a.m. March 17, Health Professional Licensing Office, Suite 9, 651 Legacy Square Commercial Complex, Route 10, Mangilao. Agenda copies will be available. Call Jane Diego, 735-7406/11.

March 18  
**▲ COMMITTEE ON GENERAL AND OMNIBUS MATTERS:** Public hearing 9 a.m. March 18, Legislature's session hall, Hagåtña. Governor's appointment of Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission; Bill 44, relative to annual leave; Bill 50, to authorize the Chamorro Land Trust Commission residential lot recipients to own residential lots pur-

suant to a right of first refusal program, to allow cottage industry activities on residential leases by leaseholders, and to remove the 21-year cap on licenses for churches, hospitals, public schools, private schools and Post Offices; Bill 54, relative to reducing the price of eggs by removing the individual egg stamping requirement of imported eggs that meet local and U.S. Department of Agriculture inspection requirements; Bill 69, to authorize the governor to exchange lots with a tract in Umatac; Bill 82, to standardize the electoral process for the Office of Public Auditor and Office of the Attorney General and to require majority votes cast for election for such offices. Call 472-3409, or visit [www.guamlegislature.com](http://www.guamlegislature.com).

# Transmission Report

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3-11-05; 12:37PM  
4723510  
Guam Legislature

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(reduced sample and details below)  
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**I Mina' Bente Ocho Na Lheasturan Guahan**  
The 28<sup>th</sup> Guam Legislature

155 Hester Plaza  
Hagatna, Guam 96910  
Office (671) 473-9408 • Fax (671) 473-9510

**Speaker Mark Forbes**

### FACSIMILE

Date: March 11, 2005 Time:  
Fax No.: 477-3079 No. of Pages: 2  
To: FDM Government Meetings  
From: The Office of Speaker Mark Forbes  
Re: Public Hearing Notice- March 18, 2005, 9:00 a.m.  
Note: We would like to reserve space in the government meeting notice section of the Pacific Daily News for Monday, March 14; Tuesday, March 15 Thursday, March 17 and Friday, March 18 to read:

\*Committee on General and Quasi-Judicial Matters & Executive Committee: Public Hearing, Friday, March 18, 2005, 9:00 A.M., Public Hearing Room, Temporary Legislative Building, Hagatna, Guam. To be heard:

Governor's Appointment of Mr. Oscar A. Calvo to serve as a member of the Chamorro Land Trust Commission.

Bill No. 44: An Act To Amend Section 4289(A) Of Title 4, Guam Code Annotated, Relative To Annual Leave.

Bill No. 28: The Chamorro Land Ownership Act Of 2005; An Act To Authorize Chamorro Land Trust Commission Recipients To Own Residential Lots Pursuant To A Right Of First Refusal Program To Allow Cottage Industry Activities On Residential Lots By Leaseholders And To Remove The 21 Year Cap On Leases For Churches, Hospitals, Public Schools, Private Schools, And Post Offices; By Amending Chapter 28 Of Division 2 Of Title 21 Of The Guam Code Annotated.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	534	94773079	3-11-05;12:34PM	1'53"	2/ 2	EC		CP 7200

**Notes :**

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
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# Broadcast Report

Date/Time  
Local ID  
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3-11-05;11:36AM  
4723510  
Guam Legislature

Document Size Letter-S



**I Misa' Santa Ocho Na LHeolaturan Guahan**  
**The 28<sup>th</sup> Guam Legislature**

188 Hester Plaza  
Hagatna, Guam 96910  
Office (671) 472-3409 • Fax (671) 472-3510

**Speaker Mark Forbes**

Facsimile

**Date:** March 11, 2005 **Time:**

**To:** ALL MEDIA:

**Fax No.:** Pacific Daily News: 477-3079 KIJANG: 637-9678  
 Marianas Variety: 648-2027 E-57Power 98: 477-3962  
 K-Stereo: 477-6411 EN Radio MB: 472-7662  
 Glimpse/On Business: 648-8883 Advertiser World Radio: 385-2983  
 Harvest Family Radio: 477-7134 KPBO: 734-3958  
 KMB: 477-6411

**From:** The Office of Speaker Mark Forbes

**Re:** Public Hearing Notice- March 18, 2005

**Note:** Attached is a public hearing notice for March 18, 2005 and for your personal.

Should there be a problem with the transmittal of this fax, please contact our office at 472-3409.

**Sender:**

**No. of Pages:** 3

NO.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	516	pdn	3-11-05;11:29AM	1'36"	3/ 3	EC	BC	CP 14.4
2	516	marianan variety	11:31AM	1'14"	3/ 3	EC	BC	CP 14.4
3	516	hit radio	11:33AM	1'06"	3/ 3	EC	BC	CP 26.8
4	516	kuam	11:34AM	1'38"	3/ 3	EC	BC	CP 14.4

**Notes :**

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BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
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HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

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Local Name  
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3-16-05;10:21AM  
4723510  
Guam Legislature

Document Size Letter-S



**I Mina' Berta Ocho Na Lihelieturan Guåhan**  
The 26<sup>th</sup> Guam Legislature

165 Hester Place  
Hagåtña, Guam 96916  
Office (671) 473-6409 • Fax (671) 473-3810

**Speaker Mark Forbes**

Facsimile

Date: March 16, 2005 Time:

To: ALL MEDIA:

Fax No.:  
 Pacific Daily News: 473-2879 KHAM: 677-2870  
 Marianas Variety: 446-2887 E-97/Power 96: 477-3882  
 E-Shaw: 477-6411 Hit Radio 106: 472-7662  
 Gleaner/On Business: 648-8883 Adventure World Radio: 545-3883  
 Harvest Family Radio: 477-7136 KPBC: 754-3958  
 KHR: 477-6411

From: The Office of Speaker Mark Forbes

Re: Public Hearing Notice- March 18, 2005

Note: Attached is a public hearing notice for March 18, 2005 and for your perusal.

Should there be a problem with the transmittal of this fax please contact our office at 472-5409.

Sender:

No. of Pages: 3

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	693	marianes variety	3-16-05;10:13AM	1'37"	3/ 3	EC	BC	CP 14.4
2	693	kuem	10:18AM	1'22"	3/ 3	EC	BC	CP 12.0
3	693	hit radio	10:20AM	1'15"	3/ 3	EC	BC	CP 19.2

**Notes :**

EC: Error Correct  
BC: Broadcast Send  
CP: Completed  
HS: Host Scan  
HF: Host Fax

RE: Resend  
MP: Multi-Poll  
RM: Receive to Memory  
HP: Host Print  
HR: Host Receive

PD: Polled by Remote  
PG: Polling a Remote  
DR: Document Removed  
FO: Forced Output  
FM: Forward Mailbox Doc.

MB: Receive to Mailbox  
PI: Power Interruption  
TM: Terminated by user  
WT: Waiting Transfer  
WS: Waiting Send



GOVERNMENT OF GUAM



Felix P. Camacho  
GOVERNOR

Kaleo S. Moylan  
LIEUTENANT GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES  
(DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)  
Post Office Box 2816 Hagatna, Guam 96932  
123 Chalan Kareta, Route 10  
Mangilao, Guam 96913



Peter John D. Camacho, MPH  
DIRECTOR

Testimony of Non-opposition for Bill No. 54

March 18, 2005

Hafa Adai and Good Morning to Mr. Speaker and the Members of the Committee. My name is Tom Nadeau, I am the Administrator with the Division of Environmental Health of the Department of Public Health and Social Services. On behalf of the Department and its Director, Mr. Peter John Camacho, I would like to provide testimony for our non-opposition to Bill No. 54.

The Department has read the content of Bill 54 and we have no objection to the amendment of §40120(f)(3) of Chapter 40 of Title 10 GCA. We will however refrain from commenting on the other provisions of Bill 54 since we believe that the Department of Agriculture is the appropriate agency that can best determine the consequences, if any, the bill will have on their operation and interest. Instead, our Department requests that Bill 54 be expanded to amend §21101(h) of Chapter 21 of Title 10 GCA.

Under the existing language of §21101(h), a Sanitary Permit is not required of any business or person that sells eggs. Such exemption was adopted over twenty years ago when food regulators incorrectly believed that intact shell eggs were free of dangerous microorganisms. However, we now know that pathogenic bacteria, *Salmonella enteritidis*, can be passed from the egg-laying hen to the egg through transovarian transmission.

*Salmonella enteritidis*, or SE, is a bacterium that causes the disease salmonellosis, which can cause fever, severe abdominal cramping, and diarrhea beginning 12-72 hours after the consumption of contaminated food. While most recover within 4 to 7 days, some will require hospitalization. For this reason, shell eggs must be treated like any other potentially hazardous foods that require proper refrigeration for storage and heating before consumption.

With the attached request for amendment to §21101(h) of Chapter 21 of Title 10 GCA, our Department can compel certain vendors to obtain Sanitary Permits and require them meet the safe handling and storage guidelines for shelled eggs.

Thank you and Si Yu'us Ma'ase for granting the Department and I the opportunity to present this testimony.

M. Thomas Nadeau

Attachment

Office of the Speaker

MARK FORBES

Date: 3-22-05

Time: 1:50pm

Rec'd by:

Print Name: \_\_\_\_\_



“§21101. Sanitary Permit

(h) Any mortuary as defined in Chapter 30 without a valid sanitary permit for such establishment or activity, (hereinafter referred to as “permit”); issued by the Director. Such permit shall be displayed at all times in a conspicuous place in the premises designated by the Director. Only persons who comply with the pertinent provisions of this Part shall be entitled to receive and retain such permit. This Chapter shall not apply to the operation of any establishment, including any market, wayside stand or roadside stand used exclusively for the sale of (1) fresh, unprocessed fruits, vegetables and nuts; ~~(2)~~ eggs; ~~(3)~~(2) live poultry; ~~(4)~~(3) live pigs; ~~(5)~~(4) other live animals, except dogs and cats and other such animals as stipulated by the Director, by the original producer thereof in his own property; or ~~(6)~~(5) liquor or canned or bottled soft drinks.”

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) REGULAR SESSION

Bill No. 5A (EC)

Introduced by:

Jesse A. Lujan   
Edward J.B. Calvo 

AN ACT TO AMEND SUBSECTION 40120(F)(3) OF  
CHAPTER 40 OF TITLE 10 OF THE GUAM CODE  
ANNOTATED; TO ADD §11106(D) AND TO AMEND  
§11107 OF CHAPTER 11, DIVISION 2 OF TITLE 8 OF  
THE GUAM ADMINISTRATIVE RULES AND  
REGULATIONS RELATIVE TO REDUCING THE  
PRICE OF EGGS BY REMOVING THE INDIVIDUAL  
EGG STAMPING REQUIREMENT OF IMPORTED  
EGGS THAT MEET LOCAL AND UNITED STATES  
DEPARTMENT OF AGRICULTURE INSPECTION  
REQUIREMENTS.

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

2            **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that much  
3 legislation has been enacted to regulate the sale of shell eggs. The laws apply  
4 to the edibility of the product and to its quality and grade. Both Federal and  
5 State laws are applicable to eggs, but practically most of those pertaining to  
6 grading have been enacted by the States.

1           The Egg Products Inspection Act (EPIA)(United States Public Law 91-  
2 597), which became law in 1970, provides for the uniformity of standards and  
3 grades. The Act states: "For eggs which have moved or are moving in  
4 interstate or foreign commerce, no State or local jurisdiction may require the  
5 use of standards of quality, condition, weight, quantity, or grade which are in  
6 addition to or different from the official Federal standards." This has  
7 prompted States with egg laws in which the standards and grades differ  
8 somewhat from the official Federal standards and grades to amend their laws  
9 to comply with the Federal standards. A provision on labeling prohibits  
10 States from requiring labeling on eggs from other areas to indicate the State or  
11 other geographic area of production or origin. This provision does not apply  
12 to Alaska, Hawaii, Puerto Rico, Guam or the Virgin Islands. However, Guam  
13 is the only U.S. jurisdiction that requires individual egg stamp labeling.

14           Guam's administrative rules require that the origin of the eggs must be  
15 stamped on each egg. As the only U.S. domestic jurisdiction with this  
16 requirement, egg producers apply an added cost which inevitably is borne by  
17 the consumers of Guam. As much as ten percent (10%) of the freight on board

1 (FOB) cost is added to the packaged product cost. The existing stamping  
2 requirement has no added benefit for the consumers of Guam. The Federal  
3 Food, Drug, and Cosmetic Act, and the regulations for its enforcement, apply  
4 to all food products in interstate commerce, including shell eggs. This act is  
5 designed to prevent the shipment of adulterated and misbranded foods.  
6 Additionally, the Federal Trade Commission has responsibility for regulating  
7 the business practices engaged in by firms marketing eggs in interstate or  
8 foreign commerce. Therefore, *I Liheslaturan Guåhan* finds that the removal of  
9 Guam's egg stamping policies will benefit the people of Guam by reducing  
10 the cost of imported egg products.

11 **Section 2.** Subsection 11106(d) is hereby added to Chapter 11, Division  
12 2 of Title 8 of the Guam Administrative Rules and Regulations to read:

13 “(d) In the case of eggs imported from mainland  
14 United States or foreign countries, regardless of the  
15 person producing the same, imported eggs shall be  
16 marked by the importer on each carton or other type of



1           container or package of eggs as required by 5 GCA  
2           Chapter 66, the *Chicken Egg Regulation*. “

3           **Section 3.** Section 11107 of Chapter 11, Division 2 of Title 8 of the  
4 Guam Administrative Rules and Regulations is amended to read:

5           “§11107. **Notice of Grade and Size; Designation of**  
6           **Origin of Imported Eggs.** (a) It shall be unlawful for any  
7           person to sell, or offer to sell or expose for sale to a consumer,  
8           any eggs other than those of his own production intended for  
9           human consumption without notifying by suitable sign or label  
10          the person purchasing or intending to purchase the same  
11          whether the same are imported from the mainland United  
12          States or foreign countries or of local production, and the exact  
13          grade or quality and size or weight and date such eggs were  
14          graded.

15                   (b) The word local shall be used to designate eggs  
16                   produced in ~~the Territory of~~ Guam.

1           (c) ~~In the case of eggs imported from mainland~~  
2 ~~United States or foreign countries, regardless of the~~  
3 ~~person producing the same, each egg so imported shall be~~  
4 ~~marked by the importer in clear and plain letters, of not~~  
5 ~~less than twelve (12) point type, the letters "U.S.," if such~~  
6 ~~egg was produced in the mainland united States, or the~~  
7 ~~name of the country, if such egg was produced in a~~  
8 ~~foreign country, before such eggs may be removed from~~  
9 ~~any dock or landing until the consignee thereof has been~~  
10 ~~furnished with a certificate issued by the Department~~  
11 ~~certifying that the eggs contained in the shipment in~~  
12 ~~which such eggs arrived are marked as provided in this~~  
13 ~~Section.~~

14           (c~~d~~) Anybody importing eggs into the Territory  
15 Guam for sale shall obtain a permit from the Department  
16 of Agriculture, stating the country of origin, the volume  
17 of eggs to be imported and other pertinent data as may be

1 prescribed by the Department in compliance with 5 GCA  
2 Chapter 66, the *Chicken Egg Regulation*."

3 **Section 4.** Subsection 40120(f)(3) of Chapter 40 of Title 10 of the Guam  
4 Code Annotated is amended to read:

5 "(3) Notwithstanding any provision of law, all fresh or  
6 frozen packaged meat, fresh eggs, bread, fresh milk and fresh  
7 daily products and ice cream, and such other food, drug and  
8 consumer commodity designated by the Director of the  
9 Department of Public Health and Social Services shall have a  
10 clearly designated expiration date on each package offered for  
11 retail sale. Notwithstanding any other provision of law, in lieu  
12 of stamping any required labels whatsoever on individual eggs,  
13 such information may instead be stamped on each egg carton if  
14 the eggs are packed in individual cartons of twelve (12) eggs or  
15 less as required by 5 GCA Chapter 66, the *Chicken Egg*  
16 *Regulation*."

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