



Office of the Governor of Guahan

P.O. Box 2950 Hagåtña, GU 96932
Tel: (671) 472-8931 • Fax: (671) 477-4826 • Email: governor@guam.gov

2010 JUL - 9 AM 10:38
M.W.

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

JUL 08 2010
30-10-0576
Office of the Speaker
Judith T. Won Pat, Ed. D. *now*
Date 7/8/2010
Time 4:48 PM
Received by AD

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 389-30 (COR) "AN ACT TO AMEND §3303 IF ARTICLE 3, §§3419 AND 3420 OF ARTICLE 4, AND §3619 OF ARTICLE 6, ALL OF CHAPTER 3 OF TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND §§18102 AND 18121 OF ARTICLE 1, CHAPTER 18 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE; AND TO BE KNOWN AS THE 'RAMON SOMEROS OBERIANO ACT'", which I signed into law on July 8, 2010 as Public Law 30-156.

Sinseru yan Magâhet,

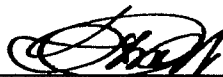
MICHAEL W. CRUZ, M.D.
I Maga'lâhen Guahan para pa'go
Acting Governor of Guahan

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Bill No. 389-30 (COR), "AN ACT TO AMEND §3303 OF ARTICLE 3, §§3419 AND 3420 OF ARTICLE 4, AND §3619 OF ARTICLE 6, ALL OF CHAPTER 3 OF TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND §§18102 AND 18121 OF ARTICLE 1, CHAPTER 18 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE; AND TO BE KNOWN AS THE 'RAMON SOMEROS OBERIANO ACT' ", was on the 2nd day of July, 2010, duly and regularly passed.



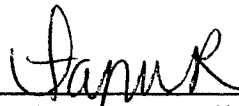
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

JUL 08 2010

Public Law No. P.L. 30-156

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 389-30 (COR)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
F. B. Aguon Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §3303 OF ARTICLE 3, §§3419 AND 3420 OF ARTICLE 4, AND §3619 OF ARTICLE 6, ALL OF CHAPTER 3 OF TITLE 11, GUAM CODE ANNOTATED; AND TO *AMEND* §§18102 AND 18121 OF ARTICLE 1, CHAPTER 18 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE; AND TO BE KNOWN AS THE “*RAMON SOMEROS OBERIANO ACT.*”

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that among alcohol control policies, the minimum legal drinking age has been the

1 most studied and which, according to the American Medical Association, research
2 shows that a higher minimum legal drinking age is effective in preventing alcohol-
3 related deaths and injuries among youth.

4 *I Liheslaturan Guåhan* finds that after Prohibition nearly all States
5 restricting alcohol to young people designated twenty-one (21) as the minimum
6 legal drinking age, but with the change in the minimum voting age in the 1970s,
7 most States began to lower their minimum legal drinking age laws. Since then,
8 family advocacy groups and organizations, such as the American Medical
9 Association, have helped to convince almost all State assemblies to return their
10 minimum legal drinking age to twenty-one (21).

11 *I Liheslaturan Guåhan* further finds that numerous developmental health
12 studies show younger consumers of alcohol may impair their brain development,
13 develop alcoholism, liver problems, and psychological problems. Young drinkers
14 may be less ambitious and engage in risky behavior, including promiscuity and the
15 use of illicit drugs.

16 It is, therefore, the intent of *I Liheslaturan Guåhan* that, by following the
17 example of almost all jurisdictions in the United States and increasing the
18 minimum legal drinking age to twenty-one (21), we ensure the safety and well-
19 being of our younger people.

20 **Section 2.** §3303 of Article 3, Chapter 3 of Title 11, Guam Code
21 Annotated, is hereby *amended* to read:

22 **“§3303. Same: Same: Minors.**

23 The Board *shall not* issue a license of any class to a person under twenty-one
24 (21) years of age.”

25 **Section 3.** §3419 of Article 4, Chapter 3 of Title 11, Guam Code
26 Annotated, is hereby *amended* to read:

27 **“§3419. Same: To Minor.**

1 A licensee, his agent or employee *shall not* sell, give, nor permit to be
2 sold, given or served any alcoholic beverages to any person under twenty-
3 one (21) years of age. For the purpose of preventing any violation of this
4 Section, any licensee, *or* his agent *or* employee, may refuse to sell or serve
5 alcoholic beverages to any person who is unable to produce adequate written
6 evidence that he or she has reached the age of twenty-one (21) years. In any
7 criminal prosecution or proceeding for the suspension or revocation of any
8 license and based upon a violation of this Section, proof that the defendant
9 licensee, *or* his agent *or* employee, demanded and was shown, before
10 furnishing any alcoholic beverage to a minor, an identification card or other
11 bona fide documentary evidence of majority of such person *shall* be a
12 defense to such prosecution or proceeding for the suspension or revocation
13 of any license. Every person who violates this Section *shall* be guilty of a
14 petty misdemeanor.”

15 **Section 4.** §3420 of Article 4, Chapter 3 of Title 11, Guam Code
16 Annotated, is hereby *amended* to read:

17 **“§3420. Same: False Identification by Minor.**

18 Any person under twenty-one (21) years of age who exhibits a false
19 identification card or false document for the purpose of purchasing or
20 obtaining alcoholic beverages *shall* be guilty of a petty misdemeanor.”

21 **Section 5.** §3619 of Article 6, Chapter 3 of Title 11, Guam Code
22 Annotated is hereby *amended* to read:

23 **“§3619. Same: Minors.**

24 Any person under the age of twenty-one (21) years purchasing or
25 consuming alcoholic beverages or in possession thereof *shall* be guilty of a
26 petty misdemeanor. This provision, with regards to possession of alcoholic
27 beverages, *does not* apply to persons eighteen (18) to twenty (20) years of

1 age who are performing paid work for and on behalf of a licensed
2 establishment that provides alcohol. For purposes of this Section, ‘*provide*’
3 means various methods of distribution or retrieval, including, but *not* limited
4 to, selling, serving, or transporting alcoholic beverages.”

5 **Section 6.** §18102 of Article 1, Chapter 18 of Title 16, Guam Code
6 Annotated, is hereby *amended* to read:

7 **“§18102. Influence of Alcohol and Controlled Substances;**
8 **Causing Bodily Injury to Person Other Than Driver; Alcoholic Content**
9 **in Blood; Proof.**

10 (a) It is unlawful for any person, while under the influence of an
11 alcoholic beverage or any controlled substance, or under the combined
12 influence of an alcoholic beverage and any controlled substance, to operate
13 or be in physical control of a motor vehicle.

14 (b) It is unlawful for any person, while having eight one-
15 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or
16 her blood to operate or be in physical control of a motor vehicle.

17 (c) It is unlawful for any person, while under the influence of an
18 alcoholic beverage or any controlled substance, or under the combined
19 influence of an alcoholic beverage and any controlled substance, to operate
20 or be in physical control of a motor vehicle and, when doing so, do any act
21 forbidden by law or neglect any duty imposed by law in the driving of the
22 vehicle or who negligently drives a vehicle, which act or neglect or
23 negligence proximately causes bodily injury to any person other than the
24 driver.

25 (d) It is unlawful for any person, while having eight one-
26 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or
27 her blood to operate or be in physical control of a motor vehicle and, when

1 doing so, do any act forbidden by law or neglect any duty imposed by law in
2 the driving of the vehicle, which act or neglect proximately causes bodily
3 injury to any person other than the driver.

4 (e) In any prosecution under this Section, it is a rebuttable
5 presumption that the person with eight one-hundredths of one percent
6 (0.08%) or more, by weight, of alcohol in his or her blood at the time of
7 operating or in actual physical control of a motor vehicle is under the
8 influence of alcohol if the person had eight one-hundredths of one percent
9 (0.08%) or more, by weight, of alcohol in his or her blood at the time of the
10 performance of a blood or breath test within three (3) hours after the driving.

11 (f) In proving the person neglected any duty imposed by law in the
12 driving of the vehicle, it is *not* necessary to prove that any specific section of
13 this title was violated.

14 (g) (1) Notwithstanding the other provisions of this Section, a
15 person under the age of twenty-one (21) years *shall* be guilty of a violation
16 of Subsections (b) or (d) of this Section *if* such person *shall* be found within
17 three (3) hours of his or her arrest for a violation of this Section to have four
18 one-hundredths of one percent (0.04%) or more, by weight, of alcohol in his
19 or her blood.

20 (2) A person convicted for the first time of a violation of item
21 (1) of this Subsection *shall* be guilty of a misdemeanor and *shall* have
22 his or her license or permit to operate a motor vehicle suspended for
23 six (6) months. Upon any subsequent conviction of the person while
24 under the age of twenty-one (21) years, the person's license or permit
25 to operate a motor vehicle *shall* be suspended for one (1) year with *no*
26 exception for occupational driving privileges. Upon any conviction
27 the Court *shall* notify the Department of Revenue and Taxation of

1 such suspension of the person's privilege to drive and confiscate the
2 person's license or permit to operate a motor vehicle. In addition to the
3 required mandatory suspension of a person's license or permit to
4 operate a motor vehicle, the Court may impose such additional
5 penalty as may be permitted by law for conviction of a misdemeanor.”

6 **Section 7.** §18121 of Article 1, Chapter 18 of Title 16, Guam Code
7 Annotated, is hereby *amended* to read:

8 **“§ 18121. Possession of Opened Container in a Motor Vehicle.**

9 (a) It *shall* be a misdemeanor for any person to transport or possess in
10 any moving vehicle upon a public highway, street or alley any alcoholic
11 beverage, or any intoxicating beverage, except in the original container
12 which *shall not* have been opened and from which the original cap or seal
13 *shall not* have been removed, *unless* the opened container be in a sealed,
14 secured or rear compartment *not* accessible to the driver or any other person
15 in the vehicle while it is in motion. Any person violating the provisions of
16 this Section and its Subsections *shall* be deemed guilty of a misdemeanor.

17 (b) The provisions of Subsection (a) of this Section *shall not* apply
18 to the passenger area of a bus or limousine, provided the operator is enclosed
19 within a driver’s compartment *not* accessible to passengers, clients or
20 customers where alcohol is present while the vehicle is in motion.

21 (c) *No* employee, driver or agent of any limousine or bus company
22 *shall* consume, nor be permitted to consume, any alcoholic beverage while
23 on duty.

24 (d) Unless authorized by license and as prescribed by the Alcoholic
25 Beverage Control Board by regulation, *no* alcoholic beverage *shall* be sold,
26 offered or consumed by any person within the premises of any limousine or
27 bus. Each limousine and bus authorized by this Act to sell, offer or allow

1 alcoholic beverages within the premises of the limousine or bus *shall* be
2 individually licensed and *shall* be required to display such license within the
3 limousine or bus. The license *shall* include the vehicle identification number
4 of the vehicle.

5 (e) No alcoholic beverages *shall* be sold, offered or consumed by
6 any person within the premises of any limousine or bus, *except* during hours
7 prescribed by the Alcoholic Beverage Control Board.

8 (f) The exemption in Subsection (b) of this Section *shall not* apply
9 if any passenger is a minor below the age of twenty-one (21) years
10 unaccompanied by a parent or legal guardian. It *shall* be the duty of the
11 driver of the vehicle to verify the age of all passengers.

12 (g) As used in this Section:

13 (1) 'Bus' means a vehicle chartered for transportation of
14 persons for hire. It *shall not* mean a school bus transporting children,
15 open vehicles resembling trolleys, or a vehicle operated pursuant to a
16 public or private franchise operating over a regularly scheduled route;
17 and

18 (2) 'Limousine' means a chauffeur-driven motor vehicle,
19 other than a bus or taxicab, designed and used for transportation of
20 persons for compensation."



COMMITTEE ON RULES

I Mina'Trenta na Libeslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
MEMBERS:**

**Judith T. Won Pat
SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
LEGISLATIVE SECRETARY**

**Thomas C. Ada
SENATOR**

**Frank B. Aguon, Jr.
SENATOR**

**Adolpho B. Palacios, Sr.
SENATOR**

**Vicente C. Pangelinan
SENATOR**

**MINORITY
MEMBERS:**

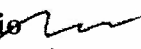
**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

July 6, 2010

MEMORANDUM

To: Patricia C. Santos
Clerk of the Legislature

From: Rory J. Respicio 
Chairperson, Committee on Rules

Subject: Supplement to Committee Report on
Bill No. 389-30 (COR)

Hafa Adai!

Transmitted herewith is a "Petition to Vote NO on Bill 389" that was submitted to our office Friday, July 2, 2010.

Please attach this document as a "Supplement" to the Committee Report on Bill No. 389-30 (COR). Please make the appropriate indication in your records and forward to MIS for posting on our website.




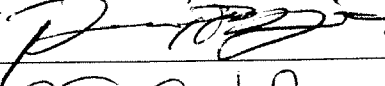


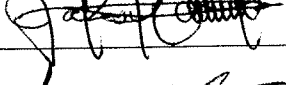
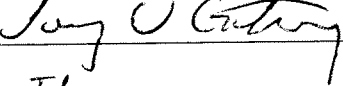
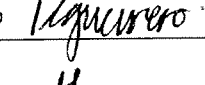

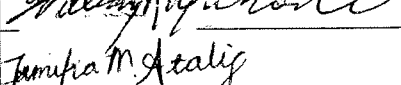
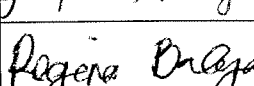
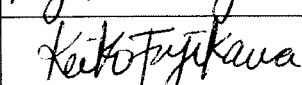
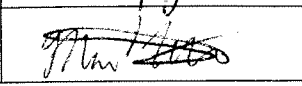

Si Yu'os ma'åse'!

cc: Senator vicente c. pangelinan, Committee Chairperson
Vice Speaker Benjamin J.F. Cruz, Bill Sponsor

2010 JUL -6 PM 1:35

Petition to VOTE NO on Bill No. 389

Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to vote NO on Bill No. 389:</p> <p>AN ACT TO AMEND ARTICLE 3 OF § 3303, ARTICLE 4 OF § 3419 AND § 3420, AND ARTICLE 6 OF § 3619, OF CHAPTER 3 TITLE 11, AND ARTICLE 1 OF § 18102, AND § 18121 OF CHAPTER 18, TITLE 16, OF THE GUAM CODE ANNOTATED; RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE.</p>
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Printed Name:	Signature:	Village:	Date of Birth:	Date:
1. MIKE PEREDO		YONA	8-26-88	6-30-10
2. JAY CASIMIRO		YIGO	04/26/88	6-30-10
3. Rachael Quichodro		Barrigada	9-16-72	6-30-10
4. Roman F.P. Quinata		Tfan	7/7/76	6/30/10
5. Charlene T. Santos		Singaj	1/17/68	6/30/10
6. JACOB UNCHANGCO		DEDEDO	11/15/83	6-30-10
7. ROS P. CAMACHO		YONA	5-8-82	6-30-10
8. JOEY U. GUTIERREZ		MAINA	5-22-71	6-30-10
9. Terra Leon Guerrero		Barrigada	4-23-92	6-30-10
10. Georgio Cruz		Barrigada	1-11-92	6-30-10
11. William R. Quichocho		Yona	02/29/57	6-30-10
12. TAMIKA ATALIG		CHALAN PAGO	12-01-91	06-30-10
13. Regina Batipatia		YIGO	09-20-91	06-30-10
14. Keiko Fujikawa		Agana Heights	01-07-92	6-30-10
15. Mark Tutay		Deeded	3/28/92	6/30/10

Printed Name:	Signature:	Village:	Date of Birth:	Date:
16. Aubriana Gutierrez		Sinajana	12-18-91	6-30-10
17. Erin Matomane		Ordot	08/14/91	6/30/10
18. Justin Dugan		Deedelo	1/20/90	6/30/10
19. Vincent Reyes		Barrigada	4/16/91	6/30/10
20. Lohua Raguindin		Agana Hts.	07/01/92	6/30/10
21. Apilyn Certera		Barrigada	4/22/92	6/30/10
22. Jesse Lynn Lujan		Barrigada	08-28-86	06-30-10
23. ANNE CALMUN		TAMUNING	04/09/89	06/30/10
24. Julia Quichocho		Chalan Pago	02/25/1926	06-30-15
25. Anthony Benitez		Tamuning	8/1/91	6/30/10
26. Miranda Dela Cruz		ASAN	12/04/91	6/30/10
27. Joclynn White		Sinajana	1/19/91	6/30/10
28. Renee Quichocho		Sinajana	07/13/1987	06/30/10
29. Ken Williams		YONA	11/5/57	6/30/10
30. Mallori Munoz		MANGILAO	10-02-90	30-JUN-10
31. Malencker TONTAN		Mangilao	1/18/91	6/30/10
32. Kristine Villena		Dededo	1/12/92	6/30/10
33. Erik San Nicolas		Dededo	11/02/1991	6/30/10
34. ERIC VELA		YONA	5/7/1991	6/30/10
35. TIANA TOVES		Barrigada	9/1/91	6/30/10

Printed Name:	Signature:	Village:	Date of Birth:	Date:
36. Sarah Tajalle		Agat	7-18-90	6-30-10
37. Jenna Dudan		Dededu	4/12/91	6/30/10
38. Stephen Chua		Mangilao	7/31/88	6/30/10
39. ALFRED SANTOS		BARRIGADA	6/1/57	6/30/10
40. ELI QUIJANO		MANGILAO	12/01/88	6/30/10
41. Marian Peyes		Tamuning	12/08/79	6/30/10
42. BESTY PEXES		TAMUNING	02/04/81	6/30/10
43. Wayne A. P. Quichocho	Wayne Quichocho	Charan Pago	11-21-91	6-30-10
44. Franklin Gutierrez Jr.	Franklin Gutierrez Jr.	Ag. Hts.	11/15/48	7/1/10
45. Franklin Gutierrez Jr.		Asana Hts.	11/29/1973	7/1/2010
46. DYLAN VAUDET		MANGILAO	06/22/1972	7/1/2010
47. ERIC HOSGUNDEN		Yigo	02/02/1984	7/01/2010
48. Jordan Iehsi		Mong Mong	1-21-92	7-1-2010
49. Francis Nasanal, Jr.		Mangilao	01/02/77	7/1/10
50. Rowen Lee		Charan Pago	01-07-04	11

Petition to VOTE NO on Bill No. 389

Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to vote NO on Bill No. 389:</p> <p>AN ACT TO AMEND ARTICLE 3 OF § 3303, ARTICLE 4 OF § 3419 AND § 3420, AND ARTICLE 6 OF § 3619, OF CHAPTER 3 TITLE 11, AND ARTICLE 1 OF § 18102, AND § 18121 OF CHAPTER 18, TITLE 16, OF THE GUAM CODE ANNOTATED; RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE.</p>
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Printed Name:	Signature:	Village:	Date of Birth:	Date:
1. Josh Palomo	<i>Josh Palomo</i>	Mang mang	Jan ⁰⁸ 72	July 1, 2
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Printed Name:	Signature:	Village:	Date of Birth:	Date:
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6

I MINA' TRENTA NA LIHESLATURAN GUAHAN

2010 (SECOND) Regular Session

Date: 7/2/10

VOTING SHEET

Bill No. 389-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL 15 _____

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

2010 MAY - 6 AM 8:42

Bill No. 389-30(COR)

Introduced by:

B.J.F. Cruz



AN ACT TO AMEND ARTICLE 3 OF § 3303, ARTICLE 4 OF § 3419 AND § 3420, AND ARTICLE 6 OF § 3619, OF CHAPTER 3 TITLE 11, AND ARTICLE 1 OF § 18102, AND § 18121 OF CHAPTER 18, TITLE 16, OF THE GUAM CODE ANNOTATED; RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that among alcohol control policies, the minimum legal drinking age has been the
4 most studied and which, according to the American Medical Association, research
5 shows that a higher minimum legal drinking is effective in preventing alcoholic-
6 related deaths and injuries among youth.

7 *I Liheslaturan Guåhan* finds that after prohibition, nearly all states
8 restricting alcohol to young people designated 21 as the minimum legal drinking
9 age, but with the change in the minimum voting age in the 70's, most states began
10 to lower their minimum drinking age laws. Since then, family advocacy groups

1 and organizations such as the American Medical Association have helped to
2 convince almost all state assemblies to return their minimum legal drinking age to
3 21.

4 *I Liheslaturan Guåhan* further finds that numerous developmental health
5 studies show younger consumers of alcohol may impair their brain development,
6 develop alcoholism, liver problems, and psychological problems. Young drinkers
7 may be less ambitious and engage in risky behavior including promiscuity and the
8 use of illicit drugs.

9 It is therefore the intent of *I Liheslaturan Guåhan* that by following in the
10 example of almost all jurisdictions in the United States by increasing the minimum
11 legal drinking age to 21, we ensure the safety and well-being of our younger
12 people.

13 **Section 2.** Section § 3303. of Article 3, Chapter 3 of Title 11, Guam Code
14 Annotated is hereby *amended* to read:

15 **“§ 3303. Same: Same: Minors.**

16 The Board shall not issue a license of any class to a person under ~~eighteen (18)~~
17 twenty one (21) years of age.”

18 **Section 3.** § 3419. of Article 4, Chapter 3 of Title 11, Guam Code Annotated
19 is hereby *amended* to read:

20 **“§ 3419. Same: To Minor.**

21 A licensee, his agent or employee shall not sell, give nor permit to be sold, given or
22 served any alcoholic beverages to any person under ~~eighteen (18)~~ twenty one (21)
23 years of age. For the purpose of preventing any violation of this section, any
24 licensee or his agent or employee may refuse to sell or serve alcoholic beverages to
25 any person who is unable to produce adequate written evidence that he or she has
26 reached ~~over~~ the age of ~~eighteen (18)~~ twenty one (21) years. In any criminal
27 prosecution or proceeding for the suspension or revocation of any license and

1 based upon a violation of this section, proof that the defendant licensee or his agent
2 or employee demanded and was shown, before furnishing any alcoholic beverage
3 to a minor, an identification card or other bona fide documentary evidence of
4 majority of such person shall be a defense to such prosecution or proceeding for
5 the suspension or revocation of any license. Every person who violates this section
6 shall be guilty of a petty misdemeanor.”

7 **Section 4.** § 3420. of Article 4, Chapter 3 of Title 11, Guam Code Annotated
8 is hereby *amended* to read:

9 **“§ 3420. Same: False Identification by Minor.**

10 Any person, under ~~eighteen (18)~~ twenty one (21) years of age, who exhibits a false
11 identification card or false document for the purpose of purchasing or obtaining
12 alcoholic beverages, shall be guilty of a petty misdemeanor.”

13 **Section 5.** § 3619. of Article 6, Chapter 3 of Title 11, Guam Code Annotated
14 is hereby *amended* to read:

15 **“§ 3619. Same: Minors.**

16 Any person under the age of ~~eighteen (18)~~ twenty one (21) years purchasing
17 alcoholic beverages or in possession thereof shall be guilty of a petty
18 misdemeanor.”

19 **Section 6.** § 18102. of Article 1, Chapter 18 of Title 16, Guam Code
20 Annotated is hereby *amended* to read:

21 **“§ 18102. Influence of Alcohol and Controlled Substances; Causing**
22 **Bodily Injury to Person Other Than Driver; Alcoholic Content in Blood;**
23 **Proof.**

24 (a) It is unlawful for any person, while under the influence of an alcoholic
25 beverage or any controlled substance, or under the combined influence of an
26 alcoholic beverage and any controlled substance, to operate or be in physical
27 control of a motor vehicle.

1 (b) It is unlawful for any person, while having eight one-hundredths of one
2 percent (0.08%) or more, by weight, of alcohol in his or her blood to operate or be
3 in physical control of a motor vehicle.

4 (c) It is unlawful for any person, while under the influence of an alcoholic
5 beverage or any controlled substance, or under the combined influence of an
6 alcoholic beverage and any controlled substance, to operate or be in physical
7 control of a motor vehicle and, when doing so, do any act forbidden by law or
8 neglect any duty imposed by law in the driving of the vehicle or who negligently
9 drives a vehicle, which act or neglect or negligence proximately causes bodily
10 injury to any person other than the driver.

11 (d) It is unlawful for any person, while having eight one-hundredths of one
12 percent (0.08%) or more, by weight, of alcohol in his or her blood to operate or be
13 in physical control of a motor vehicle and, when doing so, do any act forbidden by
14 law or neglect any duty imposed by law in the driving of the vehicle, which act or
15 neglect proximately causes bodily injury to any person other than the driver.

16 (e) In any prosecution under this section, it is a rebuttable presumption that
17 the person with eight one-hundredths of one percent (0.08%) or more, by weight,
18 of alcohol in his or her blood at the time of operating or in actual physical control
19 of a motor vehicle is under the influence of alcohol if the person had eight one-
20 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or her
21 blood at the time of the performance of a blood or breath test within three (3) hours
22 after the driving.

23 (f) In proving the person neglected any duty imposed by law in the driving
24 of the vehicle, it is not necessary to prove that any specific section of this title was
25 violated.

26 (g) (1) Notwithstanding the other provisions of this section, a person under
27 the age of ~~eighteen (18)~~ twenty one (21) shall be guilty of a violation of

1 subsections (b) or (d) of this section if such person shall be found within three (3)
2 hours of his or her arrest for a violation of this section to have four one-hundredths
3 of one percent (0.04%) or more, by weight, of alcohol in his or her blood.

4 (2) A person convicted for the first time of a violation of item (1) of this
5 subsection shall be guilty of a misdemeanor and shall have his or her license or
6 permit to operate a motor vehicle suspended for six (6) months. Upon any
7 subsequent conviction of the person while under the age of ~~eighteen (18)~~ twenty
8 one (21), the person's license or permit to operate a motor vehicle shall be
9 suspended for one (1) year with no exception for occupational driving privileges.
10 Upon any conviction the court shall notify the Department of Revenue and
11 Taxation of such suspension of the person's privilege to drive and confiscate the
12 person's license or permit to operate a motor vehicle. In addition to the required
13 mandatory suspension of a person's license or permit to operate a motor vehicle,
14 the court may impose such additional penalty as may be permitted by law for
15 conviction of a misdemeanor.”

16 **Section 7.** § 18121. of Article 1, Chapter 18 of Title 16, Guam Code
17 Annotated is hereby *amended* to read:

18 **“§ 18121. Possession of Opened Container in a Motor Vehicle.**

19 (a) It shall be a misdemeanor for any person to transport or possess in any
20 moving vehicle upon a public highway, street or alley any alcoholic beverage, or
21 any intoxicating beverage, except in the original container which shall not have
22 been opened and from which the original cap or seal shall not have been removed,
23 unless the opened container be in a sealed, secured or rear compartment not
24 accessible to the driver or any other person in the vehicle while it is in motion. Any
25 person violating the provisions of this Section and its Subsections shall be deemed
26 guilty of a misdemeanor.

1 (b) The provisions of Subsection (a) of this Section shall not apply to the
2 passenger area of a bus or limousine provided the operator is enclosed within a
3 driver's compartment not accessible to passengers, clients or customers where
4 alcohol is present while the vehicle is in motion.

5 (c) No employee, driver or agent of any limousine or bus company shall
6 consume, nor be permitted to consume, any alcoholic beverage while on duty.

7 (d) Unless authorized by license and as prescribed by the Alcoholic
8 Beverage Control Board by regulation, no alcoholic beverage shall be sold, offered
9 or consumed by any person within the premises of any limousine or bus. Each
10 limousine and bus authorized by this Act to sell, offer or allow alcoholic beverage
11 within the premises of the limousine or bus shall be individually licensed and shall
12 be required to display such license within the limousine or bus. The license shall
13 include the vehicle identification number of the vehicle.

14 (e) No alcoholic beverages shall be sold, offered or consumed by any person
15 within the premises of any limousine or bus, except during hours prescribed by the
16 Alcoholic Beverage Control Board.

17 (f) The exemption in Subsection (b) of this Section shall not apply if any
18 passenger is a minor below the age of ~~eighteen (18)~~ twenty one (21)
19 unaccompanied by a parent or legal guardian. It shall be the duty of the driver of
20 the vehicle to verify the age of all passengers.

21 (g) As used in this Section:

22 (1) 'Bus' means a vehicle chartered for transportation of persons for
23 hire. It shall not mean a school bus transporting children, open vehicles
24 resembling trolleys, or a vehicle operated pursuant to a public or private
25 franchise operating over a regularly scheduled route; and

1 (2) ‘Limousine’ means a chauffeur-driven motor vehicle, other than a
2 bus or taxicab, designed and used for transportation of persons for
3 compensation.”