

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
9-34 (COR)	B. J.F. Cruz	AN ACT TO AMEND § 6101(I) OF ARTICLE 1; § 6302 OF ARTICLE 3; AND ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, AND RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS; AND TO CITE THIS ACT AS THE "YOUTH PROTECTION ACT OF 2017."	01/11/17 3:44 p.m.	01/24/17	Committee on Appropriations and Adjudication	2/22/17 4:30 p.m.	2/28/17 6:17 p.m.	Fiscal Note Request 1/25/17  Fiscal Note 2/13/17	
	SESSION DATE	TITLE	DATE PASSED	DATE AND TIME TRANSMITTED	DUE DATE	LAPSED INTO LAW		NOTES	
	3/7/2017	AN ACT TO AMEND § 6101(I) OF ARTICLE 1; § 6302 OF ARTICLE 3; AND ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, AND RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS; AND TO CITE THIS ACT AS THE "YOUTH PROTECTION ACT OF 2017."	03/09/17	03/10/17 12:09 P.M.	3/22/2017	3/24/2017 Public Law No. 34-01		Received: 03/30/17 Mess and Comm. Doc. No. 34GL-17-0336	



EDDIE BAZA CALVO  
Governor  
RAY TENORIO  
Lieutenant Governor

Office of the Governor Of Guam.

MAR 30 2017

Honorable Benjamin J.F. Cruz  
Speaker  
*I Mina'trentai Kuåttro Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

GL # 34-17-336  
Speaker Benjamin J.F. Cruz

MAR 30 2017

Time: 3:51 [ ] AM [ ] PM File No. \_\_\_\_\_  
Received By:

Dear Mr. Speaker:

Transmitted herewith is Bill No. 9-34 (COR), "AN ACT TO AMEND § 6101(I) OF ARTICLE 1; § 6302 OF ARTICLE 3; AND ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, AND RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS; AND TO CITE THIS ACT AS THE "YOUTH PROTECTION ACT OF 2017," which lapsed into law on March 23, 2017, as Public Law 34-01.

Senseramente,

RAY TENORIO

*I Maga'låhen Guåhan, para pa'go*  
Acting Governor of Guam

2017 MAR 30 PM 4:06

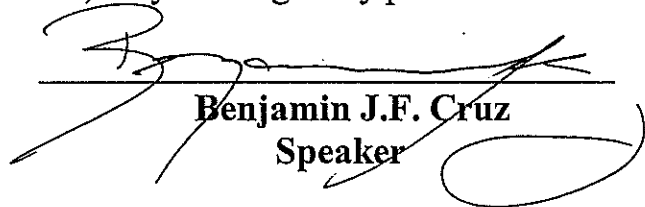
0336




*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2017 (FIRST) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN***

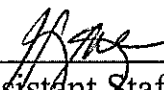
This is to certify that Bill No. 9-34 (COR), "AN ACT TO *AMEND* § 6101(I) OF ARTICLE 1; § 6302 OF ARTICLE 3; AND ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, AND RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS; AND TO CITE THIS ACT AS THE "YOUTH PROTECTION ACT OF 2017"," was on the 9<sup>th</sup> day of March 2017, duly and regularly passed.

  
Benjamin J.F. Cruz  
Speaker

Attested:

  
Régine Biscoe Lee  
Legislative Secretary

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This Act was received by *I Maga'láhen Guáhan* this 10<sup>th</sup> day of MARCH,  
2017, at 12:09 o'clock 7 .M.

  
Assistant Staff Officer  
*Maga'láhi's* Office

APPROVED:

\_\_\_\_\_  
EDWARD J.B. CALVO  
*I Maga'láhen Guáhan*

Date: MAR 23 2017

Public Law No. 34-01

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
**2017 (FIRST) Regular Session**

**Bill No. 9-34 (COR)**

As amended on the Floor.

Introduced by:

B. J.F. Cruz

Thomas C. Ada  
FRANK B. AGUON, JR.  
William M. Castro  
James V. Espaldon  
Fernando Barcinas Esteves  
Régine Biscoe Lee  
Tommy Morrison  
Louise B. Muña  
Telena Cruz Nelson  
Dennis G. Rodriguez, Jr.  
Joe S. San Agustin  
Michael F.Q. San Nicolas  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO *AMEND* § 6101(I) OF ARTICLE 1; § 6302 OF ARTICLE 3; AND ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE DEFINITION OF ELECTRONIC CIGARETTES, AND RAISING THE MINIMUM AGE OF LEGAL ACCESS TO TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES TO TWENTY-ONE (21) YEARS; AND TO CITE THIS ACT AS THE “YOUTH PROTECTION ACT OF 2017.”**

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

2 **Section 1. Clarification of the Definition of Electronic Cigarettes**

3 **Relative to Prohibiting the Sale or Distribution of Tobacco Products to Persons**

1 **Under Twenty-one (21) Years of Age.** § 6101(l) of Article 1, Chapter 6, Title 11,  
2 Guam Code Annotated, is hereby *amended* to read:

3 “(l) Electronic cigarettes, also known as e-cigarettes, are battery-  
4 operated products designed to deliver nicotine, flavor, and other chemicals.  
5 They turn nicotine, which is highly addictive, and other chemicals into a vapor  
6 that is inhaled by the user. For the purposes of this Chapter, and the prohibition  
7 pertaining solely to a person under the minimum age of legal access pursuant  
8 to §§ 6400 and 6405 of Article 4 of this Chapter, tobacco products *shall* also  
9 be deemed to include and *shall* be similarly applicable to electronic cigarettes,  
10 including any refill, cartridge, and any other component of an electronic  
11 cigarette.”

12 **Section 2. Tobacco Licensee Must Be Twenty-one (21) Years of Age.** §  
13 6302 of Article 3, Chapter 6, Title 11, Guam Code Annotated, is hereby *amended* to  
14 read:

15 “§ 6302. **Same: Same: Persons Under the Age of Twenty-one**  
16 **(21) Years.**

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

19 **Section 3. Sale or Distribution to Persons Under Twenty-one (21) Years**  
20 **of Age Prohibited.** Article 4 of Chapter 6, Title 11, Guam Code Annotated, is  
21 hereby *amended* to read:

22 **“ARTICLE 4**

23 **SALE OR DISTRIBUTION TO PERSONS UNDER TWENTY-ONE (21) YEARS OF**  
24 **AGE PROHIBITED**

25 § 6400. Sale or Distribution of Tobacco Products to Persons Under  
26 Twenty-one (21) Years of Age Prohibited.

27 § 6401. Acceptable Forms of Identification.



1 enforced in the same manner as tobacco products, to include the applicability  
2 of all penalties and fines.

3 (a) Vending machines selling tobacco products or electronic  
4 cigarettes *shall* be located so that they are accessible only to persons  
5 over the age of twenty-one (21) years, or are under the constant, direct  
6 supervision and unobstructed line of sight of the person authorizing the  
7 installation or placement of the tobacco or electronic cigarette vending  
8 machine upon the premises he or she manages or otherwise controls, or  
9 his or her agent or employee. Said supervising person, who *must* be at  
10 least twenty-one (21) years of age, *shall* ensure that persons under  
11 twenty-one (21) years of age do not purchase tobacco products or  
12 electronic cigarettes from vending machines. A person who authorizes  
13 the installation or placement of the tobacco or electronic cigarette  
14 vending machine upon premises he or she manages, or otherwise  
15 controls, and who knows or should know that the tobacco or electronic  
16 cigarette vending machine will likely be used by persons under twenty-  
17 one (21) years of age, *shall* be liable if such persons purchase tobacco  
18 products or electronic cigarettes from said machines.

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

1           **§ 6401.     Acceptable Forms of Identification.**

2           The following are the only acceptable instruments of identification as  
3 required by § 6400:

4           (a)    a valid unexpired driver's license issued by any state,  
5 territory, or possession of the United States;

6           (b)    an official identification issued by the federal or a state  
7 government with the individual's photograph and signature;

8           (c)    an armed forces identification card;

9           (d)    a valid, unexpired passport; and

10          (e)    an alien registration receipt card (green card).

11           **§ 6402.     Display of Prohibition on Sales of Tobacco Products to**  
12 **Persons Under Twenty-one (21) Years of Age.**

13          All licensees *shall* post notice that this Chapter prohibits the sale of  
14 tobacco products to persons under twenty-one (21) years of age.

15          (a)    In the case of a retail operation, notices *shall* be publicly  
16 and conspicuously displayed in the licensee's place of business in  
17 letters at least two inches (2") in height.

18          (b)    In the case of a vending machine, the licensee *shall* affix  
19 to the front of each vending machine a sign in letters at least one-half  
20 inch (1/2") in height.

21          (c)    Any licensee who violates this Section *shall* be fined Fifty  
22 Dollars (\$50.00) per violation.

23           **§ 6403.     Licensee Responsible for Employee Actions.**

24          Acts or omissions of an agent or employee of a licensee that  
25 violate any provisions of this Chapter *shall* be deemed to be acts or  
26 omissions of the licensee.



1           **§ 6404. Penalties for Selling or Distributing Tobacco Products**  
2 **to Persons Under Twenty-one (21) Years of Age.**

3           (a) In addition to any other penalties and fines that may be levied,  
4 any person who violates § 6400 of this Article *shall* be penalized as follows:

5               (1) in the case of a first violation in any five (5) year period,  
6 the person *shall* be fined One Thousand Dollars (\$1,000.00) and *shall*  
7 be notified, in writing, of penalties levied for further violations;

8               (2) in the case of a second violation in any five (5) year period,  
9 the person *shall* be fined Two Thousand Dollars (\$2,000.00) and, in the  
10 case of a licensee, the license *shall* be suspended for ninety (90) days;

11              (3) in the case of a third violation in any five (5) year period,  
12 the person *shall* be fined Five Thousand Dollars (\$5,000.00) and, in the  
13 case of a licensee, the license *shall* be suspended for one hundred eighty  
14 (180) days;

15              (4) in the case of four (4) or more violations within any five  
16 (5) year period, the person *shall* be fined Ten Thousand Dollars  
17 (\$10,000.00) and, in the case of a licensee, the license *shall* be revoked.  
18 The revoked retailer *shall* be ineligible to apply for a new license for  
19 two (2) years after the effective date of the revocation.

20           (b) Failure to pay a fine levied under this Section within thirty (30)  
21 days of the date the fine becomes effective *shall* result in suspension of the  
22 licensee's license until such fines are paid.

23           (c) During any suspension or revocation of a license under this  
24 Section, the licensee *shall not* sell tobacco products and *shall* remove all  
25 tobacco products from all areas covered by the suspended license. In addition,  
26 any new application for a license to sell tobacco products while a licensee is  
27 suspended under this Section *shall* be denied.

1 (d) All tobacco products sold over the counter *shall* be displayed and  
2 located where they *shall* be inaccessible to persons under twenty-one (21)  
3 years of age. Any vendor who violates this provision *shall* pay a penalty of  
4 Two Hundred Fifty Dollars (\$250.00).

5 **§ 6405. Persons Under Twenty-one (21) Years of Age**  
6 **Prohibited from Possession, Use, and Purchase of Tobacco Products.**

7 It *shall* be a violation of this Chapter for any person under twenty-one  
8 (21) years of age to use or be in possession of tobacco products or to attempt  
9 to purchase tobacco products using false identification.

10 **§ 6406. Tobacco Education for Persons Under Twenty-one**  
11 **(21) Years of Age.**

12 Any person under twenty-one (21) years of age who violates § 6405 of  
13 this Article *shall* attend an education program on tobacco products, to include  
14 smoking cessation information administered by the Guam Behavioral Health  
15 and Wellness Center, the Department of Public Health and Social Services,  
16 the Department of Education, or other government agencies with similar  
17 programs approved by one of these agencies.”

18 **Section 4. Effective Date; Application.** This Act *shall* take effect on  
19 January 1, 2018.