

*I Mina'trentai Sais Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
63-36 (LS)	Clynton E. Ridgell Tina Rose Muña Barnes	AN ACT TO AMEND § 68101 OF CHAPTER 68, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION.	2/19/21 1:39 p.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 63-36 (LS)**

Introduced by:

Clynton E. Ridgel   
Tina Rose Muña Barnes 

**AN ACT TO AMEND § 68101 OF CHAPTER 68, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING FARMERS TO BE CERTIFIED AS BONA FIDE FARMERS TO SELL LOCALLY GROWN PRODUCE OR AQUACULTURE PRODUCTS AND TO SUSPEND OR REVOKE BUSINESS LICENSES FROM COMPANIES FOUND IN VIOLATION.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that a robust registry of local farmers will give the Department of Agriculture the best opportunity to provide these producers with the resources they need. By mandating this registry for all farmers, we ensure the best chance of matching local government agencies to the producers they need as mandated under Public Law 23-18. This means the government would finally be taking the steps to be a driving force in creating demand for local produce.

*I Liheslaturan Guåhan* further finds that this registry will be helpful in a variety of ways beyond the government procurement of local products. This additional oversight by the Department provides the government another tool to prevent agricultural theft. By mandating a registry, we create a barrier for thieves to

1 steal agricultural products and getting rid of the evidence through sale. This prevents  
2 stolen goods from entering Guam’s local agricultural market.

3 Several government agencies, such as Guam’s Soil and Water Conservation  
4 Districts and both the local and federal Departments of Agriculture will be able to  
5 use this registry to provide government resources and services to those providing  
6 food to our communities. Trainings, grant funding, and other programs can be  
7 developed and disseminated with the help of a registry of local farmers. Furthermore,  
8 Bona Fide certification ensures that all Guam farmers selling agricultural products  
9 are trained and are bound to pesticide regulations to ensure that farmers have the  
10 tools to provide a quality product that is safe for consumption by the people of Guam.

11 Lastly, registering all local agricultural and aquacultural producers with the  
12 Department of Agriculture allows the Department to handle all necessary oversight  
13 and regulation for both government and private business consumption of local  
14 produce.

15 Therefore, it is the intent of *i Liheslaturan Guåhan* to mandate the registry of  
16 local farmers and develop penalties for those businesses working with unregistered  
17 farmers, leaving more room for opportunity and assistance for these agricultural  
18 producers. With the increased registry, the Department can keep track of the growth  
19 of this industry that is so vital to the food security and the economy of our island  
20 community.

21 **Section 2.** § 68101 of Chapter 68, Title 5, Guam Code Annotated, is *amended*  
22 to read:

23 **“§ 68101. Procurement of Local Produce from Local Farmers and Fish**  
24 **from Local Fishermen.**

25 The Department of Agriculture shall, on a continuing basis, make every effort  
26 to ensure that the crops of the farmers and the fish products of the fishermen of Guam  
27 are first procured by agencies of the government, such as Department of Education,

1 Department of Youth Affairs, Department of Corrections, the Guam Memorial  
2 Hospital, and the Government House, unless the farmer or fisherman has made  
3 previous arrangements for sale to other users.

4 The Department shall facilitate the negotiation of prices, amounts and  
5 availability of local produce and fish with the farmers and fishermen for the sale to  
6 other Government Agencies and shall assist in securing payment from fiscal officers  
7 of the respective Agencies. The Department shall provide the necessary advice and  
8 assistance to ensure that the crops and fishes are delivered to the particular agency  
9 in the best possible condition. All participating Government of Guam Agencies are  
10 mandated to give preference to local farmers and fishermen prior to purchasing from  
11 off island and other markets or fishing industries owned by foreign countries.

12 The Director shall adopt operational procedures relative to establishing a list  
13 of qualified local farmers and fishermen and to assist those qualified local farmers  
14 and fishermen in establishment of pricing, variety, quantity, quality, availability, and  
15 other related logistics to facilitate acquisition of local produce and fish by other  
16 Government Agencies consistent with the needs of those agencies.

17 Farmers intending to sell locally grown produce or aquaculture products to  
18 government agencies, private companies, or private citizens must be registered with  
19 the Department of Agriculture as a certified Bona Fide farmer. Farmers selling  
20 produce or products to private consumers must have the Bona Fide certificate  
21 displayed in a conspicuous location. Government agencies and private companies  
22 shall verify the Bona Fide certification of the seller prior to the purchase. Failure of  
23 farmers to comply with the provisions of this Section will result in the suspension or  
24 delayed certification by the Department of Agriculture.

25 (a) Any eating, drinking, or food establishment as defined in Chapters 23 and  
26 24 of Title 10, Guam Code Annotated, found purchasing local produce or  
27 aquacultural products from a farmer who is not certified by the Department of

1 Agriculture as a Bona Fide farmer will be found in violation of this Chapter and shall  
2 be subject to suspension or revocation of its business license pursuant to the Business  
3 License Law.

4 (b) For the purposes of this section, ‘Bona fide farmer’ shall mean a person  
5 registered with the Department who commercially grows for profit fruits, crops,  
6 ornamental, livestock, including aquaculture or similar products, who furnishes  
7 financial records that substantiate a claim to the Department’s satisfaction and who  
8 is (a) a U. S. citizen, a permanent resident alien or who has been a resident of Guam  
9 for the immediately preceding five (5) years or (b) a corporation or partnership  
10 licensed to do business in Guam.”

11 **Section 3. Effective Date.** This Act shall be effective upon enactment.

12 **Section 4. Severability.** If any provision of this Act or its application to any  
13 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
14 not affect other provisions or applications of this Act that can be given effect without  
15 the invalid provision or application, and to this end the provisions of this Act are  
16 severable.