

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
6-37 (COR) As substituted; amended by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs; and further amended on the Floor.	William A. Parkinson Dwayne T.D. San Nicolas Tina Rose Muña Barnes	AN ACT TO ADD A NEW ARTICLE 26, CHAPTER 12 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ENDING DISCRIMINATION IN EMPLOYMENT USE OF CANNABIS.	1/13/23 3:46 p.m.	1/13/23	Committee on Health, Land, Justice, and Culture	Request: 1/18/23	4/1/24 2:00 p.m.	4/9/24 2:14 p.m.	Re-Refered Version 2/3/23
				2/3/23	Re-Refered: Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs	2/2/23		As substituted; and amended by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs	3/20/24 As substituted by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs
									Additional Testimonies 4/19/24
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	6/24/24	AN ACT TO ADD A NEW ARTICLE 26 TO PART 2 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ENDING DISCRIMINATION IN EMPLOYMENT USE OF CANNABIS.	7/10/24	7/10/24	7/22/24				



COPY

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
Thirty-Seventh Guam Legislature

July 10, 2024

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

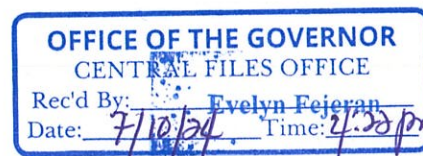
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 14-37 (COR), 39-37 (COR), 155-37 (LS), 190-37 (COR), 239-37 (COR), 243-37 (COR), 246-37 (COR), 260-37 (COR), 261-37 (LS), 264-37 (COR), 265-37 (COR), 273-37 (COR), 275-37 (COR), 280-37 (LS), 288-37 (LS), 294-37 (COR), 296-37 (COR) and Substitute Bill Nos. 6-37 (COR), 175-37 (COR), and 267-37 (COR)** which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on July 10, 2024.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (20)



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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


This is to certify that **Substitute Bill No. 6-37 (COR)**, "AN ACT TO ADD A NEW ARTICLE 26 TO PART 2 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ENDING DISCRIMINATION IN EMPLOYMENT USE OF CANNABIS," was on the 10th day of July 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

1 § 122601. Short Title.

2 § 122602. Discrimination in Employment: Use of Cannabis.

3 **§ 122601. Short Title.**

4 This Act shall be called the “*Responsible Cannabis User Employment*
5 *Protection Act.*”

6 **§ 122602. Discrimination in Employment: Use of Cannabis.**

7 (a) It is unlawful for an employer to discriminate against a person in
8 hiring, or any term or condition of employment, or otherwise penalizing a
9 person, if the discrimination is based upon any of the following:

10 (1) the person’s use of cannabis off the job and away from the
11 workplace. This paragraph does not prohibit an employer from
12 discriminating in hiring, or any term or condition of employment, or
13 otherwise penalize a person based on scientifically valid
14 preemployment drug screening conducted through methods that do not
15 screen for nonpsychoactive cannabis metabolites; or

16 (2) an employer-required drug screening test that has found
17 the person to have nonpsychoactive cannabis metabolites in their hair,
18 blood, urine, or other bodily fluids.

19 (b) Nothing in this Act permits an employee to possess, to be
20 impaired by, or to use cannabis on the job, or affect the rights or obligations
21 of an employer to maintain a drug-free and alcohol-free workplace, or any
22 other rights or obligations of an employer specified by federal law or
23 regulation.

24 (c) This Act does not apply to an employee in the building and
25 construction trades, law enforcement officers, firefighters, emergency
26 responders, and other positions where public safety is concerned, medical
27 professionals involved in patient care, transportation operators, teachers, child

1 care providers, the Guam Waterworks Authority or the government water and
2 wastewater utility, the Guam Power Authority or government power utility,
3 and the Judiciary of Guam.

4 (d) This Act does not apply to applicants or employees hired for
5 positions that require a federal government background investigation or
6 security clearance in accordance with regulations issued by the United States
7 Department of Defense pursuant to Part 117 of Title 32 of the Code of Federal
8 Regulations, or equivalent regulations applicable to other agencies.

9 (e) This Act does not preempt state or federal laws requiring
10 applicants or employees to be tested for controlled substances, including laws
11 and regulations requiring applicants or employees to be tested, or the manner
12 in which they are tested, as a condition of employment, receiving federal
13 funding or federal licensing-related benefits, or entering into a federal
14 contract.

15 (f) For the purpose of drug screening on Guam, the presence of
16 cannabis metabolites shall not be considered an illicit substance for
17 justification of a positive drug test result.

18 (g) No employer shall rely on the presence of cannabis metabolites
19 in a drug screening result for any employment related decision affecting an
20 applicant.

21 (h) The use of the word “employer” in this Act includes any
22 individual, partnership, association, corporation, business, trust, legal
23 representative, government entity or instrumentality, or any organized group
24 of persons acting directly or indirectly in the interest of an employer in relation
25 to an employee, but shall not include the United States government, or
26 employers engaged in contracts with the federal government.”

27 **Section 2. Effective Date.** This Act shall be effective upon enactment.

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