

*I Mina'trentai Siette 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
6-37 (COR)	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 MARIJUANA DRUG TESTING.	1/13/23 3:46 p.m.	1/13/23	Committee on Health, Land, Justice, and Culture			Request: 1/18/23  2/2/23	




## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

February 2, 2023

**To:** RennaeVanessa C. Meno  
Clerk of the Legislature

**From:** Senator Chris Barnett   
Chairperson, Committee on Rules

**Subject:** Fiscal Note for Bill No. 6-37 (COR)

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*Håfa Adai yan Biba Guåhan!*

Find the attached, Fiscal Note for the following bill:

**Bill No. 6-37 (COR).**

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 6-37 (COR)**

**AN ACT TO ADD A NEW ARTICLE 26, CHAPTER 12 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ENDING MARIJUANA DRUG TESTING.**

**Department/Agency Appropriation Information**

Dept./Agency Affected: Department of Administration		Dept./Agency Head: Edward M. Birn, Director	
Department's General Fund (GF) appropriation(s) to date:			\$8,196,612
Department's Other Fund appropriation(s) to date: Indirect Cost Fund (\$712,031); Limited Gaming Fund (\$60,036)			\$772,067
<b>Total Department/Agency Appropriation(s) to date:</b>			<b>\$8,968,679</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance	\$0	\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund	1/	1/	\$0	\$0	\$0	\$0
GMHA Pharmaceuticals Fund	1/	1/	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- |   |           |                               |                                |
|---|-----------|-------------------------------|--------------------------------|
| 1. Does the bill contain "revenue generating" provisions?<br>If Yes, see attachment   |           | / / Yes                       | / X / No                       |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?<br>If no, what is the additional amount required?   | / X / N/A | / / Yes                       | / / No                         |
| 3. Does the Bill establish a new program/agency?<br>If yes, will the program duplicate existing programs/agencies?<br>Is there a federal mandate to establish the program/agency? | / X / N/A | / / Yes<br>/ / Yes<br>/ / Yes | / X / No<br>/ / No<br>/ X / No |
| 4. Will the enactment of this Bill require new physical facilities?   |           | / / Yes                       | / X / No                       |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:<br>/ / Requested agency comments not received by due date                                   |           | / X / Yes                     | / / No                         |
|   |           | / / Other:                    |                                |

Analyst: Abigail R. Ofeciar, BMA IV Date: FEB 01 2023 Director: Lester L. Carlson, Jr., Director Date: FEB 02 2023

Notes:  
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 6-37 (COR)

The proposed legislation is an act to add a new Article 26 to Chapter 12 of Title 10 Guam Code Annotated (Title 10 GCA) to be known as "*Responsible Cannabis User Employment Protection Act*." The proposed legislation, unless required by federal law, will prohibit employers, landlords, colleges or government agencies from requiring any person to submit to blood, breath, or urine test for the detection of marijuana as a condition of employment, housing, education, or government services. This proposed legislation, does not prohibit law enforcement authorities from such testing relative to an investigation nor does it prohibit an employer, a landlord, or a college from taking action based on a person's behavior.

The Bureau notes that the proposed new Article may be better placed under the purview of the Department of Administration (DOA), which is responsible for the administration, management, implementation, and enforcement of the Drug-Free Workplace Program in accordance with Executive Order No. 95-29, as amended by Executive Order No. 2005-18. The Bureau further notes that notwithstanding the provisions of Public Law 35-5, Executive Order No. 2019-11 reinforces the Drug-Free Workplace Program and continues to prohibit the use of marijuana and that drug testing shall continue to include testing for marijuana use.

Relative to the potential fiscal impact of the proposed legislation, DOA reported that it currently does not test exclusively for marijuana as a pre-employment requirement. As such, no fiscal impact on the drug testing program is anticipated at this time should Bill No. 6-37 (COR) be enacted.