

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
186-37 (LS) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; substituted; and further amended on the Floor.	Sabina Flores Perez Chris Barnett	AN ACT TO <i>AMEND</i> § 6102 (I) OF ARTICLE 1, AND <i>AMEND</i> § 6505, <i>REPEAL</i> AND <i>REENACT</i> § 6506; AND <i>AMEND</i> § 6507 ALL OF ARTICLE 5, CHAPTER 6, TITLE 11, RELATIVE TO UPDATING THE USE OF TOBACCO FEES AND PENALTIES TO PROTECT GUAM YOUTH FROM THE HARMS OF NICOTINE AND TOBACCO USE.	10/13/23 3:58 p.m.	10/17/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 10/17/23 11/1/23	12/12/23 1:30 p.m.	1/11/24 9:09 a.m. As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	2/19/24	AN ACT TO <i>AMEND</i> §§ 6505 AND 6507, AND <i>REPEAL</i> AND <i>REENACT</i> § 6506 OF ARTICLE 5, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE USE OF TOBACCO FEES AND PENALTIES TO PROTECT GUAM'S YOUTH FROM THE HARMFUL EFFECTS OF NICOTINE AND TOBACCO USE.	2/23/24	2/23/24	3/6/24	37-78	3/6/24	Received: 3/6/24 Mess and Comm. Doc. No. 37GL-24-1740	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

March 6, 20204

The Hon. Therese M. Terlaje
Speaker, I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Doc Type: 37GL-24-1740
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

MAR 06 2024

Time: 6:16 pm
Received: [Signature]

Re: Bill No. 186-37 (LS) AN ACT TO AMEND §§ 6505 AND 6507, AND REPEAL AND REENACT § 6506 OF ARTICLE 5, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE USE OF TOBACCO FEES AND PENALTIES TO PROTECT GUAM'S YOUTH FROM THE HARMFUL EFFECTS OF NICOTINE AND TOBACCO USE

Håfa Adai Madam Speaker,

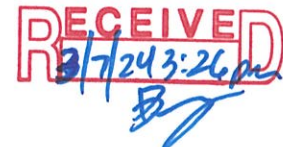
Substitute Bill No. 186-37 (LS) directs the fees collected pursuant to the Tobacco Control Act of 2006 be distributed and deposited into three (3) different funds: twenty percent (20%) to the Better Public Service Fund to assist with compliance and enforcement of nicotine and tobacco laws and rules and regulations; thirty percent (30%) to the Health and Human Services Fund to provide nicotine, tobacco, and electronic cigarette prevention and education, comprehensive cancer, breast cancer, and cervical cancer care; and fifty percent (50%) to the Youth Tobacco Education and Prevention Fund for tobacco, nicotine, and electronic cigarette monitoring, prevention, and education programs.

There is a reported increase in the use of electronic cigarettes among the youth of Guam. This bill is a response to this threat by directing the fees collected from the sale of tobacco products be used to increase funding for enforcement of tobacco and nicotine laws, while also directing funds to the education programs designed to prevent young people from taking up tobacco or electronic cigarette use. For these reasons, I sign Substitute Bill No. 186-37 (LS) into law as **Public Law 37-78**.

Senseramente,

Handwritten signature of Lourdes A. Leon Guerrero in blue ink.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

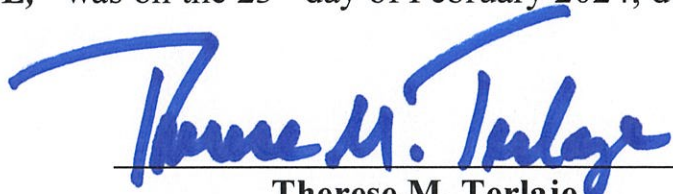


Enclosure(s): Substitute Bill No. 186-37 (LS) nka P.L. 37-78
cc via email: The Honorable Joshua F. Tenorio, *Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

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

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

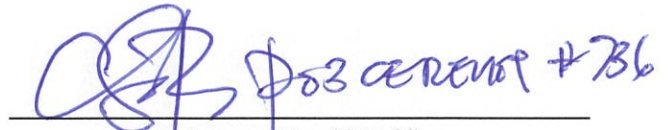
This is to certify that **Substitute Bill No. 186-37 (LS)**, "AN ACT TO AMEND §§ 6505 AND 6507, AND REPEAL AND REENACT § 6506 OF ARTICLE 5, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE USE OF TOBACCO FEES AND PENALTIES TO PROTECT GUAM'S YOUTH FROM THE HARMFUL EFFECTS OF NICOTINE AND TOBACCO USE," was on the 23rd day of February 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

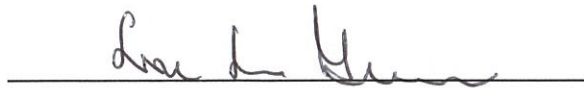
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23RD day of PPB,
2024, at 6:49 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 31st 3/6/2024

Public Law No. 37-78



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 186-37 (LS)

As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; substituted; and further amended on the Floor.

Introduced by:

Sabina Flores Perez
Chris Barnett
Frank Blas, Jr.
Joanne Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

AN ACT TO AMEND §§ 6505 AND 6507, AND REPEAL AND REENACT § 6506 OF ARTICLE 5, CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO UPDATING THE USE OF TOBACCO FEES AND PENALTIES TO PROTECT GUAM'S YOUTH FROM THE HARMFUL EFFECTS OF NICOTINE AND TOBACCO USE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Behavioral Health and Wellness Center in collaboration with the

1 Department of Revenue and Taxation issued approximately one hundred six (106)
2 citations amongst the three hundred twenty-nine (329) licensed tobacco and nicotine
3 retailers between 2018 and 2022. Violations consisted of tobacco sales to persons
4 under twenty-one (21) years of age and failing to post “21+ Only Sales” signages
5 for public view.

6 *I Liheslatura* further finds that the 2021 State Epidemiological Profile states
7 that “tobacco consumption remains higher in Guam than in the United States, for
8 both adults and youth.” The Profile goes on to state: Tobacco use figures display
9 marked disparities across socio-economic gradients with poor and less-educated
10 individuals more likely to smoke than rich and well-educated persons who are more
11 likely to have never smoked. Currently, tobacco-related diseases continue to be the
12 major cause of death in Guam.

13 *I Liheslatura* finds that there is an urgent need to be better stewards of our
14 youth and ensure more positive health outcomes of future generations. From 2017
15 to 2019, the Youth Risk Behavior Survey (YRBS) survey data showed an alarming
16 increase in the use of electronic cigarettes amongst youth. In the two (2) year span,
17 current use amongst high school students increased from one in four (26.5%) to one
18 in three (35.2%). Similarly, current use amongst middle school students increased
19 from one in four (23.5 %) to one in three (34.6%).

20 *I Liheslatura* finds that according to the Tobacco Control Act of 2006, tobacco
21 fees and fines are required to be deposited as follows: thirty percent (30%) to the
22 Department of Parks and Recreation (DPR) Off-Island Sports Fund, which was
23 repealed by Public Law 36-71; twenty percent (20%) to the Health and Human
24 Services Fund; and fifty percent (50%) to the Youth Tobacco Education and
25 Prevention Fund. According to the Department of Administration Division of
26 Accounts, since 2016 the Health and Human Services Fund (HAHS) has had a total
27 of \$12,434,856.26 worth of deposits and the Youth Tobacco Education and

1 Prevention Fund (YTEPF) has had a total of \$2,602,297.81. As of June 2023, the
2 Division reports that the HAHS Fund has an available balance of \$429,855 and the
3 YTEP Fund has an available balance of \$13,294.

4 *I Liheslatura* further finds that the Healthy Futures Fund that currently funds
5 youth tobacco education and prevention programs are spread too thin to be effective,
6 leading these essential programs to rely heavily, if not entirely, on federal grants.
7 Furthermore, local tobacco/nicotine education and prevention programs at the Guam
8 Behavioral Health and Wellness Center and the Department of Public Health and
9 Social Services are primarily, if not completely, federally funded.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to update Guam’s tobacco
11 control law by distributing some of the fees and fines towards compliance and
12 enforcement, in addition to, prevention, education, and treatment; and to diversify
13 and provide more local funding towards government programs that specialize in
14 tobacco, nicotine, and electronic cigarette prevention, education, and treatment in
15 order to protect Guam’s youth from its harmful effects.

16 **Section 2.** § 6505 of Article 5 of Chapter 6, Title 11, Guam Code Annotated
17 is hereby *amended* to read:

18 **“§ 6505. Use of Collected Fees and Penalties for Youth**
19 **Programs.**

20 All fines and fees assessed and collected under this Chapter shall
21 be distributed and deposited within fifteen (15) days of the following
22 month in which the fines and fees were collected, in the following
23 manner by the Director of the Department of Revenue and Taxation:

- 24 (a) twenty percent (20%) to the Better Public Service
25 Fund for the Department of Revenue and Taxation to assist with
26 compliance and enforcement of tobacco and nicotine laws, rules
27 and regulations pursuant to this Chapter;

1 (b) thirty percent (30%) to the Health and Human
2 Services Fund for the Department of Public Health and Social
3 Services' Division of Public Health, Bureau of Non-
4 Communicable Diseases for the purposes of providing tobacco,
5 nicotine, and electronic cigarette prevention and education
6 programs, comprehensive cancer, breast cancer, and cervical
7 cancer care; and

8 (c) fifty percent (50%) to the Youth Tobacco Education
9 and Prevention Fund.”

10 **Section 3.** § 6506 of Article 5 of Chapter 6, Title 11, Guam Code
11 Annotated, is hereby *repealed* and *reenacted* to read:

12 **“§ 6506. Youth Tobacco Education and Prevention Fund.**

13 There is created a non-lapsing, revolving fund, hereafter referred to as the
14 “Youth Tobacco Education and Prevention Fund” (YTEPF), which shall be
15 maintained separate and apart from any other funds of the government of Guam.
16 Independent records and accounts shall be maintained in connection therewith, and
17 shall be administered by the Director of the Guam Behavioral Health and Wellness
18 Center (GBHWC). One hundred percent (100%) of the funds in the YTEPF shall be
19 used by the Guam Behavioral Health and Wellness Center’s Prevention and Training
20 Branch (PEACE), or its successor, for tobacco, nicotine, and electronic cigarette
21 compliance monitoring, prevention and education programs. The Director of
22 GBHWC shall submit annual expenditure reports to *I Liheslaturan Guåhan*. The
23 YTEPF shall not be subject to the transfer authority of *I Maga'hågan Guåhan*. All
24 monies in the YTEPF are hereby appropriated to the GBHWC’s PEACE Prevention
25 and Training Branch to be expended in accordance with this Section.”

26 **Section 4.** § 6507 of Article 5 of Chapter 6, Title 11, Guam Code
27 Annotated, is hereby *amended* to read:

1 **“§ 6507. Reporting.**

2 The Director of the Department of Revenue and Taxation shall
3 report monthly to the Guam Behavioral Health and Wellness Center
4 (GBHWC) a list of all licenses granted and renewed, including the
5 names and street addresses of the business, the number of violations
6 processed, the name of the business with violations, and the penalties
7 imposed, and any other information that the Director and GBHWC
8 agree upon.”

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

14 **Section 6. Effective Date.** This Act shall be effective upon enactment.