

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

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.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 23, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher		III ✓				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓	II				
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓	I				
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

14

1

0

0

Aye

Nay

Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

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.

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Introduced by:

Sabina Flores Perez
Chris Barnett

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

9 *I Liheslatura* further finds that the 2021 State Epidemiological Profile states
10 that “tobacco consumption remains higher in Guam than in the United States, for
11 both adults and youth.” The Profile goes on to state: Tobacco use figures display

1 marked disparities across socio-economic gradients with poor and less-educated
2 individuals more likely to smoke than rich and well-educated persons who are more
3 likely to have never smoked. Currently, tobacco-related diseases continue to be the
4 major cause of death in Guam.

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

12 *I Liheslatura* finds that according to the Tobacco Control Act of 2006, tobacco
13 fees and fines are required to be deposited as follows: thirty percent (30%) to the
14 Department of Parks and Recreation (DPR) Off-Island Sports Fund, which was
15 repealed by Public Law 36-71; twenty percent (20%) to the Health and Human
16 Services Fund; and fifty percent (50%) to the Youth Tobacco Education and
17 Prevention Fund. According to the Department of Administration Division of
18 Accounts, since 2016 the Health and Human Services Fund (HAHS) has had a total
19 of \$12,434,856.26 worth of deposits and the Youth Tobacco Education and
20 Prevention Fund (YTEPF) has had a total of \$2,602,297.81. As of June 2023, the
21 Division reports that the HAHS Fund has an available balance of \$429,855 and the
22 YTEP Fund has an available balance of \$13,294.

23 *I Liheslatura* further finds that the Healthy Futures Fund that currently funds
24 youth tobacco education and prevention programs are spread too thin to be effective,
25 leading these essential programs to rely heavily, if not entirely, on federal grants.
26 Furthermore, local tobacco/nicotine education and prevention programs at the Guam

1 Behavioral Health and Wellness Center and the Department of Public Health and
2 Social Services are primarily, if not completely, federally funded.

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

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

11 **“§ 6505. Use of Collected Fees and Penalties for Youth**
12 **Programs.**

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

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

21 (b) thirty percent (30%) to the Health and Human
22 Services Fund for the Department of Public Health and Social
23 Services’ Division of Public Health, Bureau of Non-
24 Communicable Diseases for the purposes of providing tobacco,
25 nicotine, and electronic cigarette prevention and education
26 programs, comprehensive cancer, breast cancer, and cervical
27 cancer care; and

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

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

5 **“§ 6506. Youth Tobacco Education and Prevention Fund.**

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

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

21 **“§ 6507. Reporting.**

22 The Director of the Department of Revenue and Taxation shall
23 report monthly to the Guam Behavioral Health and Wellness Center
24 (GBHWC) a list of all licenses granted and renewed, including the
25 names and street addresses of the business, the number of violations
26 processed, the name of the business with violations, and the penalties

1 imposed, and any other information that the Director and GBHWC
2 agree upon.”

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

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