

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

Bill No. 338-37 (COR) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building October 7, 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	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes					✓	✓
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin					✓	✓
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

13

0

2

2

Aye

Nay

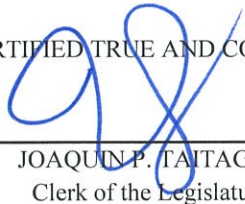
Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:


 JOAQUIN P. TAITAGUE
 Clerk of the Legislature

I = Pass

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Bill No. 338-37 (COR)

As amended by the Committee on Environment,
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Statistics, Research, and Planning; and further
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Introduced by:

Therese M. Terlaje
Sabina Flores Perez
Telo T. Taitague
Joanne M. Brown
Chris Barnett
Jesse A. Lujan
Roy A. B. Quinata

**AN ACT TO *ADD* NEW §§ 3127 AND 3128 TO ARTICLE
1; AND *ADD* A NEW CLASS 14 TO § 3207 AND A NEW §
3229.1, BOTH OF ARTICLE 2, ALL OF CHAPTER 3,
TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO
ADDING A NEW INSTRUCTIONAL TASTING LICENSE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam currently has thirteen (13) types of alcohol-related licenses issued by the
4 Guam Alcoholic Beverage Control (ABC) Board to oversee alcohol consumption
5 and sales on Guam.

6 *I Liheslaturan Guåhan* finds that Guam lacks a hybrid ABC license that would
7 authorize the selling of alcohol to customers for consumption off premises while still
8 allowing the tasting of the alcohol on the authorized premise before they purchase

1 it. This gap hinders the potential for businesses to provide an educational experience
2 where customers can taste and subsequently purchase alcohol.

3 *I Liheslaturan Guåhan* further finds that an Instructional Tasting License will
4 enable businesses to offer educational tastings of alcohol and subsequent sales in a
5 retail setting, as well as allow businesses to host tasting events for educational
6 purposes. This Instructional Tasting License can support local businesses such as
7 wineries, breweries, wine boutiques, or wine shops by enabling them to offer tastings
8 in a controlled and educational environment.

9 *I Liheslaturan Guåhan* finds that the instructional tasting license includes
10 specific guidelines to ensure tasting events or on-premises tasting are conducted
11 responsibly. Restrictions on the size of the tasting area and the amount of alcohol
12 served are designed to prevent any negative impact on the community and to uphold
13 public safety standards.

14 *I Liheslaturan Guåhan* also finds that a new Instructional Tasting License will
15 promote the responsible consumption and appreciation of alcoholic beverages by
16 providing a structured setting where consumers can learn about different types of
17 alcohol. It will help local producers or retailers showcase their products, thereby
18 boosting local businesses and contributing to the economy.

19 *I Liheslaturan Guåhan* finds that businesses who obtain an Instructional
20 Tasting License will be limited in the size and frequency of Tasting Events
21 permitted, ensuring that they do not replicate the atmosphere or business model of
22 traditional on-sale establishments such as bars and restaurants. This distinction is
23 crucial to maintaining a fair market for all types of businesses involved in the sale
24 of alcoholic beverages.

25 Therefore, it is the intent of *I Liheslaturan Guåhan* to create a new
26 Instructional Tasting License which will provide a unique opportunity for consumers
27 to engage with local alcohol retailers or producers in a meaningful way, fostering a

1 greater understanding and appreciation of their products without undermining the
2 business operations of bars and restaurants.

3 **Section 2.** New §§ 3127 and 3128 are *added* to Article 1 of Chapter 3, Title
4 11, Guam Code Annotated, to read as follows:

5 **“§ 3127. Tastings.**

6 Tasting or Tastings as used in § 3229.1 of this Chapter means sampling
7 or drinking of wine or beer served by a business holding an Instructional
8 Tasting License.

9 **§ 3128. Tasting Event.**

10 A Tasting Event or Tasting Events as used in § 3229.1 of this Chapter
11 means an event hosted by a business holding an Instructional Tasting License
12 where Tastings of wine or beer may be served and sealed wine or beer may
13 be sold to attendees by the licensed business.”

14 **Section 3.** A new Class 14 is *added* to § 3207 of Article 2, Chapter 3, Title
15 11, Guam Code Annotated, to read as follows:

16 “Class 14. Instructional Tasting License \$ 500.00 per year
17 Alcohol Employee \$ 60.00 per 3 years”

18 **Section 4.** A new § 3229.1 is *added* to Article 2 of Chapter 3, Title 11,
19 Guam Code Annotated, to read as follows:

20 **“§ 3229.1. License: Instructional Tasting License.**

21 (a) An Instructional Tasting License can only be issued to businesses
22 with off-sale retail licenses, and it is valid for use solely at the premises
23 specified in the retail license. An Instructional Tasting License may be issued
24 to any of the following businesses:

- 25 (1) Wineries, Wine Boutiques or Wine Shops
26 (2) Breweries

1 (b) Requirements for Businesses holding an Instructional Tasting
2 License.

3 (1) License holders shall submit annually to the Alcoholic
4 Beverage Control Board evidence that displays at least eighty percent
5 (80%) of product sales are derived from off-premise sales. Other non-
6 alcoholic consumables or products, including gourmet food, may also
7 be sold at an entity holding an Instructional Tasting License.

8 (2) The license holder shall prominently display signage
9 prohibiting persons under twenty-one (21) years of age from
10 consuming alcohol.

11 (3) A license holder that serves alcohol to a person under the
12 age of twenty-one (21) is guilty of a misdemeanor. Any person under
13 twenty-one (21) years of age who consumes alcohol is guilty of a
14 misdemeanor and shall be punished by a fine of the same or less as a
15 license holder.

16 (4) The license holder is permitted to host Tasting(s) or
17 Tasting Event(s).

18 (A) Tasting Requirements.

19 License holders:

20 (i) may sell a maximum of three (3)
21 servings of three ounces (3oz) wine or beer for
22 tasting per customer per day;

23 (ii) shall conduct Tastings only during
24 operating hours, but not within the hours of 12:00
25 a.m. to 11:00 a.m.;

1 (iii) shall not permit any consumer to leave
2 the instructional tasting area with an open container
3 of alcohol;

4 (iv) shall not serve alcohol to a person who
5 is under twenty-one (21) years of age or a person
6 who is visibly intoxicated; and

7 (v) the size of the tasting area shall not be
8 more than thirty percent (30%) of the leasable
9 business space.

10 (B) Tasting Events Requirements.

11 (i) License holders shall not conduct Tasting
12 Events for more than two (2) consecutive days per week,
13 nor more than a total of six (6) days per month.

14 (ii) Tasting Events shall occur only outside
15 regular operating hours, when the business is closed to
16 walk-in patrons, but not within the hours of 12:00 a.m. to
17 11:00 a.m.

18 (iii) During a Tasting Event, the sale of any sealed
19 alcohol may be transacted; however, the sealed alcohol
20 may only be picked up or delivered at another date after
21 the event.

22 (iv) The maximum capacity for any event is not
23 to exceed forty (40) attendees.

24 (v) An attendee is allowed a maximum of three
25 (3) glasses of six ounces (6oz) wine or beer for the
26 duration of the event.”

1 **Section 5. Promulgation of Rules and Regulations.** The ABC Board
2 shall, within one hundred twenty (120) days of the enactment of this Act, develop
3 necessary procedures, and as deemed necessary, promulgate rules and regulations,
4 if any, to implement this Act. The procedures, rules, and regulations shall be duly
5 promulgated by the Board pursuant to Article 3 - Rule Making Procedures, of
6 Chapter 9, Title 5, Guam Code Annotated.

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