


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 398-32 (COR.)

Introduced by:

A.A. Yamashita, Ph.D. 

2014 SEP 17 AM 11:48 

AN ACT TO SUPPORT GUAM'S MUSICIANS AND ENTERTAINERS BY AMENDING §3414 OF ARTICLE 4, CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING ON-SALE LICENSEES TO SELL AND SERVE ALCOHOLIC BEVERAGES DURING EXTENDED HOURS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 *I Liheslaturan Guåhan* finds that since the establishment of P.L. 30-154
4 on July 8, 2010 reducing the hours of sale of alcoholic beverages, local
5 musicians and entertainers have experienced a decline in hiring
6 opportunities due to a lack of venues necessitating their services. *I*
7 *Liheslaturan Guåhan* finds that the local entertainment industry is a unique
8 and significant component of Guam's economy that depends on the
9 support of other local businesses. *I Liheslaturan Guåhan* concurrently
10 recognizes that in order to maintain public health and safety, it is necessary
11 that the hours during which on-sale licensees may sell and serve alcoholic

1 beverages be appropriately limited. Accordingly, in order to foster and
2 support local musicians and entertainers on Guam without repealing the
3 limitations of P.L. 30-154, *I Liheslaturan Guåhan* finds that it is beneficial to
4 extend the hours during which on-sale licensees may sell and serve
5 alcoholic beverages for limited hours with the requirement that live
6 entertainment be provided.

7 Furthermore, it is the intent of *I Liheslaturan Guåhan* that the
8 Department of Revenue and Taxation promulgate the necessary rules,
9 regulations, and applicable fees necessary to implement, monitor, and
10 control, under a special license classification, the sale of alcoholic beverages
11 during extended hours authorized by this Act.

12 **Section 2. Extended Hours of Sale Authorized.** §3414 of Article 4,
13 Chapter 3, Title 11, Guam Code Annotated, is hereby amended, to read:

14 **“§3414. Hours of Sale. On Sale Premises.**

15 (a) An on-sale licensee shall not sell or serve any person any alcoholic
16 beverages between the hours of 2:00 a.m. and 8:00 a.m., ~~provided, however,~~
17 ~~that all alcoholic beverages must be consumed within fifteen (15) minutes~~
18 ~~of the time permitted for the sale thereof and premise(s) shall be closed no~~
19 ~~later than 3:00 a.m. thereafter~~ except as otherwise specifically provided
20 herein.

21 (b) An on-sale licensee may sell or serve any person any alcoholic
22 beverages between the hours of 2:00 a.m. and 4:00 a.m. provided that the
23 licensee offers live entertainment within its establishment where the

1 entertainment takes place in the presence of an audience. For purposes of
2 this section, "live entertainment" shall be limited to one (1) or more of the
3 following activities: (i) performance of live music; (ii) any playing of
4 recorded music when the person playing the music selects the music to be
5 played and mixes the recorded music; (iii) performance of a play; (iv)
6 performance of dance; or (v) exhibition of a film. All on-sale licensees
7 selling and serving during the extended hours as permitted herein shall
8 employ door supervisors during said hours to verify identification and
9 ages of all entrants into the licensee's establishment.

10 (c) All alcoholic beverages must be consumed within fifteen (15)
11 minutes of the time permitted for the sale thereof and premises shall be
12 closed no later than 4:30 a.m. for on-sale licensees selling and serving
13 during extended hours as permitted herein.

14 (d) A licensee may begin selling or serving alcoholic beverages at 8:00
15 a.m., Monday through Sunday, inclusive."

16 **Section 3. Promulgation of Rules and Regulations.**

17 The Department of Revenue and Taxation (Department) shall,
18 pursuant to the Administrative Adjudication Act, promulgate the rules,
19 regulations, and applicable fees necessary to implement, monitor, and
20 control the sale of alcoholic beverages, under a special license classification,
21 during extended hours pursuant to the provisions of Section 2 of this Act.
22 The Department shall ensure that no less than fifty percent (50%) of
23 revenues generated from licenses issued pursuant to this Act shall be

1 designated for programs that support alcohol education, as well the
2 partnerships that may be established between business establishments and
3 transportation service providers. The rules, regulations, and applicable
4 fees required herein shall be promulgated no later than six (6) months
5 following the enactment of this Act.

6 **Section 4. Effective Date.**

7 The provisions of this Act shall become effective immediately, except
8 that Section 2 shall not become effective until the rules, regulations, and
9 applicable fees have been duly promulgated in accordance with the
10 Administrative Adjudication Act as required herein.