


I MINA' TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

Bill No. 17 (LS)

Introduced by:

Ray Tenorio 

**AN ACT TO ADD A NEW PARAGRAPH (j) TO §18101 AND  
TO AMEND §18102 OF 16GCA RELATIVE DRIVING UNDER  
THE INFLUENCE OF SEDATING SUBSTANCES.**

2009 JAN - 5 AM 10: 55

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds the Safe Streets Act (Chapter 18 of 16GCA) prohibits the operation of a motor vehicle while under the influence of alcohol or controlled substances. *I Liheslatura* further finds that while some (but not all) “Controlled Substances” may cause drowsiness and impair driving ability many more Non-controlled substances such as OTC sleep medication, antihistamines, and cough suppressants can cause drowsiness and impair safe driving ability. Often these substances, when taken concurrently with alcohol (even below legal limits), may result in serious impairment of cognitive and motor skills.

It is the intent of *I Liheslatura* to prohibit driving under the influence of not just alcohol and controlled substances, but any substance that can impair or adversely affect safe driving skills.

**Section 2.** A new Paragraph (j) is added to Section 18101 of 16GCA to read as follows:

1 (j) *Sedating substance* means any prescription or non-prescription medication that  
2 is indicated to cause drowsiness, sedation, and/or impairment of motor skills  
3 and/or cognitive abilities; any inhalant known to cause drowsiness, sedation,  
4 and/or impairment of motor skills and/or cognitive abilities; or any leaf, stalk or  
5 root or natural substance or preparation of any leaf, stalk or root or natural  
6 substance where the consumption or inhalation of such substance is known to  
7 cause drowsiness, sedation, and/or impairment of motor skills and/or cognitive  
8 abilities. Such preparations include, but are not limited to, the Piper methysticum  
9 (also known as kava kava or sakau). Sedating substances may or may not indicate  
10 on its product labeling that the substance can cause drowsiness or sedation or that  
11 the user should avoid driving or operating heavy equipment. The Chief of Police  
12 shall maintain a list of Sedating Substances. In determining whether a substances  
13 is a sedating substance the Chief of Police may consider any or all of the follow:  
14 (1) the product manufacturer’s findings, (2) the findings of the United States Food  
15 and Drug Administration, the (3) findings of the United States Drug Enforcement  
16 Agency and (4) other studies conducted by competent authority(s) that conclude a  
17 substance may impair cognitive and/or motor skills.

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19 **Section 3.** Section 18102 of 16GCA is amended to read as follows:

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21 **§18102. Influence of Alcohol, ~~and~~ Controlled Substances and Sedating**  
22 **Substances; Causing Bodily Injury to Person Other Than Driver; Alcoholic**  
23 **Content in Blood; Proof.**

24 (a) It is unlawful for any person, while under the influence of an alcoholic  
25 beverage, sedating substance or any controlled substance, or under the combined

1 influence of an alcoholic beverage, sedating substance and any controlled  
2 substance, to operate or be in physical control of a motor vehicle.

3 (b) It is unlawful for any person, while having eight one-hundredths of one percent  
4 (0.08%) or more, by weight, of alcohol in his or her blood to operate or be in  
5 physical control of a motor vehicle.

6 (c) It is unlawful for any person, while under the influence of an alcoholic  
7 beverage, sedating substances or any controlled substance, or under the combined  
8 influence of an alcoholic beverage, sedating substance and any controlled  
9 substance, to operate or be in physical control of a motor vehicle and, when doing  
10 so, do any act forbidden by law or neglect any duty imposed by law in the driving  
11 of the vehicle or who negligently drives a vehicle, which act or neglect or  
12 negligence proximately causes bodily injury to any person other than the driver.

13 (d) It is unlawful for any person, while having eight one-hundredths of one percent  
14 (0.08%) or more, by weight, of alcohol in his or her blood to operate or be in  
15 physical control of a motor vehicle and, when doing so, do any act forbidden by  
16 law or neglect any duty imposed by law in the driving of the vehicle, which act or  
17 neglect proximately causes bodily injury to any person other than the driver.

18 (e) In any prosecution under this section, it is a rebuttable presumption that the  
19 person with eight one-hundredths of one percent (0.08%) or more, by weight, of  
20 alcohol in his or her blood at the time of operating or in actual physical control of  
21 a motor vehicle is under the influence of alcohol if the person had eight one-  
22 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or her  
23 blood at the time of the performance of a blood or breath test within three (3)  
24 hours after the driving.

1 (f) In proving the person neglected any duty imposed by law in the driving of the  
2 vehicle, it is not necessary to prove that any specific section of this title was  
3 violated.

4 (g) (1) Notwithstanding the other provisions of this section, a person under the age  
5 of eighteen (18) shall be guilty of a violation of subsections (b) or (d) of this  
6 section if such person shall be found within three (3) hours of his or her arrest for  
7 a violation of this section to have four one-hundredths of one percent (0.04%) or  
8 more, by weight, of alcohol in his or her blood.

9  
10 (2) A person convicted for the first time of a violation of item (1) of this  
11 subsection shall be guilty of a misdemeanor and shall have his or her license  
12 or permit to operate a motor vehicle suspended for six (6) months. Upon any  
13 subsequent conviction of the person while under the age of eighteen (18),  
14 the person's license or permit to operate a motor vehicle shall be suspended  
15 for one (1) year with no exception for occupational driving privileges. Upon  
16 any conviction the court shall notify the Department of Revenue and  
17 Taxation of such suspension of the person's privilege to drive and confiscate  
18 the person's license or permit to operate a motor vehicle. In addition to the  
19 required mandatory suspension of a person's license or permit to operate a  
20 motor vehicle, the court may impose such additional penalty as may be  
21 permitted by law for conviction of a misdemeanor.