

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>264-32 (COR), P.L. 32-160</b>	Dennis G. Rodriguez, Jr. Brant T. McCreadie T.C. Ada R. J. Respicio T. R. Muña Barnes V. Anthony Ada	AN ACT TO RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS, BY ADDING A NEW § 6101(I) TO ARTICLE 1, AND AMENDING § 6400 OF ARTICLE 4, CHAPTER 6, TITLE 11 GUAM CODE ANNOTATED.	1/17/14 10:03 a.m.	01/17/14	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	03/12/14 9:30a.m.	05/06/14 10:08 a.m.	<b>Fiscal Note Requested 01/28/14 Fiscal Note Waiver received 2/20/14</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	5/9/2014	AN ACT TO ADD A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO AMEND § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.	5/12/14	2:43 p.m.	5/22/2014	5/21/2014	32-160	Passed



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam. 32-14-1680*

MAY 23 2014

5.23.14  
4:50 pm  
[Signature]

2014 MAY 27 AM 8:56  
[Signature]

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 264-32 (COR) "AN ACT TO ADD A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO AMEND § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS" which I signed into law on May 21, 2014 as **Public Law 32-160**.

*Senseramente,*

[Handwritten Signature]

**RAYMOND S. TENORIO**

*I Maga'låhen Guåhan, para pa'go*  
Acting Governor of Guam

1680

P.O. Box 2950 • Hagatna, Guam 96932

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Eddie Baza Calvo



@eddiebazacalvo



@governorcalvo



[governorofguam](http://governorofguam)

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

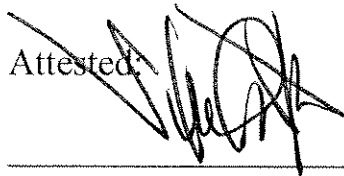
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 264-32 (COR)**, "AN ACT TO *ADD A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO AMEND § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS,*" was on the 9<sup>th</sup> day of May, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



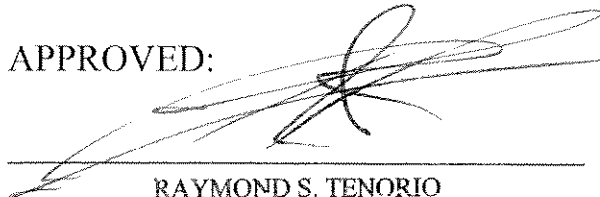
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12<sup>th</sup> day of May,  
2014, at 2:43 o'clock P.M.



Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:



RAYMOND S. TENORIO  
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. 32-160

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

**Bill No. 264-32 (COR)**

Introduced by:

Dennis G. Rodriguez, Jr.  
Brant T. McCreadie  
T. C. Ada  
R. J. Respicio  
T. R. Muña Barnes  
V. Anthony Ada  
Tommy Morrison  
Chris M. Dueñas  

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FRANK B. AGUON, JR.  
B. J.F. Cruz  
Michael T. Limtiaco  
Vicente (ben) C. Pangelinan  
Michael F. Q. San Nicolas  
Aline A. Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the increasing popularity and unregulated distribution of electronic cigarettes  
4 is resulting in its widespread utilization by the youth in our island community.

1            *I Liheslaturan Guåhan* finds that it has clearly been scientifically determined  
2 that nicotine is a harmful and highly addictive drug, the use of which may lead to  
3 illness or premature death.

4            *I Liheslatura* further finds that the prevalent belief that e-cigarettes are  
5 simply safe smoke cessation devices is not applicable when considered within the  
6 context of its use by a minor. Although the matter of regulation has not yet been  
7 determined by the U.S. Food and Drug Administration, its utilization by minors is  
8 a reverse application of a product which leads to addiction, not the cessation of  
9 tobacco product utilization. The current usage of e-cigarettes has been reported to  
10 be highly prevalent amongst Guam’s middle and high school students.

11            A number of states, principally California, Colorado, and Maryland, have  
12 succeeded in passing legislation banning the sale of electronic cigarettes to minors.  
13 Likewise, the states of Hawaii, Iowa, and New York have pending legislation  
14 under consideration with the similar intent of banning the sale or distribution of  
15 these products to minors.

16            *I Liheslaturan Guåhan* finds that electronic cigarettes contain nicotine,  
17 which is a highly addictive substance, as is similarly found in tobacco products.  
18 For the purposes of this Act, *I Liheslaturan Guåhan* duly notes that according to  
19 the U.S. Food and Drug Administration, “electronic cigarettes”, also known as “e-  
20 cigarettes”, are battery operated products designed to deliver nicotine, flavor and  
21 other chemicals. They turn nicotine, which is highly addictive, and other chemicals  
22 into a vapor that is inhaled by the user.

23            It is the intent of *I Liheslaturan Guåhan* to include, regulate and prohibit,  
24 under Title 11 GCA, Chapter 6, the sale or distribution of electronic cigarettes to a  
25 minor, or possession by a minor. It is, further, the intent of *I Liheslaturan Guåhan*  
26 that the prohibition pursuant to this Section *solely* pertains to minors, and *shall not*

1 prohibit the use or possession of an electronic cigarette by a person eighteen (18)  
2 years of age or older.

3 It is the intent of *I Liheslaturan Guåhan* to protect Guam’s youth from  
4 nicotine addiction, as well as the potentially harmful effects of chemicals present in  
5 unregulated e-cigarette devices, by prohibiting the sale or distribution of electronic  
6 cigarettes to, or use by minors. It is, further, the intent to accomplish this objective  
7 by regulating electronic cigarettes along with tobacco products for the purposes of  
8 the enforcement of this prohibition, which *shall* apply *solely* to minors.

9 **Section 2.** A new Subsection (l) is hereby *added* to § 6101 of Article 1,  
10 Chapter 6, Title 11, Guam Code Annotated, to read:

11 “(l) *Electronic cigarettes*, also known as *e-cigarettes*, are battery  
12 operated products designed to deliver nicotine, flavor and other chemicals.  
13 They turn nicotine, which is highly addictive, and other chemicals into a  
14 vapor that is inhaled by the user. For the purposes of this Chapter, and the  
15 prohibition pertaining *solely* to a minor pursuant to § 6400, tobacco products  
16 *shall* also be deemed to include and *shall* be similarly applicable to  
17 electronic cigarettes.”

18 **Section 3.** § 6400 of Article 4 of Chapter 6, Title 11, Guam Code  
19 Annotated, is hereby *amended* to read:

20 “§ 6400. **Sale or Distribution of Tobacco Products and**  
21 **Electronic Cigarettes to Minors Prohibited.**

22 It *shall* be a violation of this Chapter for any person to sell or  
23 distribute tobacco products or electronic cigarettes to minors. It *shall not* be  
24 a violation of this Chapter for any person to refuse to sell or distribute  
25 tobacco products or electronic cigarettes to any person whom the seller or  
26 the distributor reasonably believes to be under twenty-seven (27) years of

1 age, and who is unable to produce acceptable photographic identification  
2 and proof that he is over the age of eighteen (18) years.

3 The sale or distribution of electronic cigarettes to minors, or its  
4 possession by a minor, is prohibited and *shall* be regulated and enforced  
5 pursuant to this Chapter. Any provision of this Chapter applicable to the  
6 regulation and prohibition of the sale or distribution of tobacco products to a  
7 minor, or possession by a minor, *shall* be applicable to electronic cigarettes,  
8 and *shall* be regulated and enforced in the same manner as tobacco products,  
9 to include the applicability of all penalties and fines.

10 (a) Vending machines selling tobacco products or electronic  
11 cigarettes *shall* be located so that they are accessible *only* to persons  
12 over the age of eighteen (18), or are under the constant, direct  
13 supervision and unobstructed line of sight of the person authorizing  
14 the installation or placement of the tobacco or electronic cigarette  
15 vending machine upon the premises he manages or otherwise controls,  
16 or his agent or employee. Said supervising adult *shall* ensure that  
17 minors *do not* purchase tobacco products or electronic cigarettes from  
18 vending machines. A person who authorizes the installation or  
19 placement of the tobacco or electronic cigarette vending machine  
20 upon premises he manages, or otherwise controls, and who knows or  
21 should know that the tobacco or electronic cigarette vending machine  
22 will likely be used by minors, *shall* be liable if minors purchase  
23 tobacco products or electronic cigarettes from said machines.

24 (b) A licensee or an employer may distribute tobacco  
25 products or electronic cigarettes to any employee who handles  
26 tobacco products or electronic cigarettes in the course of the  
27 commercial distribution or sale of the products. In any proceeding for

1 the suspension or revocation of any license, and based upon a  
2 violation of this Section, proof that the defendant licensee or his agent  
3 or employee demanded and was shown, before furnishing any tobacco  
4 product or electronic cigarette to a minor, an identification card, *shall*  
5 be a defense to the charges.”

6 **Section 4. Severability.** *If* any provision of this law or its application to  
7 any person or circumstance is found to be invalid or contrary to law, such  
8 invalidity *shall not* affect other provisions or applications of this law which can be  
9 given effect without the invalid provisions or application, and to this end the  
10 provisions of this law are severable.

11 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.





***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo  
*I Maga'lahren Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR  
CENTRAL FILES  
*J. Dela Roca*  
RECEIVED BY  
TIME *2:43 pm* DATE *5/12/14*

FILE COPY

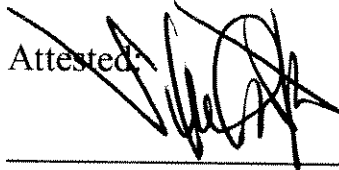
**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

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

This is to certify that **Bill No. 264-32 (COR)**, "AN ACT TO *ADD* A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS," was on the 9<sup>th</sup> day of May, 2014, duly and regularly passed.



**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested: 

**Tina Rose Muña Barnes**  
**Legislative Secretary**

-----  
This Act was received by *I Maga'lahaen Guåhan* this 12<sup>th</sup> day of May, 2014, at 2:43 o'clock P.M.



**Assistant Staff Officer**  
***Maga'lahi's Office***

APPROVED:

\_\_\_\_\_  
**EDWARD J.B. CALVO**  
***I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

Bill No. 264-32 (COR)

Introduced by:

Dennis G. Rodriguez, Jr.  
Brant T. McCreadie  
T. C. Ada  
R. J. Respicio  
T. R. Muña Barnes  
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6 context of its use by a minor. Although the matter of regulation has not yet been  
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15 these products to minors.

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17 which is a highly addictive substance, as is similarly found in tobacco products.  
18 For the purposes of this Act, *I Liheslaturan Guåhan* duly notes that according to  
19 the U.S. Food and Drug Administration, “electronic cigarettes”, also known as “e-  
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14 vapor that is inhaled by the user. For the purposes of this Chapter, and the  
15 prohibition pertaining *solely* to a minor pursuant to § 6400, tobacco products  
16 *shall* also be deemed to include and *shall* be similarly applicable to  
17 electronic cigarettes.”

18 **Section 3.** § 6400 of Article 4 of Chapter 6, Title 11, Guam Code  
19 Annotated, is hereby *amended* to read:

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22 It *shall* be a violation of this Chapter for any person to sell or  
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22 will likely be used by minors, *shall* be liable if minors purchase  
23 tobacco products or electronic cigarettes from said machines.

24 (b) A licensee or an employer may distribute tobacco  
25 products or electronic cigarettes to any employee who handles  
26 tobacco products or electronic cigarettes in the course of the  
27 commercial distribution or sale of the products. In any proceeding for

1 the suspension or revocation of any license, and based upon a  
2 violation of this Section, proof that the defendant licensee or his agent  
3 or employee demanded and was shown, before furnishing any tobacco  
4 product or electronic cigarette to a minor, an identification card, *shall*  
5 be a defense to the charges.”

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7 any person or circumstance is found to be invalid or contrary to law, such  
8 invalidity *shall not* affect other provisions or applications of this law which can be  
9 given effect without the invalid provisions or application, and to this end the  
10 provisions of this law are severable.

11 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Bill No. 264-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

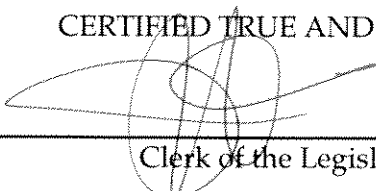
Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



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

Bill No. 264-32 (COR)

\*

Introduced by:

Dennis G. Rodriguez, Jr.  
Brant T. McCreddie  
T. C. Ada  
R. J. Respicio  
T. R. Muña Barnes  
V. Anthony Ada  
Tommy Morrison  
Chris M. Dueñas

**AN ACT TO *ADD* A NEW SUBSECTION (I) TO § 6101 OF ARTICLE 1, AND TO *AMEND* § 6400 OF ARTICLE 4, ALL OF CHAPTER 6, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE SALE OR DISTRIBUTION OF ELECTRONIC CIGARETTES TO MINORS.**

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7 illness or premature death.

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25 cigarettes to, or use by minors. It is, further, the intent to accomplish this objective  
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11 Annotated, is hereby *amended* to read:

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15 distribute tobacco products or electronic cigarettes to minors. It *shall not* be  
16 a violation of this Chapter for any person to refuse to sell or distribute  
17 tobacco products or electronic cigarettes to any person whom the seller or  
18 the distributor reasonably believes to be under twenty-seven (27) years of  
19 age, and who is unable to produce acceptable photographic identification  
20 and proof that he is over the age of eighteen (18) years.

21           The sale or distribution of electronic cigarettes to minors, or its  
22 possession by a minor, is prohibited and *shall* be regulated and enforced  
23 pursuant to this Chapter. Any provision of this Chapter applicable to the  
24 regulation and prohibition of the sale or distribution of tobacco products to a  
25 minor, or possession by a minor, *shall* be applicable to electronic cigarettes,

1 and *shall* be regulated and enforced in the same manner as tobacco products,  
2 to include the applicability of all penalties and fines.

3 (a) Vending machines selling tobacco products or electronic  
4 cigarettes *shall* be located so that they are accessible *only* to persons  
5 over the age of eighteen (18), or are under the constant, direct  
6 supervision and unobstructed line of sight of the person authorizing  
7 the installation or placement of the tobacco or electronic cigarette  
8 vending machine upon the premises he manages or otherwise controls,  
9 or his agent or employee. Said supervising adult *shall* ensure that  
10 minors *do not* purchase tobacco products or electronic cigarettes from  
11 vending machines. A person who authorizes the installation or  
12 placement of the tobacco or electronic cigarette vending machine  
13 upon premises he manages, or otherwise controls, and who knows or  
14 should know that the tobacco or electronic cigarette vending machine  
15 will likely be used by minors, *shall* be liable if minors purchase  
16 tobacco products or electronic cigarettes from said machines.

17 (b) A licensee or an employer may distribute tobacco  
18 products or electronic cigarettes to any employee who handles  
19 tobacco products or electronic cigarettes in the course of the  
20 commercial distribution or sale of the products. In any proceeding for  
21 the suspension or revocation of any license, and based upon a  
22 violation of this Section, proof that the defendant licensee or his agent  
23 or employee demanded and was shown, before furnishing any tobacco  
24 product or electronic cigarette to a minor, an identification card, *shall*  
25 be a defense to the charges.”

26 **Section 4. Severability.** *If any provision of this law or its application to*  
27 *any person or circumstance is found to be invalid or contrary to law, such*

1    invalidity *shall not* affect other provisions or applications of this law which can be  
2    given effect without the invalid provisions or application, and to this end the  
3    provisions of this law are severable.

4            **Section 5.    Effective Date.** This Act *shall* be effective upon enactment.