



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

01 FEB 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 121(EC), "AN ACT TO REPEAL AND RE-ENACT CHAPTER 6 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO THE LICENSING REQUIREMENTS FOR THE RETAIL AND WHOLESALE OF TOBACCO PRODUCTS; TO ADD A NEW ARTICLE 6 TO CHAPTER 6 OF TITLE 11 GUAM CODE ANNOTATED, TO RESTRICT IMPORTATION OF TOBACCO PRODUCTS TO MANUFACTURER'S REPRESENTATIVES; AND TO AMEND §26601(C) OF CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE TOBACCO TAX" which I signed into law on January 29, 2007, as Public Law 28-170.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

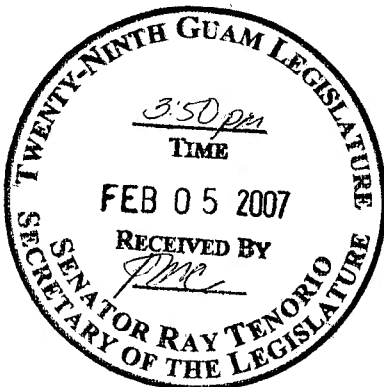
cc: The Honorable Ray Tenorio
Senator and Secretary of the Legislature

Office of the Speaker

MARK FORBES

Date: 2/2/07
Time: 11-
Rec'd by: RM
Print Name: Rob R/

29-01-0122



122

NEW RECEIPTS
5:04 PM
2/5/07

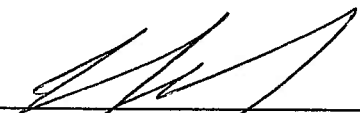
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

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

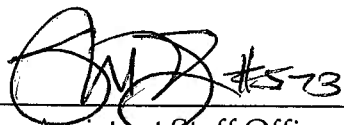
This is to certify that **Substitute Bill No. 121 (EC), "AN ACT TO REPEAL AND RE-ENACT CHAPTER 6 OF TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO THE LICENSING REQUIREMENTS FOR THE RETAIL AND WHOLESALE OF TOBACCO PRODUCTS; TO ADD A NEW ARTICLE 6 TO CHAPTER 6 OF TITLE 11 GUAM CODE ANNOTATED, TO RESTRICT IMPORTATION OF TOBACCO PRODUCTS TO MANUFACTURER'S REPRESENTATIVES; AND TO AMEND §26601(C) OF CHAPTER 26 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE TOBACCO TAX,"** was on the 20<sup>th</sup> day of December, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker


Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

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This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at  
1:30 o'clock p.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 29 JAN 2007

Public Law No. 28-170

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session**

**Bill No. 121 (EC)**

As substituted by the Committee on  
Finance, Taxation and Commerce  
and amended.

Introduced by:

J. A. Lujan  
Mike Cruz  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J.F. Cruz  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
A. B. Palacios, Sr.  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO *REPEAL* AND *RE-ENACT* CHAPTER 6 OF  
TITLE 11 GUAM CODE ANNOTATED, RELATIVE TO  
THE LICENSING REQUIREMENTS FOR THE RETAIL  
AND WHOLESALE OF TOBACCO PRODUCTS; TO  
*ADD* A NEW ARTICLE 6 TO CHAPTER 6 OF TITLE 11  
GUAM CODE ANNOTATED, TO RESTRICT  
IMPORTATION OF TOBACCO PRODUCTS TO  
MANUFACTURER'S REPRESENTATIVES; AND TO  
*AMEND* §26601(C) OF CHAPTER 26 OF TITLE 11,  
GUAM CODE ANNOTATED, RELATIVE TO THE  
TOBACCO TAX.**



1 (d) 'Person' means any individual, company, corporation, firm,  
2 partnership, organization, estate, trust, limited liability company, limited  
3 liability partnership or other legal entity.

4 (e) 'Retail' means the sale of tangible personal property for  
5 consumption or use by the purchaser and not for resale.

6 (f) 'Retail License' means a license issued by the Director of  
7 Revenue and Taxation for the retail sale of tobacco products or sale  
8 through a vending machine.

9 (g) 'Tobacco product' means any tobacco cigarette, cigar, pipe  
10 tobacco, smokeless tobacco, chewing tobacco or any other form of  
11 tobacco which may be utilized for smoking, chewing, inhalation or other  
12 means of ingestion.

13 (h) 'Vending Machine' means any mechanical, electrical or  
14 electronic device that, on insertion of money, tokens or any other form of  
15 payment, automatically dispenses tobacco products.

16 (i) 'Wholesale' means the importation into or purchase on  
17 Guam from a manufacturer or other wholesale licensee of tangible  
18 personal property not for consumption or use by the purchaser but *solely*  
19 for resale or retail wholesale or retail sellers.

20 (j) 'Wholesale License' means a license issued by the Director  
21 of Revenue and Taxation for the wholesale sale of tobacco products to  
22 retailers.

23 **§6102. Applicability of Commercial Licenses Provisions and**  
24 **Requirements.** Provisions and requirements of Chapters 70 and 72 of Title 11  
25 of the Guam Code Annotated applicable to commercial licenses shall govern

1 this Chapter in matters and provisions not specifically provided in this Chapter  
2 and when relevant.

3 **Article 2. Licenses.**

4 **§6200. License: Required.**

5 **§6201. Same: Classes and Fees.**

6 **§6202. Same: Term.**

7 **§6203. Same: Renewal.**

8 **§6204. Same: Vending Machines.**

9 **§6205. Same: Multiple.**

10 **§6206. License: Privilege: Limitation.**

11 **§6207. Same: Limitation.**

12 **§6208. Display of License.**

13 **§6200. License: Required.**

14 (a) It shall be a violation of this Chapter for any person to  
15 wholesale tobacco products without first obtaining a valid wholesale  
16 tobacco license.

17 (b) It shall be a violation of this Chapter for any person to retail  
18 tobacco products without first obtaining a valid retail tobacco license for  
19 each premises or vending machine in which tobacco products are sold.

20 (c) Any person directly or indirectly engaged in the business of  
21 manufacturing tobacco products may not retail tobacco products, directly  
22 or indirectly, or hold a retail or wholesale license. It shall not be a  
23 violation of this Chapter for any such person engaged in the business of  
24 manufacturing tobacco products to import, export or sell for resale  
25 tobacco products to a duly licensed tobacco wholesaler.

