

10 GCA HEALTH AND SAFETY
CH. 90A IMPORTATION AND SALE OF INGESTIBLE TOBACCO

CHAPTER 90A
IMPORTATION AND SALE OF INGESTIBLE TOBACCO

SOURCE: Chapter added by P.L. 30-163:2 (July 16, 2010).

- § 90A100. Title.
- § 90A101. Definitions.
- § 90A102. Importation of Ingestible Tobacco Film Strips, Tobacco Sticks, Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balms, and Nicotine Water to Guam Illegal: Punished.
- § 90A103. Effective Date.

§ 90A100. Title.

This Chapter *shall* be known, and may be cited, as the “Prohibition of Ingestible Tobacco Film Strips, Tobacco Sticks, Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balm, and Nicotine Water.”

§ 90A101. Definitions.

(a) *Distributor* means any person who imports tangible personal property *or* consumable goods and distributes to a retailer for resale.

(b) *Nicotine* means a colorless, oily, water-soluble, highly toxic, liquid alkaloid, C₁₀H₁₄N₂, found in tobacco and valued as an insecticide. Nicotine has powerful pharmacologic effects, including increased heart rate, heart stroke volume, and oxygen consumption by the heart muscle, as well as powerful psychodynamic effects, such as euphoria, increased alertness, and a sense of relaxation. Nicotine is also powerfully addictive.

(c) *Nicotine Lip Balm* means any emollient product infused with any amount of any form of nicotine designed to be used on the lips for the purpose of delivering nicotine into the bloodstream through the mucous membranes.

(d) *Nicotine Lollipop* means any sweetened, dissolvable confection infused with any amount of any form of nicotine, and available as a skewered hard candy, for the purpose of delivering nicotine into the bloodstream.

(e) *Nicotine Water* means any bottled drinking water infused with any amount of any form of nicotine.

(f) *Orbs* means the brand name of a dissolvable lozenge-type product

10 GCA HEALTH AND SAFETY
CH. 90A IMPORTATION AND SALE OF INGESTIBLE TOBACCO

made of finely ground and flavored tobacco that melts in the mouth within thirty (30) minutes.

(g) *Retailer* means the seller of tangible personal property *or* consumable goods for consumption *or* use by the purchaser and *not* for resale.

(h) *Sticks* means the brand name of a dissolvable toothpick-shaped product made of finely ground and flavored tobacco that melts in the mouth within ten (10) minutes.

(i) *Strips* means the brand name of a dissolvable film-like product made of finely ground and flavored tobacco that melts in the mouth within three (3) minutes.

§ 90A102. Importation of Ingestible Tobacco Film Strips, Tobacco Sticks, Tobacco Hard Candies, Nicotine Lollipops, Nicotine Lip Balms, and Nicotine Water to Guam Illegal: Punished.

(a) A person commits a felony when he imports, attempts to import, *or* causes to import ingestible tobacco film strips, tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine water into the territorial jurisdiction of Guam.

(b) Any ingestible tobacco film strips, tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine water in violation of this Section *shall* be subject to seizure and forfeiture.

(1) Any property subject to forfeiture under this Section *shall* be seized by a peace officer, including Guam Customs & Quarantine Officers, upon process issued by the Superior Court, except that seizure without such process may be made when the seizure is incident to an arrest *or* a search under a search warrant *or* an inspection under an administrative inspection warrant; the property subject to seizure has been the subject of a prior judgment in a criminal injunction *or* forfeiture proceeding; *or* the peace officer has probable cause to believe that the property has been used *or* intended to be used in violation of this Section. In the event of a seizure pursuant to this Subsection, proceedings under Subsection (c) *shall* be instituted promptly.

(c) Property taken *or* detained under this Section *shall not* be repleviable, but *shall* be deemed to be in the custody of the government subject only to the orders and decrees of the Court. Whenever property is

10 GCA HEALTH AND SAFETY
CH. 90A IMPORTATION AND SALE OF INGESTIBLE TOBACCO

seized under the provisions of this Section, the government *shall* destroy all ingestible tobacco film strips, tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine water seized and forfeited upon order of the Court.

(d) Any person found guilty of the importation, attempted importation *or* causing the importation of ingestible tobacco film strips, tobacco sticks, tobacco hard candies, nicotine lollipops, nicotine lip balms, and nicotine water to Guam *shall* be guilty of a felony and be subject to imprisonment for *not more than* five (5) years, a fine *not to exceed* Twenty-five Thousand Dollars (\$25,000.00) per incident of importation, *or* both such fine and imprisonment.

§ 90A103. Effective Date.

This Act *shall* take effect ninety (90) days after its enactment.
