



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

July 1, 2016

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

Dear Madame Speaker:

Attached is Bill No. 141-33 (COR), entitled, "*An act to amend subsection (l) of § 6101 of Article 1; § 6302 of Article 3. . . Relative to clarifying the definition of electronic cigarettes and raising the minimum access to tobacco products and electronic cigarettes to twenty-one (21) years; and to cite this act as the 'Youth Protection Act,'*" which I have **VETOED**.

Among other things, Bill 141-33 purports to reduce smoking-related health care costs by delaying tobacco use by young people, especially high school students, until they are older and presumably wiser. Although the bill is well-intentioned on its face, its effect is quite profound and its policy is ultimately vague and unenforceable.


For one thing, nowhere in the bill is any mention made about how its provisions are to be applied to the military bases and to service members. If a military service member between the ages of 18 and 21 years old is found on base to be in possession of tobacco products in violation of Section 6405 of the bill, will that service member have to attend the Government of Guam-sponsored smoking cessation education program that is described in Section 6406? And what about the cost of this program? Will the Legislature be providing any funding for its creation and administration?



The adverse health risks associated with tobacco and smoking are real and not up for debate. What is troubling with Bill 141-33 is that it constitutes a willful intrusion into the personal lives and choices of our citizens. Starting at 18 years old, men and women can serve in the military and die in the battlefield for the rest of us. At age 18, they can also enter into binding and enforceable contracts for any legal purpose whatsoever. Recently, Public Law 33-12 was enacted to allow minors who are as young as 16 years old to pre-register to vote for their elected officials, including voting for the senators of the Legislature. And with court and parental approval, minors *under* the age of 16 years can have a child and obtain a marriage license. [See, 19 G.C.A. § 3202(b)].

Legislation on purely social issues such as whether to raise the smoking age to 21 is the type perhaps best left to the referendum process and not as presented in Bill 141-33. I feel strongly that the government is not a nanny, and the 15 senators who make up the Legislature do not have the prerogative to tell the thousands of Guamanians old enough to give their life in military service, vote, marry, have children, or sign legally binding contracts that they can't buy a pack of cigarettes. As adults, we each have the right to make our own individual life choices, even if that choice is bad for our health. And it's our personal responsibility to live with whatever choice we ultimately make.

Senseramente,



EDDIE BAZA CALVO
Governor of Guam