

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
6-37 (COR)	William A. Parkinson Dwayne T. D. San Nicolas Tina Rose Muñá Barnes	AN ACT TO ADD A NEW ARTICLE 26, CHAPTER 12 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ENDING DISCRIMINATION IN EMPLOYMENT USE OF CANNABIS.	1/13/23 3:46 p.m.	1/13/23	Committee on Health, Land, Justice, and Culture	Request: 1/18/23 2/2/23			Re-Referred Version 2/3/23 3/20/24 As substituted by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs
				2/3/23	Re-Referred: Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs				



## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

March 20, 2024

**To:** Joaquin P. Taitague

Clerk of the Legislature

**Attorney Darleen Hiton**

Legislative Legal Counsel

**From:** Senator Chris Barnett

Chairperson, Committee on Rules

DWB

**Subject:** Bill No. 6-37 (COR), As substituted by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs for processing.

*Håfa Adai yan Biba Guåhan!*

Attached is Bill No. 6-37 (COR), As substituted by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs to be processed and posted on the legislature website for public accessibility.



***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN  
2023 (FIRST) Regular Session***

## Bill No. 6-37 (COR)

As substituted by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs

Introduced by:

William A. Parkinson  
Dwayne T. D San Nicolas  
Tina Rose Muña Barnes

**AN ACT TO ADD A NEW ARTICLE 26, CHAPTER 12 OF  
TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO  
ENDING DISCRIMINATION IN EMPLOYMENT USE OF  
CANNABIS.**

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

**Section 1.** A new Article 26 is *added* to Chapter 12 of Title 10, Guam Code Annotated, to read:

## “Article 26

## **Responsible Cannabis User Employment Protection Act**

## §122601. Short Title.

This Act shall be called the “Responsible Cannabis User Employment Protection Act”

## §122602. Discrimination in employment: Use of Cannabis.

10       (a) It is unlawful for an employer to discriminate against a person in hiring,  
11 termination, or any term or condition of employment, or otherwise penalizing a  
12 person, if the discrimination is based upon any of the following:

13                   (1) The person's use of cannabis off the job and away from the  
14 workplace. This paragraph does not prohibit an employer from discriminating  
15 in hiring, or any term or condition of employment, or otherwise penalize a  
16 person based on scientifically valid preemployment drug screening conducted  
17 through methods that do not screen for nonpsychoactive cannabis metabolites.

18                   (2) An employer-required drug screening test that has found the  
19 person to have nonpsychoactive cannabis metabolites in their hair, blood,  
20 urine, or other bodily fluids.

21                   (b) Nothing in this Act permits an employee to possess, to be impaired by,  
22 or to use, cannabis on the job, or affects the rights or obligations of an employer to  
23 maintain a drug- and alcohol-free workplace, or any other rights or obligations of an  
24 employer specified by federal law or regulation.

25                   (c) This Act does not apply to an employee in the building and construction  
26 trades.

27                   (d) This Act does not apply to applicants or employees hired for positions  
28 that require a federal government background investigation or security clearance in  
29 accordance with regulations issued by the United States Department of Defense  
30 pursuant to Part 117 of Title 32 of the Code of Federal Regulations, or equivalent  
31 regulations applicable to other agencies.

32                   (e) This Act does not preempt state or federal laws requiring applicants or  
33 employees to be tested for controlled substances, including laws and regulations  
34 requiring applicants or employees to be tested, or the manner in which they are  
35 tested, as a condition of employment, receiving federal funding or federal licensing-  
36 related benefits, or entering into a federal contract.

37                   **Section 2. Effective date.** This Act shall be effective upon enactment.

38                   **Section 3. Severability.** If any provision of this Act or its application to

39 any person or circumstance is found to be invalid or inorganic, such invalidity shall  
40 not affect other provisions or applications of this Act that can be given effect without  
41 the invalid provision or application, and to this end the provisions of this Act is  
42 severable.