



ISLAND OF GUAM
OFFICE OF THE GOVERNOR
HAGATNA, GUAM 96932
U.S.A.

EXECUTIVE ORDER NO. 2025-03

**RELATIVE TO UPDATING THE GOVERNMENT OF GUAM'S
COMPREHENSIVE DRUG FREE WORKPLACE POLICY
TO REFLECT CHANGES IN GUAM LAW**

WHEREAS, on December 6, 1995, Governor Carl T.C. Gutierrez issued Executive Order No. 95-29, which adopted and promulgated a comprehensive drug free workplace policy developed for the Government of Guam. The policy included mandatory drug testing as a condition of employment and random drug testing for designated positions; and

WHEREAS, on April 4, 2019, I signed Public Law No. 35-5 into law. Among other things, P.L. 35-5 declassified cannabis as a controlled substance under Guam law, effectively decriminalizing the use and possession of cannabis in Guam; and

WHEREAS, on April 4, 2019, I also issued Executive Order No. 2019-11, which affirmed the application of the Drug-Free Workplace Policy adopted in E.O. 95-29 notwithstanding the enactment of P.L. 35-5. E.O. 2019-11 further instructed the Department of Administration to undertake a review of its policy, with input from the Guam Behavioral Health and Wellness Center, the Department of Public Health and Social Services, the Department of Integrated Services for Individuals with Disabilities, and the Guam Veterans Office, and to make recommendations for amendment to the policy; and

WHEREAS, on July 22, 2024, Public Law No. 37-119, the "Responsible Cannabis Users Employment Protection Act," lapsed into law. P.L. 37-119 generally prohibits employers from discriminating against or penalizing employees for using cannabis away from the workplace, and places specific limitations on employment-related testing in Guam; and

WHEREAS, noting these significant changes in Guam law since the Drug Free Workplace Policy was adopted nearly 30 years ago, and upon the recommendation of the Department of Administration, I believe it is appropriate at this time to update the policy consistent with the changes in Guam law; and

WHEREAS, notwithstanding the enactment of laws decriminalizing cannabis use, like alcohol and certain other legal substances, cannabis continues to be an intoxicating substance that may impair the ability of employees to perform their duties, or create safety hazards for the public and employees of the Government of Guam if used in the workplace; and



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WHEREAS, accordingly, the new Drug Free Workplace Policy will continue to expressly prohibit the use of intoxicating or hallucinogenic substances, including cannabis, in any Government of Guam work site; and

WHEREAS, the new Drug Free Workplace Policy shall additionally authorize post-employment drug testing for the use of intoxicating or hallucinogenic substances to ensure employees are not under the influence of such substances during work; and

WHEREAS, the new Drug Free Workplace Policy will continue to prohibit the use of all controlled substances, and authorize and require drug testing for these substances.

NOW THEREFORE, I, LOURDES A. LEON GERERRO, *Maga'hagan Guahan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do **ORDER** as follows:

- 1. DEVELOPMENT OF NEW DRUG FREE WORKPLACE POLICY.** The Department of Administration ("DOA") shall undertake a comprehensive review of its existing Government of Guam Drug Free Workplace Policy, and develop and draft a new Drug Free Workplace Policy to comply with existing Guam law and this Executive Order. The new Drug Free Workplace Policy shall be submitted to the Governor for approval within 180 days of the issuance of this Executive Order.
- 2. ADMINISTRATION OF DRUG FREE WORKPLACE PROGRAM.**
 - a. The Director of the DOA shall have full responsibility for implementation of the Drug Free Workplace Policy and the administration and enforcement of the Government of Guam Drug Free Workplace Program.
 - b. Autonomous agencies and agencies outside the personnel jurisdiction of the DOA shall coordinate drug testing, treatment and rehabilitation of employees with DOA through Memorandums of Understanding ("MOU") with the DOA. Such agencies shall be responsible for all fees associated with such actions undertaken by DOA pursuant to such MOUs.
 - c. The new Drug Free Workplace shall include the following requirements:
 - i. Pre-employment drug testing shall be conducted for all controlled substances listed in Appendix A - E of Chapter 67 of Title 9, Guam Code Annotated, also known as the Guam Uniform Controlled Substances Act.



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- ii. Testing-designated positions may be randomly tested for all controlled substances listed in Appendix A - E of Chapter 67 of Title 9, Guam Code Annotated.
 - iii. Any employee may be tested based on probable cause for the presence of alcohol and the psychoactive metabolites of cannabis consistent with Article 26, Chapter 12, Title 10, Guam Code Annotated.
 - iv. Possession of any controlled, intoxicating or hallucinogenic substance in any government of Guam office or workplace shall be strictly prohibited.
 - v. Use of any controlled, intoxicating or hallucinogenic substances by government of Guam Employees while on duty shall be strictly prohibited, regardless of their job position or duties.
3. **RESCISSION OF PRIOR EXECUTIVE ORDERS.** Executive Orders 95-29, 2005-18 and 2019-11 shall be rescinded in their entirety upon the Governor's approval of the new Drug Free Workplace Policy.
4. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.
5. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this **18th** day of **February**, 2025.

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lieutenant Governor of Guam