

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

38GL-25-0754
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

Transmitted via Email to: speakerblas@guamlegislature.org

June 17, 2025

JUN 17 2025

Time: 4:44 pm
Received: [Signature]

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 121-38 (COR), "AN ACT TO AMEND § 54B102 OF CHAPTER 54B, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING FOR FURTHER EXEMPTIONS TO THE "CHOOSE TO REUSE: MUNGNGA MA AYEK I PLASTEK ACT OF 2018."

Håfa Adai Mr. Speaker,

Bill No. 121-38 examines the significance in reinforcing brand identity, aligning with global retail standards, and ensuring Guam remains a competitive force in the international market. Legislative findings highlight similar exemptions to plastic bag bans in other environmentally-forward jurisdictions, ensuring Guam remains an attractive destination for high-end shoppers. By aligning local businesses with global luxury retail standards, this measure reinforces Guam's reputation as a premier shopping hub while supporting economic growth. Luxury retailers in Guam rely on branded paper shopping bags not just as packaging, but as a key element of the customer experience.

While this Act provides necessary relief for an important sector, our dedication to sustainability remains steadfast. Exemptions alone do not define our environmental future. I urge Guam's business community to take proactive steps in continuing to develop innovative, eco-conscious solutions that align with our long-term sustainability goals. Economic prosperity must not come at the expense of ecological integrity; we must strike a thoughtful balance between adaptability and sustainability.

Commitment to sustainable practices is not just a policy, it is a core value of our administration, shaping every initiative we undertake. From safeguarding our coral reefs to preserving our island's diverse ecosystems, we recognize that conservation is an investment in our future. Through collaboration and forward-thinking policies, we must continue working to protect Guam's natural beauty and biodiversity for generations to come.

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: June 17, 2025
Re: Bill No. 121-38 (COR)

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At the same time, we must also strengthen Guam's economic resilience, especially as we navigate the challenges of global recovery. A thriving tourism industry remains central to our economy, making it essential to enhance our competitive edge while maintaining sustainability. By fostering collaboration between economic growth and environmental responsibility, we can ensure Guam's future is both prosperous and sustainable.

Luxury retailers are one of the many key contributors to this vision, shaping consumer expectations and reinforcing Guam's position in the global market. Their loyalty to quality and consumer experience extends beyond their products, shaping how they package and present them. Branded paper shopping bags should not be viewed solely as a business necessity, but as an opportunity to embrace responsible practices that align with Guam's long-term sustainability goals.

By adopting sustainable materials, reducing unnecessary waste, and exploring innovative packaging solutions, businesses can contribute to our economy's goal that minimizes environmental impact. The shift toward eco-friendly alternatives does not diminish brand identity; rather, it strengthens a company's reputation as a sustainable business. Guam's natural beauty is a major draw for international visitors, and ensuring that every aspect of the shopping experience reflects a commitment to its preservation enhances not just economic viability, but our island's global image as an environmentally conscious destination.

For these reasons, I sign Bill No. 121-38 (COR) into law as ***Public Law No. 38-28***.

Senseramente,



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

Enclosure(s): Bill No. 121-38 (COR) nka P.L. 38-28
cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws



38GL-25-0754

Messages and Communications

RECEIVED

COMMITTEE ON RULES

June 18, 2025

2:32 p.m.

Kamarin Nelson

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 121-38 (COR)**, "AN ACT TO *AMEND* § 54B102 OF CHAPTER 54B, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING FOR FURTHER EXEMPTIONS TO THE 'CHOOSE TO REUSE: *MUNGNGA MA AYEK I PLASTEK* ACT OF 2018'," was on the 3rd day of June 2025, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of June, 2025, at 4:56 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/17/2025

Public Law No. 38-28

2025-23864

OFFICE OF THE GOVERNOR
CENTRAL FILES OFFICE

Rec'd By: _____
Date: _____ Time: _____

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 121-38 (COR)

As amended on the Floor.

Introduced by:

Jesse A. Lujan
Christopher M. Dueñas
Vincent A.V. Borja
V. Anthony Ada
Shelly V. Calvo
Tina Rose Muña Barnes
Sabrina Salas Matanane
Joe S. San Agustin
Eulogio Shawn Gumataotao
Frank F. Blas Jr.
Chris Barnett
William A. Parkinson
Telo T. Taitague
Therese M. Terlaje

AN ACT TO AMEND § 54B102 OF CHAPTER 54B, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING FOR FURTHER EXEMPTIONS TO THE “CHOOSE TO REUSE: MUNGNGA MA AYEK I PLASTEK ACT OF 2018.”

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that through Public Hearings for Bill 245-36, which was signed into law as P.L. 26-
4 98, luxury retail stakeholders catered to Guam’s tourism market had requested for
5 exemptions to the eligible entities that may continue to provide paper bags for niche
6 markets and commodities. While the committee report for Bill 245-36 states that

1 luxury retail establishments requested for an exemption, this request for exemption
2 was further reiterated in the committee recommendations but were never
3 incorporated. Through testimony provided to *I Liheslatura*, luxury retailers stated
4 that “*The Guam paper shopping bag ban is unique in the United States. California,*
5 *considered the leader in environmental legislation, does not ban paper shopping*
6 *bags of luxury retailers.*” Furthermore, the report states “*The reason that paper*
7 *shopping bags for luxury products are properly excepted from a ban is because the*
8 *shopping bag for luxury products is an integral part of the store's trademark and*
9 *service mark branding.*”

10 The report also states “*Proper presentation, particularly product presentation*
11 *in a branded shopping bag, is extremely important to Asian visitors and in Asian*
12 *gift-giving culture. It is critical for Guam-based luxury retailers to maintain brand*
13 *international tourists; particularly as Asian economies relax travel restrictions*
14 *imposed during the pandemic. Banning luxury paper shopping bags will discourage*
15 *sales of luxury products in Guam, with resultant adverse effects on Guam economic*
16 *activity and business gross receipts tax revenues.*” Testimony provided in the report
17 concludes that “*International visitors to Guam are 90% of the market compared to*
18 *locals, therefore the large majority of the luxury shopping bags are exported from*
19 *Guam. International visitors to Guam shopping at luxury boutiques and stores,*
20 *unlike local purchasers, will tend not to carry non-paper reusable carryout bags*
21 *with them. They would have to be provided, or buy, such non-paper reusable bags*
22 *for purchases. Substitution of reusable, non-paper bags for paper shopping bags*
23 *under these circumstances is likely to have an adverse, rather than beneficial,*
24 *environmental impact.*”

25 In an effort to restore Destination Guam as a world-class tourism destination
26 for international visitors, *I Liheslaturan Guåhan* aims to provide the requested

1 exemptions that were not incorporated to accommodate Guam’s luxury retail
2 industry.

3 **Section 2.** §54B102 of Chapter 54B, Title 10, Guam Code Annotated, is
4 *amended* to read:

5 **“§ 54B102. Definitions.**

6 For the purposes of this Chapter:

7 (a) ‘Agency’ means the Guam Environmental Protection Agency;

8 (b) ‘disposable carryout bag’ means any bag that is provided to a
9 consumer by a retail or wholesale establishment at the point of sale to carry
10 purchases. A disposable carryout bag shall not include any of the following:

11 (1) a bag provided to the consumer for use in a retail or
12 wholesale establishment to package bulk items, such as fruits,
13 vegetables, nuts, grains, candy, meats, poultry, or fish;

14 (2) a bag provided to the consumer for use in a retail or
15 wholesale establishment to package small hardware items;

16 (3) a bag to contain or wrap flowers, potted plants, or other
17 items where dampness may be a problem;

18 (4) a bag to contain non-prepackaged food items or bakery
19 goods;

20 (5) a bag provided by a pharmacy to carry prescription drugs;

21 (6) a bag used for newspapers;

22 (7) a bag used for laundry dry-cleaning;

23 (8) bags sold in packages containing multiple bags intended
24 for garbage, pet waste, or yard waste;

25 (9) a bag used to package and secure fragile merchandise;

26 (10) a bag used to help insulate frozen items; or

27 (11) a reusable carryout bag as defined by this Chapter; and

1 (12) a branded bag. For purposes of this section, a branded bag
2 means any paper bag used by a retailer that displays the name, logo,
3 trademark or other marks of distinction of the manufacturer or retailers
4 of the product sold.

5 (c) 'reusable carryout bag' means a bag specifically designed and
6 manufactured for multiple reuse, and is made of cloth, fiber, or other machine
7 washable fabric;

8 (d) 'retail establishment' means any entity that engages in the
9 business of selling tangible property to others for consumption or use by the
10 purchaser, and not for resale;

11 (e) 'wholesale establishment' means any entity that engages in the
12 business of selling tangible property for the purpose of resale."

13 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.