

12 GCA AUTONOMOUS AGENCIES
CH. 50 GUAM ECONOMIC DEVELOPMENT AND COMMERCE AUTHORITY

~~(2) provide for a fifteen (15) day question period, Saturday, Sunday, and government holidays excepted, commencing from the date of publication, for requested clarification(s) on the RFI from interested parties/potential respondents;~~

~~(3) provide a thirty (30) day period, Saturday, Sunday, and government holidays excepted, after the close of the question period for submission to the RFI by respondents;~~

~~(3) compilation by GEDA of the RFI submissions by respondents; and~~

~~(4) transmittal of the RFI compilation/results from GEDA to *I Magsa'lahen Guåhan* and *I Liheslaturan Guåhan* no more than thirty days (30) days after the receipt of information to the RFI.~~

~~SOURCE: Added by P.L. 33-143:2 (Apr. 12, 2016) as 12 GCA Chapter 68A. Renumbered to this section by the Compiler pursuant to authority granted by 1 GCA § 1606.~~

ARTICLE 2
GUAM PRODUCT SEAL

SOURCE: This Article was added by P.L. 26-76:38 as part of the transfer of the Department of Commerce activities to GEDCA.

- § 50201. Seal Created.
- § 50202. Administration.
- § 50203. Guam Product Seal Fund.
- § 50204. Responsibilities.
- § 50205. Definitions.
- § 50206. Eligibility.
- § 50207. Violations.
- § 50208. Fines.
- § 50209. Recovery of Merchandise.
- § 50210. Penalty.
- § 50211. Collection.

§ 50201. Seal Created.

There is created a Guam Product Seal to identify products manufactured on Guam.

§ 50202. Administration.

The Guam Economic Development and Commerce Authority (‘Authority’) shall administer the provisions of this Chapter and shall promulgate rules and regulations, in accordance with the Administrative Adjudication Law, to carry out the purposes of this Chapter.

§ 50203. Guam Product Seal Fund.

There is established a fund to be known as the Guam Product Seal Fund, which shall be maintained separate and apart from any other funds of the government of Guam. Independent records and accounts shall be maintained in connection therewith. Funds of the Guam Product Seal Fund shall be used exclusively for the administration and operations of the Guam Product Seal Program. All funds collected from fees, charges or fines levied pursuant to this Chapter shall be deposited into the Guam Product Seal Fund.

§ 50204. Responsibilities.

The Authority shall:

(a) develop, or have developed, a design for the Guam Product Seal;

(b) assess the local value added in the production processes of manufacturers applying for permission to place the seal upon their products;

(c) issue permits for use of the seal to eligible applicants;

(d) ensure ongoing compliance with the eligibility requirements by all manufacturers who have been issued permits;

(e) conduct field investigations of products bearing the seal, both on its own initiative and in response to information and complaints received from the public;

(f) levy fines on manufacturers, importers, distributors and retailers found to be in violation of this Chapter;

(g) transmit information regarding the levy of fines to the Department of Revenue and Taxation; and

(h) take appropriate steps to notify businesses about the requirements of this Chapter.

§ 50205. Definitions.

For purposes of this Chapter:

(a) ‘Value added’ shall be the difference between the wholesale price of the product, if sold at wholesale, or the retail price of the product, if sold directly by the manufacturer, and the sum of both the total landed cost of all material components of the product that have been brought into Guam and the total landed cost of materials, excluding machinery used in the production process that have been brought into Guam.

(b) ‘Substantial transformation’ shall mean the conversion of commodities into products of a different and distinguishable commercial use or character.

(c) “Article” shall mean the commodity or product in a package or container that is available for purchase by the consumer.

(d) “Perishable consumer commodity” shall mean an article packaged and offered for consumption as a food product or for use by individuals for the purpose of personal care or in the performance of services ordinarily rendered in or about the household in connection with personal possessions; and is intended to have a limited shelf life, including, but not limited to, articles such as baked goods, dairy products, cut or dried flowers, fruits, vegetables and meats; coffee, candies, cookies, jams, jellies, juices, oils, nuts, or such similar products.

(e) “Standard Labeling Practices” shall be defined by the most current rules and regulations that have been established by the United States Food and Drug Administration relative to General Food Labeling Requirements.

(f) “Permanent” refers to the print on the article’s packaging or container designed to remain until received by the end user or ultimate purchaser at the point of sale in a retail establishment.

(g) “Legible” shall mean markings which are clearly identified and which can be read without strain.

(h) “Conspicuous” shall be reflected by markings which appear on the article’s packaging or container in a place which is readily accessible, and where the marking noting the product’s origin can be found upon casual examination.

SOURCE: Subsections (c) through (h) added by P.L. 31-136:2 (Nov. 17, 2011), effective no later than (280) days after enactment into law, pursuant to P.L. 31-

12 GCA AUTONOMOUS AGENCIES
CH. 50 GUAM ECONOMIC DEVELOPMENT AND COMMERCE AUTHORITY

136:4 and further extended to March 17, 2013, pursuant to P.L.31-233:XII:21 (Sept. 7, 2012).

§ 50206. Eligibility.

The Guam Product Seal may be used only on a product manufactured on Guam that results from a substantial transformation of the materials used in the creation of the product and for which a minimum of fifty percent (50%) of the value of the product has been added on Guam. To obtain a permit to use the seal, a manufacturer must apply to the Authority. A permit to use the Guam Product Seal shall be effective for one (1) year.

§ 50207. Violations.

(a) It shall be unlawful for any business to place a Guam Product Seal on a product if the business does not have a current permit allowing the product to have such a seal.

(b) It shall be unlawful for any business establishment to state or imply in an advertisement or display of any type, including packaging, that a manufactured product is made on Guam if the product does not have a Guam Product Seal on it.

(c) It shall be unlawful for persons or any retail store, wholesaler, manufacturer, importer, distributor or business establishment to sell a any article(s) offered as a perishable consumer commodity that has the word “Guam” or “Chamorro,” or a derivation of such words, on the packaging of the product, if such product was not manufactured in Guam, unless the place where the product was manufactured is clearly and permanently labeled on the product.

(d) Any use of the word “Guam” or “Chamorro,” or a derivation of such words, on the exterior packaging of perishable consumable commodities at the point of sale, if such product was not manufactured in Guam or if the product is not a registered commodity under the Guam Product Seal Permit, shall have the phrase, “Made in . . .,” or “Product of . . .,” followed by the country of origin, clearly labeled on the package or container of an article, e.g. “Made in U.S.A.,” “Made in China”, “Made in Philippines”, etc; or “Product of the U.S.A.,” “Product of China”, “Product of the Philippines”, etc.

(e) The “Made in . . .” or “Product of . . .” phrase shall be included on the packaging or container of an article in legible and permanent print located in the front of the article’s package. Such words and fonts shall

12 GCA AUTONOMOUS AGENCIES
CH. 50 GUAM ECONOMIC DEVELOPMENT AND COMMERCE AUTHORITY

be equal in length, and no less than half the width in approximate size of the word “Guam” or “Chamorro,” or any derivatives used, and shall be conspicuous and legible to the average consumer.

(f) The origin of the article shall also be included in the back or side of the packaging in conformance with standard labeling practices.

SOURCE: Subsection (c) amended by P.L. 31-136:3 (Nov. 17, 2011), effective no later than (280) days after enactment into law, pursuant to P.L. 31-136:4 and further extended to March 17, 2013, pursuant to P.L.31-233:XII:21 (Sept. 7, 2012). Subsections (d), (e) and (f) added by P.L. 31-136:3 (Nov. 17, 2011), effective no later than (280) days after enactment into law, pursuant to P.L. 31-136:4 and further extended to March 17, 2013, pursuant to P.L.31-233:XII:21 (Sept. 7, 2012).

§ 50208. Fines.

For each violation of Subsection (a) of § 50207 of this Chapter, the Authority shall levy a fine against the firm in an amount equal to or greater than Two Thousand Five Hundred Dollars (\$2,500.00), but not to exceed Five Thousand Dollars (\$5,000.00) per type of product. For each violation of § 50207(b) or (c) of this Chapter, the Authority shall levy a fine against the firm in an amount equal to or greater than Five Hundred Dollars (\$500.00), but not to exceed Two Thousand Dollars (\$2,000.00) per type of product. Separate fines shall be levied each separate time a business is found to have violated § 50207 of this Chapter. Such fines shall be payable to the Department of Revenue and Taxation and shall be credited to the Guam Product Seal Fund.

§ 50209. Recovery of Merchandise.

In the case of any violation of § 50207(a) of this Chapter, the Authority shall order the firm to recover from wholesalers and retailers and to take off the market all products sold with a Guam Product Seal for which the firm did not have a permit when the seal was placed upon the product.

§ 50210. Penalty.

(a) The Department of Revenue and Taxation shall revoke the business license of any firm if, after a hearing, it determines that the firm:

(1) failed to pay a fine levied pursuant to § 50208 of this Chapter within ninety (90) days after the fine was levied; or

12 GCA AUTONOMOUS AGENCIES
CH. 50 GUAM ECONOMIC DEVELOPMENT AND COMMERCE AUTHORITY

(2) failed to recover merchandise in accordance with an order issued pursuant to § 50209 of this Chapter within ninety (90) days after the order was issued.

(b) The Department of Revenue and Taxation shall not renew the business license of any business if the business has not paid a fine levied pursuant to this Chapter.

§ 50211. Collection.

The Department of Revenue and Taxation is responsible for the collection of all fines levied by the Authority pursuant to § 50208 of this Chapter.

~~ARTICLE 3
GUAM ROAD CONSTRUCTION MITIGATION
GRANT AND LOAN GUARANTEE PROGRAM~~

~~SOURCE: Article 3 added by P.L. 31-013:2 (Mar. 30, 2011).~~

~~2011 NOTE: Article 3 was formerly entitled "Public Market" which was repealed by P.L. 28-068:IV:54 (Sept. 30, 2005).~~

- ~~§ 50301. Establishment.~~
- ~~§ 50302. Definitions.~~
- ~~§ 50303. Administration.~~
- ~~§ 50304. Eligibility.~~
- ~~§ 50305. Applications.~~
- ~~§ 50306. Application for Program Grants.~~
- ~~§ 50307. Application for Program Loans.~~
- ~~§ 50308. Appeal.~~
- ~~§ 50309. Funding.~~
- ~~§ 50310. Fund Distribution.~~
- ~~§ 50311. Same.~~

~~**§ 50301. Establishment.**~~

~~The Guam Economic Development Authority (GEDA) shall develop, implement, and administer the Government of Guam Mitigation Program for Business Interruption to make grants, loans, or a~~