

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 71-9

IMPLEMENTATION OF P.L. 10-194 - THE UNIFORM
CONTROLLED DANGEROUS SUBSTANCES ACT

WHEREAS, P.L. 10-194 delegates certain enforcement and administrative functions relating to Drug Control to me; and

WHEREAS, the Legislature intended that these functions be delegated to certain Departments within the Executive Branch; and,

WHEREAS, the delegations of these functions will result in a more efficient and expedient enforcement and administration of this law;

NOW, THEREFORE, I, Carlos G. Camacho, Governor of Guam, by virtue of the authority vested in me by Section 6 of the Organic Act of Guam and in conformance with the requirements of P.L. 10-194 do hereby designate the following enforcement and administrative functions as follows:

P.L. 10-194, ARTICLE II

(1) As to Sections 626.1(a)(b), these functions are hereby delegated to the Director of Public Health and Social Services.

(2) As to Section 626.1(c), this Section shall be administered by the Director of Public Health and Social Services except that with respect to any hearing provided for by this Section only, the decision in any such hearing shall not be final until approved by the Governor.

(3) As to Section 626.2, all functions contained therein are delegated to the Director of Public Health and Social Services.

P.L. 10-194, ARTICLE III

(4) As to Section 626.3, this function is delegated to the Director of Public Health and Social Services.

(5) As to Section 626.5(a) and (c), all the functions contained therein are delegated to the Director of Public Health and Social Services.

(6) As to Section 625.5(d), the Director of Public Health and Social Services may issue for a period not to exceed three (3) months, a registration to any applicant upon proof satisfactory to him that the applicant comes within the provisions of Section 625.5(d). Thereafter all applicants shall be registered in accordance to the provisions of P. L. 10-194 and the rules and regulations established pursuant to this Order.

(7) As to this Section 626.6, the Director of Public Health and Social Services is delegated the Authority to suspend, revoke or deny a registration, provided, however, that any such revocation or suspension be issued pursuant to the provisions of P. L. 10-194 and any rules and regulations issued pursuant to this Order. Provided further that all registrants shall be entitled to a hearing pursuant to the Administrative Adjudication Act except in those instances that fall within the provisions of Section 626.6(d), and further provided that the Director shall establish a review board to consist of not less than three (3) nor more than nine (9) persons to hear all cases involving the suspension or revocation of a registration.

(8) As to Section 626.9(a), the Director of Public Health and Social Services shall establish the regulations necessary to implement this Section.

P. L. 10-194, ARTICLE V

(9) As to Section 626.18, these powers and functions are jointly and severally delegated to the Director of Public Health and Social Services and the Director of Public Safety, who shall cooperate to the fullest extent in carrying out their joint responsibilities.

(10) All applications for warrants issued pursuant to Section 626.19 and 626.20 shall first be referred to the Attorney General for his approval. Provided, however, that prior referral and approval shall not be necessary in those instances that fall within the provisions of Section 626.20(b)(4).

(11) As to Section 626.22, this function is delegated to the Director of Public Health and Social Services, provided, however, that the Director shall provide the Director of Public Safety with all information relating to enforcement matters and provided further that the Director of Public Safety is authorized to enter into any arrangement mentioned by Section 626.22 that relate to his primary responsibilities as Director of Public Safety.

(12) As to Section 626.23, the Director of Public Health and Social Services and the Director of Public Safety are jointly and severally authorized to seize all property subject to forfeiture under this Act and to enforce and administer all other provisions. Provided, however, that all such seizures shall be made only with the prior approval of the Attorney General except in those instances covered by Section 626.23(b)(1), (2), (3) and (4).

(13) As to Section 626.26(a) and (b), the powers and duties contained therein are delegated to the Director of Public Health and Social Services, the Director of Public Safety and the Director of Education and the President of the University of Guam.

(14) As to Section 626.26(c) and (d), the powers and functions of Section 626.26(c) and (d) are delegated to the Attorney General.

GENERAL PROVISIONS

(15) Interim Provisions: As an interim measure all functions delegated to the Director of Public Health and Social Services, are hereby delegated to the Director of Revenue and Taxation for a period not to exceed three months.

(16) Transfer of Functions: The Director of Revenue and Taxation shall within the three (3) month period stipulated in (15) infra, transfer all functions which he is administering as an interim measure to the Director of Public Health and Social Services.

(17) Transfer of Records: The Director of Revenue and Taxation shall at the conclusion of his interim administration transfer all records, order forms and other material relating to the administration of this Act to the Director of Public Health and Social Services.

(18) Training of Personnel: The Director of Revenue and Taxation shall cooperate with the Director of Public Health and Social Services in establishing a training program for personnel within the Department of Public Health and Social Services so as to enable them to properly assume their functions at the conclusion of the interim measure.

(19) Rules and Regulations: The Director of Public Health and Social Services shall within forty-five (45) days following the effective date of this Order, submit to the Attorney General all rules and regulations necessary for the proper implementations of the functions delegated to him. The Attorney General shall review the proposed rules and regulations as to form and legal sufficiency. All rules and regulations issued pursuant to this Order shall be issued pursuant to Title XXV, Chapter III of the Government Code of Guam.

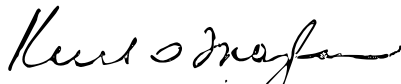
(20) Rules and Regulations; effective date: The Rules and Regulations mentioned in 19 infra, shall be effective as of the conclusion of the Director of Revenue and Taxation's interim administration.

(21) Effective date of Order: This Order shall, pursuant to the applicable provision of P. L. 10-194, be effective on April 1, 1971.

Dated at Agana, Guam, this 5th day of April,
1971.


CARLOS G. CAMACHO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lieutenant Governor of Guam