

TERRITORY OF GUAM

OFFICE OF THE GOVERNOR

AGAÑA, GUAM 96910

U. S. A.

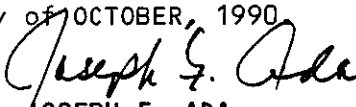
EXECUTIVE ORDER NO. 90-23

RELATIVE TO ENFORCEMENT OF THE GUAM FOOD,
DRUG AND COSMETIC ACT REGARDING THE IMPORTATION
OF ADULTERATED, MISBRANDED AND CONTAMINATED
FOODS, DRUGS AND COSMETICS


- WHEREAS, on the 8th day of August, 1974, Executive Order No. 74-29, authorized Customs and Quarantine Officers of the Customs and Quarantine Division, Department of Commerce to assist the Department of Public Health and Social Services in enforcing the import provisions of the Federal Food, Drug and Cosmetic Act; and
- WHEREAS, Executive Order No. 74-29 was promulgated at a time of unprecedented economic growth combined with increased importation of food, drugs and cosmetics of unknown quality and there was no local statute to protect the vested interests of our citizens; and
- WHEREAS, on the 3rd day of April 1976, the Thirteenth Guam Legislature enacted Public Law 13-143, now codified as 10 Guam Code Annotated Chapter 40, Section 40101 through 40129, and known as the Guam Food, Drug and Cosmetic Act; and
- WHEREAS, on the 19th day of October, 1990, the Superior Court of Guam rendered a decision that the local law, 10 Guam Code Annotated Chapter 40, Sections 40101 through 40129, is the controlling authority for the importation of adulterated food, and that Executive Order No. 74-29 is no longer applicable; and
- WHEREAS, the Guam Food, Drug and Cosmetic Act is comprehensive and will protect the interest of our citizens.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act, do hereby order that effective immediately, Executive Order 74-29 is repealed, and that the Customs and Quarantine Officers of the Customs and Quarantine Division, Department of Commerce, as well as the Department of Public Health and Social Services, will henceforth enforce the Guam Food, Drug and Cosmetic Act. This order also authorizes the Department of Public Health and Social Services to immediately return any and all food, drugs and cosmetics seized since June 29, 1990 to the rightful owner, unless the Guam Food, Drug and Cosmetic Act requires otherwise.

SIGNED AND PROMULGATED this 31st day of OCTOBER, 1990


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:



FRANK F. BLAS
Lieutenant Governor of Guam

OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 74-29

RECEIVED
AUG 5 1974

ATTORNEY GENERAL'S OFFICE

"AUTHORIZATION TO CUSTOMS AND QUARANTINE OFFICERS OF THE
CUSTOMS AND QUARANTINE DIVISION, DEPARTMENT OF COMMERCE
TO ASSIST IN THE ENFORCEMENT OF THE IMPORT PROVISIONS OF
THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE DEPARTMENT
OF PUBLIC HEALTH AND SOCIAL SERVICES"

WHEREAS, GUAM had undergone unprecedented rapid economic growth in the
past decade; and

WHEREAS, concomitant with this rapid economic growth Guam has experienced
increased importation of food, drugs, cosmetics, devices, the quality of which
is unknown; and

WHEREAS, the Department of Public Health and Social Services has been
commissioned by the U. S. Department of Health, Education, and Welfare to enforce
the Federal Food, Drug, and Cosmetic Act in the absence of local laws; and

WHEREAS, the United States Customs plays an important role in conjunction
with the U. S. Department of Health, Education, and Welfare in enforcing the
import provision of the Federal Food, Drug, and Cosmetic Act (Section 801); and

WHEREAS, Guam is excluded from the United States Customs jurisdiction;

NOW THEREFORE, I, Carlos G. Canacho, Governor of Guam by virtue of the
authority vested in me by the Organic Act of Guam authorize Customs and
Quarantine officers of the Customs and Quarantine Division, Department of Commerce
to assist the Department of Public Health and Social Services in enforcing the
import provisions of the Federal Food, Drug, and Cosmetic Act by detaining food,
drugs, cosmetics, and devices imported or offered for import into Guam as
requested by the Department of Public Health and Social Services.

Dated this 8th day of August, 1974.

CARLOS G. CANACHO
Governor of Guam

COUNTERSIGNED:

KURT S. HOYLAN
Lieutenant Governor of Guam