

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
291-36 (LS)	Telena Cruz Nelson Christopher M. Dueñas Amanda L. Shelton V. Anthony Ada Frank Blas, Jr.	AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ABORTION, INCLUDING ABORTIONS AFTER DETECTION OF AN UNBORN CHILD'S HEARTBEAT; AUTHORIZING A PRIVATE CIVIL RIGHT OF ACTION.	4/8/22 8:32 a.m.	4/8/22	Committee on Health, Land, Justice, and Culture			Request: 4/11/22 4/20/22	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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April 20, 2022

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Vice Speaker Tina Rose Muña Barnes
Chairperson, Committee on Rules

Re: Fiscal Notes on Bill Nos. 290-36 (LS) and 291-36 (LS)

Håfa adai,

Attached, please find the fiscal notes for the following bills:

Bill No. 290-36 (LS)

Bill No. 291-36 (LS)

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



Bureau of Budget & Management Research

Fiscal Note of Bill No. 291-36 (LS)

AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ABORTION, INCLUDING ABORTIONS AFTER DETECTION OF AN UNBORN CHILD'S HEARTBEAT; AUTHORIZING A PRIVATE CIVIL RIGHT OF ACTION.

Department/Agency Appropriation Information

Dept./Agency Affected: Office of the Attorney General	Dept./Agency Head: Leevin Camacho, Attorney General
Department's General Fund (GF) appropriation(s) to date:	\$14,872,009
Department's Other Fund appropriation(s) to date:	\$0
Total Department/Agency Appropriation(s) to date:	\$14,872,009

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 Appro. (P.L. 36-54 thru)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Fund	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- | | | |
|---|------------|----------|
| 1. Does the bill contain "revenue generating" provisions? | / / Yes | / X / No |
| If Yes, see attachment | | |
| 2. Is amount appropriated adequate to fund the intent of the appropriation? | / X / N/A | / / Yes |
| If no, what is the additional amount required? \$ _____ | / X / N/A | / / No |
| 3. Does the Bill establish a new program/agency? | / / Yes | / X / No |
| If yes, will the program duplicate existing programs/agencies? | / X / N/A | / / Yes |
| Is there a federal mandate to establish the program/agency? | / / Yes | / X / No |
| 4. Will the enactment of this Bill require new physical facilities? | / / Yes | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: | / / Yes | / X / No |
| / X / Requested agency comments not received by due date | / / Other: | |

Analyst: <u>Tyler Bautista</u>	Date: <u>04/18/2022</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>APR 20 2022</u>
Tyler Bautista, BMA I		Lester L. Carlson, Jr., Director	

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 291-36 (LS)

The proposed legislation intends to *add* a new Chapter 91B to Division 4 of Title 10 of the Guam Code Annotated, relative to abortions – including abortions after detecting the heartbeat of an unborn child. In addition, this bill also authorizes a private civil right of action in regards to abortions consummated – to be known as, “The Guam Heartbeat Act of 2022.” The framework provided in this bill allows for physicians to make the determination if a fetal heartbeat can be detected using standard medical practices. Should a fetal heartbeat be detected, the proposed legislation prohibits the abortion from being adjudicated – with the exception of a medical emergency that may be life threatening (must be a written record in patient’s medical records). The government has limited enforcement, as private civil actions *shall* be the exclusive enforcer of any provisions indicated in this bill. A ruling made on this matter *may* be subject to an overruling or an appeal. All civil actions shall be overseen by the Superior Court of Guam or the District Court; however, it may not be transferred to a different venue without written consent from all parties. This bill also indicates required documentation citing the reason an abortion is needed. Lastly, any physician that performs an abortion (under this bill – if passed) is required to provide a written report via the patient’s medical records.

As stated in the legislation, there will be a civil liability for violation, aiding, or abetting violations. Any claim submitted which prevails in an action stated above, the court *shall* award no less than **\$10,000** in statutory damages in addition to costs and attorney fees; the caveat is that a claimant must file a civil action no later than six (6) years after the date of cause of action accrues. In correspondence with the Office of the Attorney General (OAG), any testimony/comments on this bill will be submitted to the Speaker’s office and a copy of shall be provided to the Bureau. Absent additional information, the Bureau is unable to determine the fiscal impact of the proposed legislation.