

**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (SECOND) Regular Session**

Bill No. 422-32 (COR)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO PROVIDE FOR ISOLATION AND QUARANTINE PROCEDURES RELATIVE TO AN EMERGENCY DETENTION ORDER FOR THE INCUBATION PERIODS OF SEVERE COMMUNICABLE DISEASES, AS DETERMINED BY THE U.S. CENTER FOR DISEASE CONTROL, BY AMENDING SECTIONS III AND IV OF THE ISOLATION AND QUARANTINE REGULATIONS, CHAPTER 10 OF DIVISION 1, 26 GAR., AND PROVIDE FOR THE DISPOSITION OF BODIES, BY ADDING A NEW § 4502(H) AND AMENDING § 4505, BOTH OF CHAPTER 4A, 10GCA, AND TO AUTHORIZE THE SUM OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00) FOR RELATED PURPOSES.

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

2 **Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds
3 that with near pandemic outbreak of the Ebola virus in western Africa, and the
4 recent controlled return of two infected American medical missionaries
5 nonetheless resulted in the limited spread of the Ebola virus to two (2) persons
6 within the continental United States.

7 The current fight against the spread of the epidemic of Ebola is being fought,
8 in significant part, through the isolation of those infected, and with limited medical
9 resources directly capable of combating the disease. These medications are still
10 being developed, and are essentially unavailable. The incubation period during
11 which the Ebola virus can incubate and present in a person exposed to the virus is

1 twenty-one (21) days, as determined by the U.S. Center for Disease Control and
2 the World Health Organization.

3 *I Liheslaturan Guåhan* recognizes the ongoing debate in the United States as
4 to whether the U.S. government and its lead health organization are taking
5 sufficient steps to prevent entry of infected persons into the United States, and
6 implement sufficient mandatory isolation and quarantine procedures for infected
7 persons as well as those who have been exposed to them. Two eastern States, New
8 York and New Jersey, have now gone so far as to implement their own stringent
9 regulations mandating a twenty-one (21) day isolation and quarantine period for
10 those persons returning who have treated or been exposed to Ebola patients in the
11 affected western Africa countries.

12 Numerous American medical associations, hospitals, and other professional
13 healthcare provider organizations are protesting the lack of training and
14 preparedness, sufficient equipment and resources to properly and safely respond to
15 the Ebola threat. On Guam, first responders lack sufficient safety equipment to
16 respond to more than a handful of cases before the current, limited supplies would
17 be exhausted.

18 Although the Guam Memorial Hospital Authority has a number of isolation
19 rooms which are sufficient for certain types of communicable diseases, the
20 institutions resources, and realistic capabilities to address an Ebola case are
21 limited. Many larger and well recognized hospitals with resources far beyond the
22 capabilities of GMHA are expressing their concerns and inadequacies in terms of
23 safe containment and treatment capabilities. This is not a reflection upon the
24 dedicated and highly qualified healthcare providers at the hospital, but rather, a
25 realistic assessment of what has historically been an underfunded hospital with

1 limited resources and supplies. Nonetheless, the first line of defense must be
2 proper isolation and quarantine to prevent the spread. Part and parcel to this is
3 providing the necessary authority for the Director of the Department of Public
4 Health and Social Services to mandate, as is determined necessary for public health
5 and safety, the isolation and quarantine of infected persons, as well as those who
6 have had significant direct contact exposure to active cases at such time that
7 transmission is extremely possible.

8 It is, therefore, the *intent* of *I Liheslaturan Guåhan* to provide the authority,
9 based upon professionally determined criteria, for Executing an Emergency
10 Detention Order, and the Procedures for Isolation and Quarantine.

11 **Section 2.** Section §3309 of Article 3 – Disease Control, Chapter 3, Title
12 10, Guam Code Annotated, is hereby *amended*, to read:

13 **“§3309. Isolation and Quarantine: Regulations.** Isolation and
14 quarantine shall be imposed in accordance with regulations. Such regulations shall
15 designate the disease for which isolation or quarantine is necessary, and such other
16 requirements concerning diagnosis, treatment, release and other pertinent matters
17 as may be necessary.

18 (a) The regulations shall also provide for isolation and quarantine,
19 voluntary and involuntary, for the known incubation period, as determined
20 by the CDC, of any communicable disease which is identified and declared
21 by the U.S. Center for Disease Control (CDC) to be critically dangerous to
22 public health and safety, and CDC mandates, directives, instructions and
23 protocol criteria are being declared and implemented in a national effort to
24 combat the spread of the disease.”

1 **Section 3.** A new Item 71 is hereby added to §3301(a) of Article 3, Chapter
2 3, Title 10, Guam Code Annotated, to read:

3 “71. In the event of any severe communicable disease with pandemic
4 potential which is identified and declared by the U.S. Center for Disease Control
5 (CDC) to be critically dangerous to public health and safety, and CDC mandates,
6 directives, instructions and protocol criteria are being implemented in a national
7 effort to combat the spread of the disease, the disease shall be immediately added,
8 and shall not require prior promulgation by regulation as a requisite for inclusion
9 when time is of the essence in ensuring the health and safety of the public.
10 Subsequent promulgation by regulation may follow when practicable.”

11 **Section 4.** A new Subsection (c) is hereby *ADDED* to §3310 of Article 3,
12 Chapter 3, Title 10, Guam Code Annotated, to read:

13 “(c) Notwithstanding §3309 of this Article, the Director may, in his
14 discretion and for the health and safety of the public, remove such person, with or
15 without his consent for isolation and quarantine, voluntary and involuntary, for the
16 duration of the known incubation period, as determined by the U.S. Center for
17 Disease Control CDC, of any severe communicable disease with pandemic
18 potential which is identified and declared by the CDC to be critically dangerous to
19 public health and safety, and for which CDC mandates, directives, instructions and
20 protocol criteria are being declared and implemented in a national effort to combat
21 the spread of the disease.

22 (i) The Director shall base the minimum duration of the incubation
23 period upon the period of time determined to be appropriate and necessary
24 by the U.S. Center for Disease Control.

1 (ii) The duration of isolation and quarantine for the incubation period
2 shall be deemed to include an additional period of time as is necessary for
3 testing and confirmation that the person does not have, or no longer is the
4 carrier of a communicable disease.”

5 **Section 5.** Subsection III.A of Section II – Procedure for Requesting
6 Voluntary Isolation, of the Procedures for Isolation and Quarantine of Chapter 10,
7 Division 1, Title 26, Guam Administrative Rules and Regulations, is hereby
8 *amended* by *ADDING* a new Item 4, to read:

9 **“III. Use Of Voluntary Isolation.**

10 A. Voluntary Isolation should always be used as a first option UNLESS the
11 DPHSS Director under the medical advice of the Chief Medical Officer has:

12 1. determined in his or her professional judgment that seeking voluntary
13 compliance would create a risk of serious harm; and

14 2. determined that there is a reason to believe that the person or persons
15 is/are, or is/are suspected to be, infected with, exposed to or contaminated with a
16 communicable disease or chemical, biological, or radiological agent that could
17 spread to or contaminate others if remedial action is not taken; ~~and~~

18 3. Determined that there is a reason to believe that the person or persons
19 would pose a serious and imminent risk to the health and safety of others if not
20 detained for purposes of isolation and quarantine; and

21 4. Determined that there is a satisfactory medical evidence providing
22 reason to believe that although the person or persons does not demonstrate or show
23 symptoms of a communicable disease which is identified and declared by the U.S.
24 Center for Disease Control (CDC) to be critically dangerous to public health and

1 safety, and ongoing CDC mandates, directives, instructions and protocol criteria
2 are being implemented in a national effort to combat the spread of the
3 communicable disease, and that, due to significant exposure to the communicable
4 disease, the person or persons shall nonetheless be deemed to pose a serious and
5 imminent risk to the health and safety of others if not detained for purposes of
6 isolation and quarantine for the known incubation period, as determined by the
7 CDC.”

8 **Section 6.** Section I of Section III – Procedure for Executing an Emergency
9 Detention Order, of the Procedures for Isolation and Quarantine of Chapter 10,
10 Division 1, Title 26, Guam Administrative Rules and Regulations, is hereby
11 *amended* by *ADDING* a new Subsection D, to read:

12 “D. Incubation Period for Communicable Disease: The incubation period is
13 defined as the time from exposure to onset of disease, and when limited to
14 infectious diseases, corresponds to the time from infection with a microorganism to
15 symptom development.

16 **Section 7.** Section IV – Use of Emergency Detention Orders, of Section III
17 – Procedure for Executing an Emergency Detention Order, of the Procedures for
18 Isolation and Quarantine of Chapter 10, Division 1, Title 26, Guam Administrative
19 Rules and Regulations, is hereby *amended*, to read:

20 **“IV. Use of Emergency Detention Orders.**

21 **A.** If the Director orders the immediate involuntary detention of a person or
22 persons for purposes of isolation or quarantine, the Director shall issue a written
23 emergency detention order as soon as reasonably possible and in all cases within

1 12 hours of detention. The emergency detention order shall be for a period not to
2 exceed 10 days.

3 B. If the Director determines that there is satisfactory medical evidence
4 providing professional justification to believe that although the person or persons
5 does not demonstrate or show symptoms of a communicable disease resulting from
6 significant exposure to the communicable disease, the person or persons shall
7 nonetheless be deemed to pose a serious and imminent risk to the health and safety
8 of others if not detained for purposes of isolation and quarantine for the duration of
9 the known incubation period, as determined by the CDC, for a communicable
10 disease identified and declared by the U.S. Center for Disease Control (CDC) to be
11 critically dangerous to public health and safety, and ongoing CDC mandates,
12 directives, instructions and protocol criteria are being implemented in a national
13 effort to combat the spread of the communicable disease.”

14 **Section 8.** A new Subsection (h) is hereby *ADDED* to § 4502 of Chapter
15 4A, Title 10, Guam Code Annotated, to read:

16 (a) Legislative Finding and Intent. *I Liheslaturan Guåhan* finds that due to
17 the unique and extremely virulent pathogenic nature of certain communicable
18 diseases, that there is a prevailing public health and safety necessity of ensuring
19 that the dead human body which died as a result of any communicable disease,
20 which is identified and declared by the U.S. Center for Disease Control (CDC) to
21 be critically dangerous to public health and safety, then, final disposition *shall* be
22 determined by the Director.

23 (b) A new Subsection (h) is hereby *ADDED* to § 4502 of Chapter 4A, Title
24 10, Guam Code Annotated, to read:

1 “(h) In the case of a dead human body which died as a result of any
2 communicable disease, which is identified and declared by the U.S. Center for
3 Disease Control (CDC) to be critically dangerous to public health and safety, then,
4 final disposition shall be determined by the Director.”

5 Final disposition shall be pursuant to CDC mandates, directives, instructions
6 and protocol criteria being declared and implemented in a national effort to combat
7 the spread of the disease, to include special protocols and procedures for the final
8 disposition of human remains with a continuing and extremely high contagion
9 potential for transmission of the communicable disease, as shall be determined and
10 mandated by the CDC.

11 Final disposition of a dead human body, as determined necessary for public
12 health and safety by the Director, shall include the authority to order mandatory
13 cremation, and to further include, the authority to restrict or prohibit access to the
14 dead human body.”

15 **Section 9.** § 4505 of Chapter 4A, Title 10, Guam Code Annotated, is
16 hereby *amended*, to read:

17 **“§ 4505. Discretion of Director as to Disposition.**

18 In the protection of the public health, having consideration of the cause of
19 death or other special conditions, and as provided pursuant to §4502(h) and this
20 Chapter, the Director shall have ultimate authority over the final disposition of the
21 human body, and may in his discretion order such form of burial or disposition of a
22 dead human body as he deems necessary.”

23 **Section 10. Funding Authorization; Bio infectious Personal Protection**
24 **Equipment and Supplies.** At the discretion of the Governor, the **SUM of ONE**

1 **HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00)** is hereby
2 AUTHORIZED from any available funds of the Executive Branch FY-2015
3 Budget to the Department of Public Health and Social Services for the purchase of
4 biohazards personnel protection equipment and supplies for utilization in infection
5 control measures needed to manage patients who are determined or suspected to be
6 infected (inclusive of incubation period) with an infectious communicable disease
7 such as, but not limited to, the filoviruses, Ebola or Marburg, or other highly
8 pathogenic agents with extremely high, short-term mortality rates. The Governor
9 *shall* within thirty days submit a report to *I Liheslaturan Guåhan* detailing the
10 respective source and amount of funds authorized pursuant to this Section.

11 (a) Distribution of Personal Protection Equipment and Resources. The
12 required biohazards personnel protection equipment (PPE) and supplies identified
13 and purchased with the appropriation pursuant to this Section shall be initially
14 distributed by the Department of Public Health, as determined necessary, to the
15 designated responding and treatment agencies pursuant to a highest needs
16 distribution allocation plan to be developed by the Department of Public Health
17 and Social Services as the lead agency, with the appropriate participation of
18 emergency planning, response, and treatment agencies and entities of the
19 government of Guam, to include, but not limited to, the Office of Guam Civil
20 Defense, Guam Office of Homeland Security, the Guam Fire Department, the
21 Guam Memorial Hospital Authority, the Guam International Airport Authority and
22 the Port Authority of Guam.

23 (b) Subsequent acquisition or replenishment of PPE's and requisite
24 associated supplies by responding or treatment agencies, to include the Department
25 of Public Health, Guam Fire Department, and Guam Memorial Hospital Authority,
26 or agencies of first encounter as ports of entry via the Guam Airport Authority and

1 the Port Authority of Guam, *shall* be acquired with funds from the respective
2 agency budgets, and *shall* be accordingly pursuant to the agency's respective
3 government of Guam emergency preparedness, response, and safety plan
4 requirements for highly pathogenic agents with extremely high, short-term
5 mortality rates for any severe communicable disease with island-wide, national, or
6 international pandemic potential.

7 **Section 11. Severability.** If any provision of this Act or its application to
8 any person or circumstance is found to be invalid or contrary to law, such
9 invalidity shall not affect other provisions or applications of this Act which can be
10 given effect without the invalid provisions or application, and to this end the
11 provisions of this Act are severable.

12 **Section 12. Effective Date.** This Act shall become immediately effective
13 upon enactment.