

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
164-34 (LS)	Joe S. San Agustin Benjamin J.F. Cruz	AN ACT TO ADD A NEW § 2120 TO CHAPTER 2, TITLE 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROTECTION AGAINST DISCRIMINATION ON THE BASIS OF SEX, GENDER IDENTIFICATION, AND GENDER EXPRESSION	8/22/17 11:22 a.m.						

**I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN**  
**2017 (FIRST) Regular Session**

Bill No. <sup>LS</sup>164-34 (COR)

Introduced by:

Joe S. San Agustin  
Benjamin J. Cruz

**AN ACT TO ADD A NEW § 2120 TO CHAPTER 2,  
TITLE 19 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO PROTECTION AGAINST  
DISCRIMINATION ON THE BASIS OF SEX,  
GENDER IDENTIFICATION, AND GENDER  
EXPRESSION.**

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

2                   **Section 1.** *I Liheslaturan Guåhan* finds that the people of Guam are protected  
3 against various forms of discrimination based on sections of the United States  
4 Constitution and the Organic Act of Guam as well as other federal and local laws.  
5 However, the protection against discrimination based on sex remains ambiguous in  
6 regard to gender identity and gender expression.

7                   Recent legislation contained in Public Law No. 33-64 has broadened the  
8 stated legal rights of individuals to include prohibition against discrimination in the  
9 work place for persons on account of their gender identity or gender expression, as  
10 well as sex. Public Law No. 33-65 has guaranteed the right of individuals to enter  
11 into marriage regardless of the sex of the spouses.

12                   In order to further develop the rights of human beings to equal treatment in  
13 government and in public places, it is necessary to clarify the definition of sex to  
14 include gender identity and gender expression.

15                   **Section 2.** A new § 2120 is hereby *added* to Chapter 2, Title 19 of the Guam  
16 Code Annotated, to read:

17                   “§2120. Gender Discrimination.

1        **(a). Declaration of Purpose.** Although protection against discrimination of  
2 persons on the basis of sex is well established and guaranteed by the laws of the  
3 United States, the laws of Guam, and court interpretations of those laws, the  
4 definition of what is included in ‘sex’ is not well established by court decisions. In  
5 order to clarify that all persons are due the protection against discrimination, both in  
6 government and public places, this Section is enacted to specify that the protection  
7 against discrimination includes discrimination based on sex, gender identity, and  
8 gender expression.

9        It is recognized that all citizens in our community deserve equal access to safe  
10 and welcoming public and government venues, and are owed respect and equality  
11 on the basis of humanity and dignity regardless of sex, gender identity, and gender  
12 expression.

13        **(b) Prohibition Against Discrimination on the basis of sex, gender**  
14 **identification, and gender expression.** All persons within the jurisdiction of Guam,  
15 no matter what their sex, gender identification, or gender expression, are entitled to  
16 the full and equal accommodations, advantages, facilities, privileges, or services in  
17 all business establishments of every kind whatsoever, and in all government  
18 agencies.

19        **(c) Definitions.**

20        (1) ‘Sex’ includes, but is not limited to, pregnancy, childbirth, or medical conditions  
21 related to pregnancy or childbirth. ‘Sex’ also includes but is not limited to, a person’s  
22 gender, gender identity or gender expression.

23        (2) ‘Gender Identity or Expression’ means a person’s actual or perceived gender, as  
24 well as a person’s gender identity, gender-related self-image, gender-related  
25 appearance, gender-related expression, regardless of whether that gender identity,

1 gender-related self-image, gender-related appearance, or gender-related expression,  
2 is different from that traditionally associated with that person's sex at birth."

3       **Section 3. Severability.** If any provision of this Act or its application to any  
4 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
5 not affect other provisions or applications of this Act which can be given effect  
6 without the invalid provisions or application, and to this end the provisions of this  
7 Act are severable.