

*I Mina'trentai Singko 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
343-35 (LS)	Louise B. Muña	AN ACT TO AMEND §§ 19505, 19506 AND 19805(c) OF CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO REQUIRING THE GOVERNMENT OF GUAM TO FAIRLY COMPENSATE PRIVATE PARTIES, PERSONS AND BUSINESSES FOR PROPERTY THAT IT SEIZES FOR ADDRESSING A PUBLIC HEALTH EMERGENCY.	4/15/20 10:34 a.m.						

**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN  
2020 (SECOND) Regular Session**

Bill No. 343-35 (LS)

Introduced by:

Louise B. Muña 

**AN ACT TO AMEND §§ 19505, 19506 AND 19805(c) OF  
CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED  
RELATIVE TO REQUIRING THE GOVERNMENT OF  
GUAM TO FAIRLY COMPENSATE PRIVATE PARTIES,  
PERSONS AND BUSINESSES FOR PROPERTY THAT IT  
SEIZES FOR ADDRESSING A PUBLIC HEALTH  
EMERGENCY.**

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

2 **Section 1.** § 19505 of Chapter 19, Title 10, Guam Code Annotated is *amended* to  
3 read as follows:

4 “§ 19505. **Control of Health Care Supplies.**

5 (a) Procurement. The public health authority may purchase and distribute anti-  
6 toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical  
7 agents or medical supplies that it deems advisable in the interest of preparing for,  
8 or controlling, a public health emergency, without any additional legislative  
9 authorization.

10 (b) Rationing. If a state of public health emergency results in a Guam-wide or  
11 threatened shortage of any product, § 19505(a), under (a), whether or not such  
12 product has been purchased by the public health authority, the public health  
13 authority may control, restrict, and regulate by rationing and using quotas,  
14 prohibitions on shipments, allocation, or other means, the use, sale, dispensing,  
15 distribution, or transportation of the relevant product necessary to protect the  
16 public health, safety and welfare of the People of Guam.

17

1 (c) Priority. In making rationing or other supply and distribution decisions, the  
2 public health authority may give preference to health care providers, disaster  
3 response personnel and mortuary staff.

4 (d) Distribution. During a state of public health emergency, the public health  
5 authority may procure, store or distribute any anti-toxins, serums, vaccines,  
6 immunizing agents, antibiotics and other pharmaceutical agents or medical  
7 supplies located within Guam as may be reasonable and necessary to respond to  
8 the public health emergency, with the right to take immediate possession thereof.

9 (e) Any items taken by the Government of Guam, by any means pursuant to this  
10 Section shall be documented on an official receipt to the party, person or  
11 businesses from whom the items were taken. The government of Guam shall  
12 compensate the party, person or businesses the fair market value of the items taken  
13 plus the cost of shipping and a factor for loss-of-use of the item. For purposes of  
14 this section, the factor for loss-of-use of an item is ten percent (10%) of the total of  
15 the fair market value and the cost of shipping. Such compensation shall be paid  
16 within thirty days (30) of the date the items were taken.”

17  
18 **Section 2.** § 19505 of Chapter 19, Title 10, Guam Code Annotated is *amended* to  
19 read as follows:

20 **“§ 19506. Compensation.**

21 The government of Guam shall pay just compensation to the owner of any facilities  
22 or materials that are lawfully taken or appropriated by a public health authority for  
23 its temporary or permanent use under this Article according to the procedures and  
24 standards set forth in § 19805 of this Chapter. Articles taken pursuant to §19505  
25 of this Article shall be compensated under the provisions of §19505(e) of this  
26 Article. Compensation shall not be provided for facilities or materials that are

1 closed, evacuated, decontaminated or destroyed when there is reasonable cause to  
2 believe that they may endanger the public health pursuant to § 19501.”

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4 **Section 3.** § 19805(c) of Chapter 19, Title 10, Guam Code Annotated is *amended*  
5 to read as follows:

6 “(c) Amount. The amount of compensation shall be calculated in the same manner  
7 as compensation due for taking of property pursuant to non-emergency eminent  
8 domain procedures, as provided in Chapter 15 of Title 21 of the Guam Code  
9 Annotated, ~~except that the amount of compensation calculated for items obtained~~  
10 ~~under §19505 shall be limited to the costs incurred to produce the item.”~~”