





*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
<b>387-35 (COR)</b>	Clynton E. Ridgell Jose "Pedro" Terlaje Tina Rose Muña Barnes William M. Castro	AN ACT TO ADD A NEW ARTICLE 3A OF CHAPTER 19, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO CREATING A DIGITAL CONTACT TRACING PROGRAM FOR ILLNESSES DURING A PUBLIC HEALTH EMERGENCY.	7/30/20 3:51 p.m.						

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

**Bill No. 387-35 (COR)**

Introduced by:

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**AN ACT TO *ADD* A NEW ARTICLE 3A OF CHAPTER 19,  
TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO  
CREATING A DIGITAL CONTACT TRACING  
PROGRAM FOR ILLNESSES DURING A PUBLIC  
HEALTH EMERGENCY.**

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

**Section 1.** A new Article 3A is *added* to Chapter 19, Title 10, Guam Code  
Annotated, to read:

**"ARTICLE 3A**

**DIGITAL CONTACT TRACING**

**§ 193A01. Definitions**

**§ 193A02. Contact Tracers**

**§ 193A03. Same. Duties.**

**§ 193A04. Same. Limitations.**

**§ 193A05. Duties and Powers of Public Health Director.**

**§ 193A06. Contact Tracing Program Reporting**

**§ 193A07. Collection of Mobile Data.**

**§ 193A08. Deletion of Mobile Data.**

1        § 193A09. Transparency..

2        § 193A10. Penalties

3        § 193A11. Termination of Digital Contact Tracing.

4        § 193A01. Definitions. For the purposes of this Article:

5            (a) “Director,” shall mean the director of the Department of Public Health  
6 and Social Services.

7            (b) “Department,” shall mean the Department of Public Health and Social  
8 Services

9            (c) “Digital contact tracing,” shall mean the use of communications  
10 technology to trace individuals who have been in contact with individuals infected  
11 with an illness or health condition that has caused the declaration of a public health  
12 emergency.

13            (d) “Digital contact tracing data,” shall mean personal data obtained  
14 through digital contact tracing.

15            (e) “Digital Contact Tracing System,” shall mean a system designed or  
16 used for the processing of digital contact tracing data.

17            (f) “Contact Tracing Application,” shall mean a mobile phone application  
18 designed or used to facilitate digital contact tracing.

19            (g) “Close Contact,” shall mean an individual who has been within  
20 approximately 6 feet of a person under investigation (PUI) , has had an interaction  
21 for 15 minutes with a PUI or has been deemed to have come into close contact  
22 subject to the nature of the illness or health condition and based on guidance from  
23 the Department or federal public health authorities.

24            (h) “Person Under Investigation,” shall mean a person confirmed or  
25 suspected of contracting an illness or health condition that has caused the declaration  
26 of a public health emergency, as determined by the Department.

27            (i) “Permitted Contact Tracing Purposes,” shall mean:

1 (1) protecting the health of individuals who are or may become infected  
2 with an illness or health condition that has caused the declaration of a public  
3 health emergency.

4 (2) Preventing or controlling the outbreak of an illness or health  
5 condition that has caused the declaration of a public health emergency by  
6 reducing the probability of transmission through the limitation of interactions  
7 with individuals designated as a Person Under Investigation.

8 (j) "Contact Tracers," shall mean individuals appointed by the Director to  
9 identify, assess, and manage people who have been exposed to a disease to prevent  
10 onward transmission.

11 (k) "Mobile Device," shall mean a mobile telephone or any other  
12 communications device that is designed to be portable.

13 (l) De-identified Data," shall mean data that has been processed in such a  
14 manner that it can no longer be attributed to a specific individual.

15 (m) "Re-identify," shall mean to takes steps which result in the information  
16 no longer being de-identified."

17 § 193A02. Contact Tracers. The Director of the Department of Public  
18 Health and Social Services is authorized to appoint contact tracers to assist in tracing  
19 the spread of a contagious illness that has caused *i Magahågan Guðhan* to declare a  
20 Public Health Emergency as defined in this Chapter.

21 § 193A03. Same. Duties. It shall be the duty of contact tracers to:

22 (a) Acquire information about health/symptoms from the PUI,

23 (b) Establish the infectious period of the PUI using information about  
24 health/symptoms,

25 (c) Identify the close contacts of the PUI,

26 (d) Encourage/provide instructions to PUI for isolation,



1           (e) Notify close contacts that they are potentially infectious and provide  
2 instructions, and

3           (f) Regularly communicate with PUI and monitor  
4 progression/development of any symptoms.

5           **§ 193A04. Same. Limitations.** Contract tracers shall be required to  
6 obtain express consent from individuals. Affirmative express consent shall not be  
7 inferred from the inaction of the individual or the individual's continued use of the  
8 service. Information collected can only be used for contact tracing purposes.

9           **§193A05. Duties and Powers of the Director.**

10          (a) The Director is hereby authorized to enter in to an agreement with  
11 mobile application developer to provide the Government of Guam with a contact  
12 tracing application. This contact tracing application should have the capability to  
13 provide the Government of Guam with the following:

14               (1) The collection of location data to be used to facilitate digital  
15 contact tracing.

16               (2) The creation of a database that is accessible by contact tracers,  
17 public health officials and authorized persons.

18               (3) The collection of data to be used in the strategic deployment of  
19 testing resources.

20               (4) An interface to provide users with information and education  
21 pertaining to the epidemic situation.

22               (5) An interface to notify users when they have come into contact  
23 with a positive case and potentially qualify as a Person Under Investigation

24          (b) The Director must:

25               (1) review the processing of digital contact tracing data by the provider  
26 and other public authorities,

1           (2) maintain appropriate levels of privacy, data protection and  
2 security of digital contact tracing,

3           (3) determine the necessity and efficacy of digital contract tracing

4           (c) The Director shall establish a standard operating procedure for  
5 receiving complaints about digital contact tracing.

6           (d) The Director may establish a volunteer contact tracing program and all  
7 necessary procedures, rules, or regulations for the implementation thereof, if deemed  
8 necessary by The Director and *i Magahågan Guåhan*.

9           § 193A06. Contact Tracing Program Reporting Once digital contact  
10 tracing has begun, the Director shall submit a monthly report to *i Magahågan*  
11 *Guåhan* regarding the amount of data collected, the methods of data collection, and  
12 how the data was used by the Department as well as the developer of the mobile  
13 application to ensure all data has been collected and used in compliance with  
14 permitted contact tracing purposes, as defined in this Article.

15           § 193A07. Collection of Digital Contact Tracing Data. Digital contact  
16 tracing data may not be collected from a mobile device unless each person who owns  
17 or operates the device has given consent. The Department may offer as an incentive  
18 for providing digital contact tracing data, the option of in-home quarantine for  
19 residents of Guam.

20           § 193A08. Deletion of Digital Contact Tracing Data. A digital contact  
21 tracing system must comply with approved procedures for the deletion of contact  
22 tracing data. Such procedures shall be published by the director within thirty days of  
23 enactment of this Act and shall include:

24           (a) The immediate deletion of all digital contact tracing data held by an  
25 authorized person as soon as practical,

26           (b) A provision that no digital contact tracing data is shared unless the person  
27 has specifically consented to upload their digital contact tracing data,



1           (c) The deletion of all digital contact tracing data held by an authorized person  
2 as soon as it is no longer required for a permitted contact tracing purpose,

3           (d) The deletion of digital contact tracing data at the request of the owner of  
4 said data,

5           (e) Any additional procedures necessary as determined by the director.

6           § 193A09. Transparency. The Director shall publish on the DPHSS  
7 website any pertinent information relating to the design and security of the contact  
8 tracing application.

9           § 193A10. Penalties. It shall be a misdemeanor for a person who is not  
10 authorized by *i Maga'hågan Guåhan* or the Director to collect or process digital  
11 contact tracing data. An authorized person may not collect or process digital contact  
12 tracing data other than for a permitted contact tracing purpose.

13           *i Maga'hågan Guåhan* or her designee must take all reasonable steps to ensure  
14 that systems used for processing digital contact tracing data;

15           (a) shall not use more data than is required for the permitted contact tracing  
16 purposes; and

17           (b) is as secure as possible.

18           It shall be a misdemeanor for a person to knowingly re-identify de-identified  
19 digital contact tracing data in such a manner that is deemed unnecessary for a  
20 permitted contact tracing purpose. All provisions of this Article shall be subject and  
21 compliant to the health privacy protections of the Health Insurance Portability and  
22 Accountability Act (HIPAA), Public Law 104-191, and all regulations created  
23 pursuant thereof.

24           §193A11. Termination of Digital Contact Tracing. Pursuant to §19405,  
25 Article 4, Chapter 19, Title 10, Guam Code Annotated, contact tracing shall end  
26 when the public health emergency has been terminated.”

1           **Section 2. Effective Date.** All sections of this Act shall be effective upon  
2 enactment.

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 that can be given effect without  
6 the invalid provision or application, and to this end the provisions of this Act are  
7 severable.