

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
317-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND §19605 OF TITLE 10, CHAPTER 19, GUAM CODE ANNOTATED RELATIVE TO ISOLATION AND QUARANTINE DURING A HEALTH EMERGENCY.	3/23/20 5:22 p.m.						

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

Bill No. 317-35 (COR)

Introduced by:

Therese M. Terlaje 

**AN ACT TO AMEND §19605 OF TITLE 10, CHAPTER 19,
GUAM CODE ANNOTATED RELATIVE TO
ISOLATION AND QUARANTINE DURING A HEALTH
EMERGENCY.**

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

2 **Section 1.** §19605 of Title 10, Chapter 19, Guam Code Annotated is hereby
3 *amended* to read:

4 “§ 19605. Procedures for Isolation and Quarantine. During a public health
5 emergency, the isolation and quarantine of an individual or groups of individuals
6 shall be undertaken in accordance with the following procedures.

7 (a) Temporary Isolation and Quarantine Without Notice.

8 (1) Authorization. The public health authority may temporarily isolate
9 or quarantine an individual, or groups of individuals, through a written directive if
10 delay in imposing the isolation or quarantine would significantly jeopardize the
11 public health authority’s ability to prevent or limit the transmission of a contagious
12 or possibly contagious disease to others.

13 (2) Content of Directive. The written directive shall specify the
14 following:

15 (i) the identity of the individual(s) or groups of individuals subject
16 to isolation or quarantine;

- 1 (ii) the premises subject to isolation or quarantine;
- 2 (iii) the date and time at which isolation or quarantine commences;
- 3 (iv) the suspected contagious disease if known; and
- 4 (v) a copy of Article 6 and relevant definitions of this Chapter.

5 (3) Copies. A copy of the written directive shall be given to the
6 individual to be isolated or quarantined or, if the order applies to a
7 group of individuals and it is impractical to provide individual
8 copies, it may be posted in a conspicuous place in the isolation or
9 quarantine premises.

10 (4) Petition for Continued Isolation or Quarantine. Within ten (10)
11 ~~thirty (30)~~ days after issuing the written directive, the public health
12 authority shall file a petition pursuant to § 19605(b) for a court order
13 authorizing the continued isolation or quarantine of the isolated or
14 quarantined individual or groups of individuals.

15 ~~(5) Temporary Mass Quarantine or Island-wide Quarantine. Upon the~~
16 ~~confirmation of a pandemic outbreak, the public health authority~~
17 ~~may issue a 30-day island wide quarantine and isolation directive~~
18 ~~for up to 30 days without personally serving the written directive on~~
19 ~~all those covered by the quarantine or isolation; provided, that said~~
20 ~~directive is transmitted to the Governor and the Speaker of the~~
21 ~~Legislature.~~

22 (b) Isolation or Quarantine With Notice.

23 (1) Authorization. The public health authority may make a
24 written petition to the Superior Court of Guam for an order
25 authorizing the isolation or quarantine of an individual or
26 groups of individuals.

1 (2) Content of Petition. A petition under Subsection (b)(1) shall
2 specify the following:

3 (i) the identity of the individual(s) or groups of
4 individuals subject to isolation or quarantine;

5 (ii) the premises subject to isolation or quarantine;

6 (iii) the date and time at which isolation or quarantine
7 commences;

8 (iv) the suspected contagious disease if known;

9 (v) a statement of compliance with the conditions and
10 principles for isolation and quarantine of '
11 19604(b); and

12 (vi) a statement of the basis upon which isolation or
13 quarantine is justified in compliance with this
14 Article. The petition shall be accompanied by the
15 sworn affidavit of the public health authority
16 attesting to the facts asserted in the petition,
17 together with any further information that may be
18 relevant and material to the court's consideration.

19 (3) Notice. Notice to the individuals or groups of individuals
20 identified in the petition shall be accomplished within
21 twenty-four (24) hours in accordance with the rules of civil
22 procedure.

23 (4) Hearing. A hearing must be held on any petition filed
24 pursuant to this Subsection within five (5) days of filing of
25 the petition. In extraordinary circumstances and for good
26 cause shown, the public health authority may apply to
27 continue the hearing date on a petition filed pursuant to this

1 Section for up to ten (10) ~~thirty~~ (30) days, which
2 continuance the court may grant in its discretion giving due
3 regard to the rights of the affected individuals, the protection
4 of the public's health, the severity of the emergency and the
5 availability of necessary witnesses and evidence.

6 (5) Order. The court shall grant the petition if, by a
7 preponderance of the evidence, isolation or quarantine is
8 shown to be reasonably necessary to prevent or limit the
9 transmission of a contagious or possibly contagious disease
10 to others.

11 (i) An order authorizing isolation or quarantine may do
12 so for a period not to exceed thirty (30) days.

13 (ii) The order shall:

14 (aa) identify the isolated or quarantined
15 individuals, or groups of individuals, by name or
16 shared or similar characteristics or circumstances;

17 (bb) specify factual findings warranting
18 isolation or quarantine pursuant to this Chapter;

19 (cc) include any conditions necessary to
20 ensure that isolation or quarantine is carried out
21 within the stated purposes and restrictions of this
22 Chapter; and

23 (dd) served on affected individuals or groups
24 of individuals in accordance with the rules of
25 civil procedure.

1 (6) Continuances. Prior to the expiration of an order issued
2 pursuant to § 19605(b)(5), the public health authority
3 may move to continue isolation or quarantine for
4 additional periods not to exceed thirty (30) days each.
5 The court shall consider the motion in accordance with
6 standards set forth in § 19605(b)(5).

7 (c) Relief from Isolation and Quarantine.

8 (1) Releases. An individual or group of individuals isolated or
9 quarantined pursuant to this Chapter may apply to the Superior Court
10 of Guam for an order to show cause why the individual or group of
11 individuals should be released. The Court shall rule upon the
12 application to show cause within forty-eight (48) hours of its filing. If
13 the court grants the application, the Court shall schedule a hearing on
14 the order to show cause within twenty-four (24) hours from issuance
15 of the order to show cause. The issuance of an order to show cause
16 shall not stay or enjoin an isolation or quarantine order.

17 (2) Remedies for Breach of Conditions. An individual or groups
18 of individuals isolated or quarantined pursuant to this Chapter may
19 request a hearing in the Superior Court of Guam for remedies
20 regarding breaches to the conditions of isolation or quarantine. A
21 request for a hearing shall not stay or enjoin an isolation or
22 quarantine order.

23 (i) Upon receipt of a request under this Subsection
24 alleging extraordinary circumstances justifying the
25 immediate granting of relief, the Court shall fix a date

1 for hearing on the matters alleged not more than
2 twenty-four (24) hours from receipt of the request.

3 (ii) Otherwise, upon receipt of a request under this
4 Subsection, the Court shall fix a date for hearing on the
5 matters alleged within five (5) days from receipt of the
6 request.

7 (3) Extensions. In any proceedings brought for relief under this
8 Subsection, in extraordinary circumstances and for good cause shown
9 the public health authority may move the Court to extend the time for
10 a hearing, which extension the Court in its discretion may grant
11 giving due regard to the rights of the affected individuals, the
12 protection of the public's health, the severity of the emergency and
13 the availability of necessary witnesses and evidence.

14 (d) Proceedings. A record of the proceedings pursuant to this Section
15 shall be made and retained. In the event that, given a state of public
16 health emergency, parties cannot personally appear before the Court,
17 proceedings may be conducted by their authorized representatives
18 and be held via any means that allows all parties to fully participate.

19 (e) Court to Appoint Counsel and Consolidate Claims.

20 (1) Appointment. The Court shall appoint counsel at the
21 expense of the government of Guam to represent individuals or
22 groups of individuals who are, or who are about to be isolated or
23 quarantined pursuant to the provisions of this Chapter, and who are
24 not otherwise represented by counsel. Appointments shall be made in
25 accordance with the procedures to be specified in the Public Health

1 Emergency Plan and shall last throughout the duration of the
2 isolation or quarantine of the individual or groups of individuals. The
3 public health authority must provide adequate means of
4 communication between such individuals or groups and their
5 counsel.

6 (2) Consolidation. In any proceedings brought pursuant to this
7 Section, to promote the fair and efficient operation of justice and
8 having given due regard to the rights of the affected individuals, the
9 protection of the public's health, the severity of the emergency and
10 the availability of necessary witnesses and evidence, the Court may
11 order the consolidation of individual claims into group or claims
12 where:

13 (i) the number of individuals involved or to be affected is so
14 large as to render individual participation impractical;

15 (ii) there are questions of law or fact common to the individual
16 claims or rights to be determined;

17 (iii) the group claims or rights to be determined are typical of the
18 affected individuals' claims or rights; and

19 (iv) the entire group will be adequately represented in the
20 consolidation.”

21 **Section 3. Severability.** If any provision of this Act or its application to any
22 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
23 *not* affect other provisions or applications of this Act that can be given effect without

- 1 the invalid provision or application, and to this end the provisions of this Act are
- 2 severable.