



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
UFINAN I MAGA LAH
AGANA, GUAM 96910 USA

REFER TO
LEGISLATIVE SECRETARY

MAY 31 1994

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

RECEIVED
OFFICE OF THE SPEAKER
DATE: 5/31/94
TIME: 5:15
RECD BY: Lucy

Transmitted herewith is Bill No. 436, which I have signed into law this date as
Public Law 22-130.

Sincerely yours,

FRANK F. BLAS
Governor,
Acting

220723

Attachment

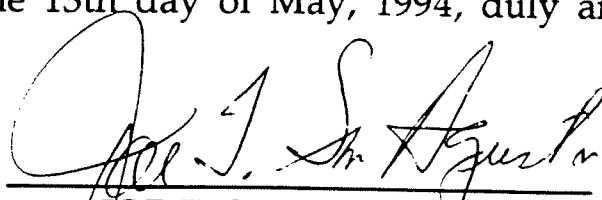


Commonwealth Now!

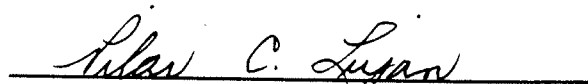
TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

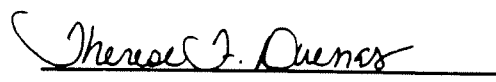
This is to certify that Substitute Bill No. 436 (LS), "AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6, 7 AND 8 OF CHAPTER 9; AND CHAPTER 16, ALL OF TITLE 10, GUAM CODE ANNOTATED, AND TO ADD A NEW CHAPTER 3 TO SAID TITLE TO ESTABLISH A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES," was on the 13th day of May, 1994, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

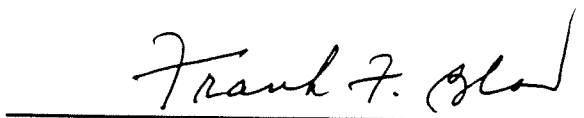
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of May, 1994, at
3:01 o'clock P.M.


Theresa J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:


FRANK F. BLAS
Governor of Guam
Acting

Date: May 31, 1994

Public Law No. 22-130

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 436 (LS)

As substituted by the Committee
on Health, Ecology and Welfare
and further substituted by the
Committee on Rules

Introduced by:

D.L.G. Shimizu
M.D.A. Manibusan
T. C. Ada

J. P. Aguon
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
T. S. Nelson
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. E. Santos
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6, 7 AND 8
OF CHAPTER 9; AND CHAPTER 16, ALL OF TITLE 10, GUAM
CODE ANNOTATED, AND TO ADD A NEW CHAPTER 3 TO SAID
TITLE TO ESTABLISH A DIVISION OF PUBLIC HEALTH WITHIN
THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL
SERVICES.

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

Section 1. Chapters 3 and 4, Articles 6, 7 and 8 of Chapter 9 and Chapter 16 of Title 10, Guam Code Annotated, are hereby repealed.

Section 2. A new Chapter 3 is hereby added to Title 10, Guam Code Annotated, to read:

"Chapter 3

PUBLIC HEALTH AND SOCIAL SERVICES

Article 1

Division of Public Health

§3101. Establishment of Division.

§3102. Personnel.

§3103. General duties.

§3104. Chief Administrative Officer.

§3105. Federal grants.

§3106. Rule-making.

§3107. Authority to set fees.

§3101. Establishment of Division. There is hereby established a Division of Public Health (the "Division") in the Department of Public Health and Social Services to be administered by the Director of Public Health and Social Services (the "Director"). The Division through organized community effort and applied scientific and technical knowledge is responsible for working toward the prevention and control of disease and for promoting health throughout the territory.

§3102. Personnel. The Director is authorized to appoint such personnel to act on behalf of the Director and fix their duties for the purposes of carrying out the responsibilities so delegated to the Division.

§3103. General duties. The general duties of the Division are to:

1 (a) Formulate plans and policies to address the health needs of
2 the community.

3 (b) Implement health programs and services to meet identified
4 health needs of the community.

5 (c) Conduct research and studies to identify community health
6 problems.

7 (d) Provide health services to individuals who are medically and
8 financially in need.

9 (e) Administer grants-in-aid for health programs and services.

10 (f) Conduct disease surveillance and monitor activities to
11 prevent and/or identify health problems.

12 (g) Conduct health promotion and education programs.

13 (h) Serve as the "State Public Health Agency" for Guam.

14 (i) Establish standards and regulations necessary to ensure
15 quality health care and the prevention and control of diseases.

16 **§3104. Chief Administrative Officer.** The Chief Public Health Officer
17 shall be the Chief Administrative Officer of the Division.

18 **§3105. Federal grants.** The Division shall comply with all federal
19 requirements and procedures necessary for administration of grants-in-aid
20 and cooperative agreements.

21 **§3106. Rule-making.** The Director shall, in accordance with the
22 Administrative Adjudication Law, adopt, amend and repeal rules and
23 regulations necessary to fulfill the duties of the Division.

24 **§3107. Authority to set fees.** (a) The Director is authorized to establish
25 fees for health services in accordance with the Administrative Adjudication
26 Law and as may be required to qualify for grants-in-aid.

1 (b) Fees established by the Department of Public Health and Social
2 Services shall not be a deterrent to receiving health care and shall be based on
3 ability to pay.

4 **Article 2**

5 **Vital Statistics**

6 §3201. Establishment of office.

7 §3202. Supervision.

8 §3203. Personnel.

9 §3204. Mayors to aid.

10 §3205. Report.

11 §3206. Regulations.

12 §3207. Definitions.

13 §3208. Duties of the Registrar.

14 §3209. Forms of certificates.

15 §3210. Birth registration.

16 §3211. Foundling registration; infants of unknown parentage.

17 §3212. Delayed registration.

18 §3213. Judicial procedure to establish facts of birth.

19 §3214. Court reports of adoption.

20 §3215. New certification of birth following adoption,
21 legitimation and paternity determination.

22 §3216. Death registration.

23 §3217. Fetal death registration.

24 §3218. Abortion report.

25 §3219. Extension of time.

26 §3220. Marriage registration.

27 §3221. Court reports of divorce and annulment of marriage.

1 **§3222. Correction and amendment of vital records.**

2 **§3223. Reproduction of records.**

3 **§3224. Same: microfilm.**

4 **§3225. Disclosure of records.**

5 **§3226. Copies of data from vital records.**

6 **§3227. Fees for copies.**

7 **§3228. Duty to furnish information relative to vital events.**

8 **§3229. Penalties.**

9 **§3230. Burial-transit permits.**

10 **§3231. Disposition.**

11 **§3201. Establishment of office.** There is hereby established within the
12 Department of Public Health and Social Services an Office of Vital Statistics
13 which shall install, maintain and operate the system of vital statistics for
14 Guam.

15 **§3202. Supervision.** The Director of Public Health and Social Services
16 (the "Director") has general supervision of vital statistics and is responsible
17 for the implementation of the provisions of this article.

18 **§3203. Personnel.** The Director shall appoint a Territorial Registrar of
19 Vital Statistics, and such other officers and personnel as may be required to
20 carry out the provisions of this article. Such employees shall be members of
21 the classified services of the government of Guam.

22 **§3204. Mayors to aid.** Mayors, under the direction of the President of
23 the Mayors' Council, shall assist in the implementation of this article and in
24 doing so shall be governed by this article and by regulation issued by the
25 Director under the provisions of this Chapter.

26 **§3205. Report.** The Director shall make an annual report to the
27 Governor concerning vital statistics and the enforcement of this article,

1 which report shall contain a summary on a municipal district basis of such
2 statistics.

3 **§3206. Regulations.** The Director is authorized to adopt, amend and
4 repeal rules and regulations as may be necessary in his judgment, for the
5 purpose of carrying out the provisions of this article. Such rules and
6 regulations, and any other rules and regulations authorized or required to be
7 issued under this article, shall be adopted and promulgated in accordance
8 with the Administrative Adjudication Law.

9 **§3207. Definitions.** Unless the context clearly requires otherwise, the
10 following definitions shall apply to this article:

11 1. "Vital Statistics" means records of birth, death, fetal death,
12 adoption, marriage, divorce and data related thereto.

13 2. "System of vital statistics" includes the registration,
14 collection, preservation, amendment and certification of vital
15 statistics records and activities related thereto, including the
16 tabulation, analysis and publication of statistical data derived from
17 such records.

18 3. "Filing" means the presentation of a certificate, report or
19 other record provided for in this article of a birth, death, fetal death,
20 adoption, legitimation, marriage or divorce for registration by the
21 Office of Vital Statistics.

22 4. "Registration" means the acceptance by the Office of Vital
23 Statistics and the incorporation in its official records of certificates,
24 reports or other records provided for in this article, of births, deaths,
25 fetal deaths, adoptions, legitimations, marriages or divorces.

26 5. "Live birth" means the complete expulsion or extraction
27 from its mother of a product of human conception, irrespective of the

1 duration of pregnancy, which, after such expulsion or extraction,
2 breathes or shows any other evidence of life such as beating of
3 umbilical cord [heart] or definite movement of the voluntary muscles,
4 whether or not the umbilical cord has been cut or the placenta is
5 attached.

6 6. "Fetal death" means death prior to the complete expulsion
7 or extraction from its mother of a product of human conception,
8 irrespective of the duration of pregnancy; the death is indicated by
9 the fact that after such expulsion or extraction the fetus does not
10 breathe or show any other evidence of life such as beating of the
11 heart, pulsation of the umbilical cord or definite movement of
12 voluntary muscles.

13 7. "Dead body" means a lifeless human body or parts of such
14 body or bones thereof from the state of which it reasonably may be
15 concluded that death recently occurred.

16 8. "Marriage" means the legal union of persons of opposite
17 sex. The legality of the union may be established by civil or religious
18 regulations, as recognized by the laws of Guam.

19 9. "Divorce" or "annulment" means the final legal dissolution
20 of a marriage, void or otherwise, that is, the separation of husband
21 and wife by a judicial decree which confers on the parties the right to
22 remarriage, according to the laws of Guam.

23 10. "Physician" means a person authorized or licensed to
24 practice the healing art, pursuant to the laws of Guam.

25 11. "Attendant at birth" means the physician, midwife, nurse
26 or other person present and assisting in the delivery of a newborn.

1 12. "Institution" means any establishment, public or private,
2 which provides in-patient medical, surgical or diagnostic care or
3 treatment or nursing, custodial or domiciliary care to two (2) or more
4 unrelated individuals, or to which persons are committed by law.

5 13. "Delayed registration of birth" means the registration of a
6 person's non-recorded birth after the sixth (6th) year following
7 birth.

8 14. "Abortion" means the purposeful termination of a human
9 pregnancy after implantation of a fertilized ovum, by any person,
10 including the pregnant woman herself, with the intention other than
11 to necessarily produce a live birth or to remove a dead unborn fetus.

12 **§3208. Duties of the Registrar.** (a) The Territorial Registrar of Vital
13 Statistics shall:

14 1. Administer and enforce this article and the rules and
15 regulations issued hereunder, and issue instructions for the efficient
16 administration of the territorial system of vital statistics.

17 2. Direct and supervise the territorial-wide system of vital
18 statistics and the Office of Vital Statistics and be custodian of its
19 records.

20 3. Prescribe, with the approval of the Director, and distribute
21 such forms as are required by this article, and the rules and
22 regulations issued hereunder.

23 4. Prepare and publish annual reports of vital statistics of
24 Guam, and such other reports as may be required by the Director.

25 (b) The Territorial Registrar of Vital Statistics may delegate such
26 functions and duties vested in him to other employees of the Office of Vital
27 Statistics as he may deem necessary and expedient.

1 **§3209. Forms of certificates.** (a) In order to promote and maintain
2 uniformity in the system of vital statistics, the forms of certificates, reports
3 and other returns required by this article, or by regulations adopted
4 hereunder, shall include as a minimum the items recommended by the Federal
5 agency responsible for national vital statistics, **subject** to approval of and
6 modification by the Director.

7 (b) Each certificate, report and form required to be filed under this
8 article shall have entered upon its face the date of registration, duly attested.

9 **§3210. Birth registration.** (a) The birth of each and every child born in
10 Guam shall be registered within ten (10) days after birth, as hereinafter
11 provided.

12 (b) When a birth occurs in an institution, the person in charge of the
13 institution shall obtain the personal data, prepare the certificate and file it
14 with the Office of Vital Statistics. The physician in attendance shall certify to
15 the facts of birth and provide all medical information required by the
16 certificate within five (5) days after the birth.

17 (c) When a birth occurs outside an institution, the certificate shall be
18 prepared and filed by one (1) of the following in the indicated order of
19 priority:

20 (1) The physician in attendance at or immediately after the
21 birth, or in the absence of such a person:

22 (2) The midwife in attendance at or immediately after the
23 birth, or in the absence of such a person:

24 (3) Any other person in attendance at or immediately after the
25 birth, or in the absence of such a person:

1 (4) The father, the mother, or in the absence of the father or
2 the inability of the mother, the Mayor of the municipal district where
3 the birth occurred.

4 (d) The certificate of live birth for any live birth occurring on or after
5 forty-five (45) days from the effective date of this section, as amended, shall
6 contain those items necessary to establish the fact of the birth and shall
7 contain at least the following information (if known):

8 (1) Full name and sex of newborn child;

9 (2) Date of birth, including month, day, hour and year;

10 (3) Planned place of birth and actual place of birth;

11 (4) Full birth name of father, his social security number,
12 birthplace, and date of birth of, if the child is legitimate. If the child is
13 illegitimate, for so long as the child has not been legitimated, the
14 father's name on the birth certificate shall be footnoted as follows:

15 "The above named father is **not** the presumptive father of the child
16 and no presumption exists as to any father-child relationship."

17 (5) Full birth name of mother, her social security number,
18 birthplace, and date of birth.

19 (6) If multiple birth, the birth order of the newborn children.

20 (7) Signature, and relationship to child, of a parent or other
21 informant, and the date signed.

22 (8) Name, title, mailing address of attending physician and
23 surgeon or principal attendant, signature and certification of live birth
24 by attending physician and surgeon or principal attendant or certifier,
25 the date signed, and name and title of certifier of other than attending
26 physician and surgeon or principal attendant.

27 (9) Date accepted for registration and signature of registrar.

1 (e) **Informational notice advising mother of newborn of right to**
2 **support and to have birth certificate mailed to father: distribution.** The
3 Territorial Registrar of Vital Statistics, the Department of Law, and the
4 Guam Memorial Hospital Authority shall cooperatively develop an
5 informational notice which advises the single mother of a newborn child of
6 her right to child support. The notice shall also advise the mother of her right
7 to have an original certificate of birth mailed to the father free of charge.

8 (f) **Legitimation of child.** If both the father and mother acknowledge
9 paternity as herein provided, the child shall thereupon be legitimized. Forms
10 for such acknowledgment shall be available to all hospitals on Guam and
11 shall be made available at the time of birth to the parents to be filled out at the
12 hospital at no cost to the parents. The child may be legitimized by both
13 parents if both sign the birth certificate or the request for issuance of birth
14 certificate, or if both sign a joint affidavit stating the names, birthdates,
15 addresses, and social security numbers of the parents and a statement that
16 they are the natural parents of the child. The hospital shall advise the parents
17 as to the procedures for legitimation at the time the child is born.

18 (g) **Affidavit of paternity.** When a child is born out of wedlock, and is
19 not legitimized, and before a birth certificate is issued, the hospital shall
20 request an affidavit of paternity to be executed by the mother stating the
21 name of the person who is the father of the child, his birthdate (if known), his
22 social security number (if known), his address (if known), and the names and
23 birthdates of his parents (if known). If the father of the child is unknown it
24 shall be so stated on the affidavit. The affidavit shall be kept on file by the
25 Director of Public Health and Social Services in the Office of Vital Statistics,
26 and shall be available only to the personnel of Public Health, the Attorney
27 General, the mother, the named father, attorneys therefor, or pursuant to

1 court order, which court order may be obtained by any interested person upon
2 **ex parte** application to the Superior Court of Guam.

3 If the mother notes the name of the father upon such affidavit, such
4 affidavit shall not give rise to any presumption, **except** it shall require that the
5 alleged father named therein be given notice of all proceedings involving the
6 welfare of the child, and may be used as a basis for requiring a blood test to
7 determine whether the alleged father is in fact the natural father of the child.

8 (h) Each hospital shall provide notaries public free of charge at the
9 hospital for the purpose of notarizing affidavits relating to paternity, or the
10 affidavits may be executed in conformance with §4308 of Title 6, Guam Code
11 Annotated, as an unsworn declaration under penalty of perjury and be
12 witnessed by an employee of the hospital or an employee of the Office of Vital
13 Statistics not related to either parent.

14 (i) It shall be the duty of the parent(s) in every case to provide all
15 information required on the birth certificate and one or the other parent shall
16 sign said certificate to attest to the accuracy of the personal data entered
17 thereon.

18 (j) Upon request, the Director shall accept, for the purpose of
19 recording births, certified copies of birth certificates of children born outside
20 Guam to residents of Guam.

21 (k) When a birth occurs on a moving conveyance and the child is first
22 removed from the conveyance in Guam, the birth shall be registered in Guam
23 and the location where the child is removed from the conveyance shall be
24 considered as the place of birth.

25 **§3211. Foundling registration; infants of unknown parentage.** (a)
26 Whoever assumes custody of a living infant of unknown parentage shall

1 report on a form and in the manner prescribed by the Territorial Registrar of
2 Vital Statistics, within seven (7) days, the following information:

- 3 (1) The date and place of finding the child;
- 4 (2) Sex, color or race, and approximate age of the child;
- 5 (3) Name and address of the person or institution with whom
6 the child has been placed for care;
- 7 (4) Name given to the child by the custodian; and
- 8 (5) Other data as may be required by the Territorial Registrar
9 of Vital Statistics.

10 (b) The place where the child was found shall be entered as the place of
11 birth, and the date of birth shall be determined by approximation.

12 (c) A report registered under this Section shall constitute the certificate
13 of birth for the infant.

14 (d) If the child is identified and a certificate of birth is found or
15 obtained, any report registered under this Section shall be sealed and filed
16 and may be opened only by order of a court of competent jurisdiction.

17 **§3212. Delayed registration. (a) Birth:**

18 (1) When a birth of a person born in Guam has not been
19 registered, a certificate may be filed in accordance with the
20 regulations of the Office of Vital Statistics. Such certificate shall be
21 registered subject to such evidentiary requirements as the Office of
22 Vital Statistics shall by regulation prescribe to substantiate the
23 alleged facts of birth.

24 (2) Certificates of birth registered seven (7) years or more
25 after the date of occurrence shall be marked "Delayed" and show on
26 their face the date of delayed registration.

1 (3) In all instances of delayed birth registration, the following
2 facts concerning the person whose birth is to be registered are
3 required and must be established: Date of birth; place of birth; and
4 parentage.

5 (4) When an applicant does not submit the minimum
6 documentation required in the regulation for delayed registration, or
7 when the Territorial Registrar of Vital Statistics finds reason to
8 question the validity or adequacy of the certificate or the
9 documentary evidence, the Territorial Registrar shall not register
10 the delayed certificate and shall advise the applicant of the reasons
11 for this action.

12 (5) If the person whose birth is to be recorded be a child under
13 the age of eighteen (18), the birth certificate shall be signed by one of
14 the following in the indicated order of priority:

- 15 a. The attendant at birth;
 - 16 b. By either parent;
 - 17 c. By the child's guardian; or
 - 18 d. By relatives in the next immediate degree of kindred;
- 19 **provided**, that each person signing a certificate shall attest
20 under oath to his belief in the truth of the statements made
21 concerning the age, birthplace, and parentage of the person
22 whose birth is being recorded.

23 (6) If the person whose birth is to be recorded be of legal age,
24 the date of birth and place of birth shall be supported by at least two
25 (2) documents of which only one (1) may be an affidavit; the facts of
26 parentage must be supported by at least one (1) document which may
27 be one (1) of the two (2) submitted as evidence of the other facts.

1 (b) Death and marriage:

2 (1) When a death or marriage in Guam has not been
3 registered, a certificate may be filed in accordance with regulations
4 of the Office of Vital Statistics. Such certificate shall be registered
5 subject to such evidentiary requirements as the Office shall by
6 regulation prescribe to substantiate the alleged facts of death or
7 marriage.

8 (2) Certificates of death and marriage registered one (1) year
9 or more after the date of occurrence shall be marked "Delayed" and
10 shall show on their face the date of the delayed registration.

11 **§3213. Judicial procedure to establish facts of birth.** (a) If a delayed
12 certificate of birth is rejected under the provisions of §3212 of this article, a
13 petition may be filed with the Superior Court of Guam for an order
14 establishing a record of the date and place of birth and the parentage of the
15 person whose birth is to be registered.

16 (b) Such petition shall allege:

17 (1) That the person for whom delayed certificate of birth is
18 sought was born in the Guam;

19 (2) That no record of birth can be found in the Office of Vital
20 Statistics;

21 (3) That diligent efforts by the petitioner have failed to obtain
22 the evidence required in accordance with §3212 of this article.

23 (4) That the Territorial Registrar of Vital Statistics has
24 refused to register a delayed certificate of birth; and

25 (5) Such other allegations as may be required.

26 (c) The petition shall be accompanied by a statement of the registration
27 official made in accordance with subsection (a)(4) of said §3212 and all

1 documentary evidence which was submitted to the registration official in
2 support of such registration. The petition shall be sworn to by the petitioner.

3 (d) The court shall fix a time and place for hearing the petition and
4 shall give the registration official who refused to register the petitioner's
5 delayed certificate of birth (5) days' notice of said hearing. Such official or his
6 authorized representative, may appear and testify in the proceedings.

7 (e) If the Court from the evidence presented finds that the person for
8 whom a delayed certificate of birth is sought was born on Guam, it shall make
9 findings as to place and date of birth, parentage and such other findings as
10 the case may require, and shall issue an order on a form prescribed and
11 furnished by the Registrar of Vital Statistics to establish a record of birth. This
12 order shall include the birth data to be registered, a description of the
13 evidence presented in the manner prescribed by said §3212, and the date of the
14 Court's action.

15 (f) The clerk of the Superior Court shall forward each such order to
16 the Territorial Registrar of Vital Statistics not later than the tenth (10th) day
17 of the calendar month following the month in which it was entered. Such
18 order shall be registered by the Territorial Registrar of Vital Statistics and
19 shall constitute the record of birth, from which copies may be issued in
20 accordance with §3226 of this article.

21 (g) Any person who objects to the accuracy of any of the information on
22 a certificate of birth may petition the Superior Court to correct the certificate,
23 using the same procedures as for obtaining a change of name.

24 **§3214. Court reports of adoption.** (a) For each adoption decreed by a
25 court of competent jurisdiction, the court shall require the preparation of a
26 certificate of adoption on a form prescribed and furnished by the Territorial
27 Registrar of Vital Statistics. The certificate shall include such facts as are

1 necessary to locate and identify the certificate of birth of the person adopted;
2 provide information necessary to establish a new certificate of birth of the
3 person adopted, and shall identify the order of adoption and be certified by
4 the clerk of court.

5 (b) The certificate of adoption shall be filed with the original record of
6 birth, which shall remain as a part of the permanent records of the Office of
7 Vital Statistics.

8 (c) Whenever an adoption decree is amended or annulled, the clerk of
9 the court shall prepare a certificate thereof, which shall include such facts as
10 are necessary to identify the original adoption report, and the facts amended
11 in the adoption decree as shall be necessary to properly amend the birth
12 record.

13 (d) When the Territorial Registrar of Vital Statistics receives a record
14 of adoption or annulment of adoption or amendment thereof from a court for
15 a person born elsewhere, such record shall be forwarded to the appropriate
16 registration authority in the place of birth of the child adopted.

17 **§3215. New certification of birth following adoption, legitimation and**
18 **paternity determination.** (a) The Territorial Registrar of Vital Statistics
19 shall establish a new certificate of birth for a person born in the Guam when
20 he receives one (l) of the following:

21 (l) An adoption report as provided in §3214 of this article, or a
22 certified copy of the decree of adoption, together with the
23 information necessary to identify the original certificate of birth and
24 to establish a new certificate of birth; (except that a new certificate of
25 birth shall not be established if so requested by the court decreeing
26 the adoption, the adoptive parents or the adopted person).

1 (2) An affidavit of acknowledgment of paternity signed by
2 both parents; or

3 (3) A court order determining paternity.

4 (b) When a new certificate of birth is established, the actual place and
5 date of birth shall be shown. It shall be substituted for the original certificate
6 of birth, and thereafter,

7 (1) The original certificate and the evidence of adoption,
8 paternity or legitimation shall not be subject to inspection, **except**
9 upon court order or as provided by regulations.

10 (2) Upon receipt of notice of annulment of adoption, the
11 original certificate of birth shall be restored to its place in the files
12 and the new certificate and evidence shall not be subject to
13 inspection, **except** upon court order.

14 (c) If no certificate of birth is on file for the person for whom a new
15 certificate is to be established under this section, a delayed certificate of birth
16 shall be filed with the Office of Vital Statistics as provided in §§3212 or 3213 of
17 this article. Before a new certificate of birth is established, **except** that when
18 the date and place of birth and parentage have been established in the
19 adoption proceeding, a delayed certificate shall not be required.

20 (d) When a new certificate of birth is established by the Territorial
21 Registrar of Vital Statistics, all copies of the original certificate of birth in the
22 custody of the Office of Vital Statistics, will be sealed from inspection and
23 opened only upon court order or as provided by regulation.

24 **§3216. Death registration.** (a) A death certificate for each death which
25 occurs on Guam shall be filed with the Office of Vital Statistics.

1 (b) The Mayor, upon receiving information of any death within his
2 municipal district, shall report the same immediately to the Office of Vital
3 Statistics, on a prescribed form; **provided**, that:

4 (1) If the place of death is unknown, a death report shall be
5 filed by the Mayor of the municipal district in which a dead body is
6 found and the place where the body is found shall be shown as the
7 place of death; **provided**, further

8 (2) That if death occurs in a moving conveyance, a death
9 report shall be filed by the Mayor of the municipal district in which
10 the dead body was first removed from such conveyance and the
11 location where the body is removed from the conveyance shall be
12 shown as the place of death or if taken to an institution, the death
13 certificate shall be filed by the person in charge of that institution.

14 (c) Death in an institution shall be reported to the Office of Vital
15 Statistics by the person in charge of that institution.

16 (d) Any person who first assumes custody of a dead human body shall
17 report same and file a death certificate with the Office of Vital Statistics. He
18 shall obtain the personal data from the next of kin or the best qualified person
19 or source available and shall obtain the medical certification of cause of death
20 from the person responsible therefor.

21 (e) The medical certification shall be completed and signed within
22 twenty-four (24) hours after death by the physician in charge of the patient's
23 care for the illness or condition which resulted in death, **except** when the
24 patient has received no medical attention within seventy-two (72) hours prior
25 to death or when inquiry is required in accordance with the Post-Mortem
26 Examination Act (Chapter 81, Title 10, Guam Code Annotated).

1 (f) When death occurred without medical attendance as set forth in
2 paragraph (e) of this section, or when inquiry is required by the Post-Mortem
3 Examination Act, the Medical Examiner or his duly authorized
4 representative shall investigate the cause of death and shall complete and
5 sign the medical certification within twenty-four (24) hours after taking
6 charge of the case.

7 (g) Upon request, the Director shall accept, for purposes of recording
8 deaths, certified copies of death certificates of residents of Guam who died
9 outside Guam.

10 (h) When a death is presumed to have occurred within Guam but the
11 body cannot be located, a death certificate may be prepared by the Territorial
12 Registrar upon receipt of an order from a court of competent jurisdiction,
13 which shall include the finding of facts required to complete the death
14 certificate. Such a death certificate shall be marked "presumptive" and shall
15 show on its face the date of registration and shall identify the court and date
16 of decree.

17 **§3217. Fetal death registration.** (a) A fetal death report for each fetal
18 death which occurs in Guam after twenty (20) complete weeks of gestation or
19 more or when a fetus weighs three hundred fifty (350) grams or more, shall be
20 filed with the Office of Vital Statistics within twenty-four (24) hours after
21 such delivery and prior to the removal of the disposition of said fetus;
22 **provided, that:**

23 (1) If the place of fetal death is unknown, a fetal death
24 certificate shall be filed by the Mayor of the municipal district in
25 which the dead fetus was found; or

26 (2) If a fetal death occurs in a moving conveyance, a fetal
27 death report shall be filed by the Mayor of the municipal district in

1 which the dead fetus was first removed or if to an institution, the
2 fetal death report shall be filed by the person in charge of that
3 institution.

4 (b) Any physician, midwife or other person in attendance at or after the
5 delivery of a dead fetus shall file a fetal death report. He shall obtain the
6 personal data from the next of kin or the best qualified person or source
7 available.

8 (c) The medical certification shall be completed and signed within
9 twenty-four (24) hours after delivery by the physician in attendance at or
10 after delivery, except when inquiry is required by the Post-Mortem
11 Examination Act.

12 (d) When a fetal death occurs without medical attendance upon the
13 mother at or after deliver, or when inquiry is required by the Post-Mortem
14 Examination Act, the Medical Examiner shall investigate the cause of fetal
15 death, and shall complete and sign the medical certification within twenty-
16 four (24) hours after taking charge of the case.

17 **§3218. Abortion report.** (a) An individual abortion report for each
18 abortion shall be completed by the mother's attending physician. The report
19 shall be confidential and it shall not contain the name of the mother involved.
20 This report shall include:

- 21 (1) Patient number;
- 22 (2) Name and address of the abortion facility or hospital;
- 23 (3) Date of the abortion;
- 24 (4) Zip code or other residential identification of the
25 pregnant woman;
- 26 (5) Age of the pregnant woman;
- 27 (6) Ethnic origin of the pregnant woman;

- 1 (7) Marital status of the pregnant woman;
- 2 (8) Number of previous pregnancies;
- 3 (9) Number of years of education of the pregnant woman;
- 4 (10) Number of living children;
- 5 (11) Number of previous induced abortions;
- 6 (12) Date of the last induced abortion;
- 7 (13) Date of the last live birth;
- 8 (14) Method of contraception used, if any, at the time of
- 9 conception;
- 10 (15) Date of the beginning of the last menstrual period;
- 11 (16) Medical condition of the pregnant woman at the time of
- 12 abortion;
- 13 (17) RH type of the pregnant woman;
- 14 (18) Type of abortion procedure used;
- 15 (19) Complications, if any;
- 16 (20) Type of procedure done after the abortion;
- 17 (21) Type of family planning recommended;
- 18 (22) Type of additional counseling given, if any;
- 19 (23) Signature of attending physician; and
- 20 (24) Certification provided for in this section.

21 (b) An individual complication report for any post-abortion care
22 performed upon a woman shall be completed by the physician providing such
23 post-abortion care. This report shall include:

- 24 (1) Date of the abortion;
- 25 (2) Name and the address of the abortion facility or hospital
- 26 where the abortion was performed; and
- 27 (3) Nature of the abortion complication diagnosed or treated.

1 (c) All abortion reports shall be signed by the attending physician and
2 shall be submitted to the Guam Memorial Hospital Medical Records Section
3 within thirty (30) days from the date of the abortion. All complication reports
4 shall be signed by the physician providing the post abortion care and
5 submitted to the Guam Memorial Hospital Medical Records Section within
6 thirty (30) days from the date of the post-abortion care.

7 (d) A copy of the abortion report shall be made a part of the medical
8 record of the patient in the facility or hospital in which the abortion was
9 performed.

10 (e) The Guam Memorial Hospital Medical Records Section shall be
11 responsible for collecting all abortion reports and complication reports, and
12 collating and evaluating all data gathered therefrom, and shall annually
13 publish a statistical report based on such data from abortions performed in
14 the previous calendar year.

15 (f) The Guam Memorial Hospital Medical Records Section shall make
16 available to physicians performing abortions in Guam, forms for both
17 abortion reports and post-abortion care reports, as provided in subsections
18 (a) and (b) of this section.

19 (g) All information in abortion reports and post-abortion care reports
20 and the reports themselves shall be confidential. Information and records
21 may be disclosed only in communications between qualified professional
22 persons in the provision of services or in statistical form for research
23 purposes as required by subsection (e) of this section.

24 (h) Any person who releases confidential information in violation of
25 subsection (g) of this section shall be guilty of a misdemeanor.

26 (i) Any person may bring an action against an individual who has
27 willfully and knowingly released confidential information about such person

1 in violation of subsection (g) of this section for the greater of the following
2 amounts:

3 (1) Five Hundred Dollars (\$500); or

4 (2) Three (3) times the amount of actual damages, if any,
5 sustained by the plaintiff, reasonable attorney's fees and the costs of
6 the action. It is **not** a prerequisite to an action under this subsection
7 that the plaintiff suffer or be threatened with actual damages.

8 **§3219. Extension of time.** The Office of Vital Statistics may, by
9 regulation, and upon such conditions as it may prescribe to assure compliance
10 with the purposes of this article, provide for the extension of the periods
11 prescribed in §§3216 and 3217 of this article for the filing of death certificates,
12 fetal death reports and medical certifications of cause of death in cases in
13 which compliance with the applicable prescribed period would result in undue
14 hardship.

15 **§3220. Marriage registration.** (a) A record of each marriage
16 performed on Guam shall be filed with the Territorial Registrar of Vital
17 Statistics as provided in this section.

18 (b) The officer who issues the marriage license shall prepare the license
19 and certificate on the form prescribed and furnished by the Office of Vital
20 Statistics upon the basis of information obtained from the parties to be
21 married, who shall attest to the information by their signatures.

22 (c) Every person authorized by the laws of Guam to perform a
23 marriage shall certify the fact of marriage and file the record of such
24 marriage with the Office of Vital Statistics within ten (10) days after the
25 ceremony. This certificate shall be signed by the witnesses, and another
26 signed copy shall be given to the parties marrying.

1 (d) The officer issuing marriage licenses shall complete and forward to
2 the Territorial Registrar of Vital Statistics, on or before the fifteenth (15th)
3 day of each month, copies of the applications and licenses filed with him
4 during the preceding calendar month.

5 (e) The Director shall accept, for the purpose of recordation, certified
6 copies of records of marriages performed outside Guam in which one (1) or
7 both parties are residents of Guam.

8 **§3221. Court reports of divorce and annulment of marriage.** (a) For
9 each divorce and annulment of marriage granted by the courts of Guam, a
10 report shall be filed with the Office of Vital Statistics by the clerk of court.

11 (b) On or before the fifteenth (15th) day of each month, the clerk of
12 court shall forward to the Office of Vital Statistics the report of each divorce
13 and annulment of marriage granted during the preceding calendar month
14 and such related reports as may be required by regulations issued under this
15 article.

16 (c) The information necessary to prepare the report shall be furnished
17 with the petition to the clerk of court by the parties, petitioner or their legal
18 representative on forms prescribed and furnished by the Territorial Registrar
19 of Vital Statistics.

20 **§3222. Correction and amendment of Vital Records.** (a) A certificate
21 or record registered under this article may be amended only in accordance
22 with this article and regulations thereunder, adopted by the Department to
23 protect the integrity and accuracy of vital statistics records.

24 (b) A certificate that is amended under this section shall be marked
25 "Amended," except as provided in paragraphs (b) and (d) of this section. The
26 date of amendment and a summary description of the evidence submitted in
27 support of the amendment shall be endorsed on or made a part of the record.

1 The Office of Vital Statistics shall prescribe by regulation the conditions under
2 which additions or minor corrections shall be made to birth certificates within
3 one (1) year after the date of birth without the certificates being considered as
4 amended.

5 (c) Upon receipt of a certified copy of a court order changing the name
6 of a person born in Guam, and upon request of such person or his parent,
7 guardian or legal representative, the Office of Vital Statistics shall amend the
8 certificate of birth to reflect the new name.

9 (d) Upon request and receipt of a sworn acknowledgment of paternity
10 of a child born out of wedlock, signed by both parents, the Territorial
11 Registrar of Vital Statistics shall amend a certificate of birth to show such
12 paternity, if paternity is not shown on the certificate. The surname of the child
13 shall then be changed to that of the father, but the certificate shall not be
14 marked "Amended".

15 (e) Upon receipt of a sworn statement from the physician performing
16 the surgery certifying the sex of an individual has been changed by surgical
17 procedure, and upon written request of an individual born in Guam, the sex
18 of the individual shall be amended on the birth certificate to reflect such
19 change. The name of the individual may be changed as provided in
20 paragraph (c) of this section.

21 **§3223. Reproduction of records.** To preserve original documents, the
22 Territorial Registrar of Vital Statistics is authorized to prepare typewritten,
23 photographic or other reproductions of original records and files in his office.
24 Such a reproduction, when certified by him and sealed with an official
25 government seal, shall be accepted as the original and official record.

26 **§3224. Same: microfilm.** To preserve original records, the Territorial
27 Registrar is authorized and directed to microfilm all vital records. All such

1 reproductions shall be equally admissible as competent evidence in all courts
2 of Guam or in any administrative proceeding as the original itself whether
3 the original is in existence or not.

4 **§3225. Disclosure of records.** (a) To protect the integrity, the
5 confidentiality, the validity and the evidentiary value of Vital Statistics
6 Records, to insure their proper use and to insure the efficient and proper
7 administration of the Vital Statistics system, it shall be unlawful for any
8 person to permit inspection of, or to disclose information contained in Vital
9 Statistics Records, or to copy or issue a copy of all or part of any such record,
10 **except** as authorized by regulation or as provided for by this article.

11 (b) The Office of Vital Statistics may authorize the disclosure of data
12 contained in Vital Statistics Records for research purposes; **provided**, that
13 request for such be first approved by the Director.

14 (c) Information in Vital Statistics Records, such as birth occurring out
15 of wedlock or length of pregnancy, may not be disclosed **except** as provided
16 for in this article, by regulation or upon court order.

17 (d) Appeals from decisions of the Territorial Registrar refusing to
18 disclose information, or to permit inspection of or copying of records under
19 the authority of this section and regulations issued hereunder shall be made
20 to the Director, whose decisions shall be binding upon the Territorial
21 Registrar.

22 **§3226. Copies of Data from Vital Records.** In accordance with §3225 of
23 this article, and the regulations adopted pursuant thereto:

24 (a) The Office of Vital Statistics shall upon request, issue a
25 certified copy of any certificate or record in his custody or of a part
26 thereof. Each copy issued shall show the date of registration; and

1 copies issued from records marked "Delayed," "Amended" or "Court
2 Order" shall be similarly marked and show the effective date.

3 (b) A certified copy of a certificate or any part thereof, issued
4 in accordance with paragraph (a) of this section, shall be considered
5 for all purposes the same as the original, and shall be **prima facie**
6 evidence of the facts therein stated; **provided**, that the evidentiary
7 value of the certificate or record filed more than one (1) year after the
8 event, or a record which has been amended shall be determined by
9 the judicial or administrative body or official before whom the
10 certificate is offered as evidence.

11 (c) The National Center for Health Statistics shall be
12 furnished such copies or data as it may require for national statistics;
13 **provided**, that the government of Guam shall be reimbursed for the
14 cost of furnishing such data; and **provided**, further, that such data
15 shall not be used for other than statistical purposes by the National
16 Center for Health Statistics unless so authorized by the Office of
17 Vital Statistics.

18 (d) Federal, state or other territorial governmental branches
19 and other public or private agencies may, upon request, be furnished
20 copies of data for statistical purposes upon such terms or conditions
21 as may be prescribed by the Office of Vital Statistics.

22 (e) No person shall prepare or issue any certificate which
23 purports to be an original, certified copy or copy of a certificate of
24 birth, death or fetal death, **except** as authorized in this article or
25 regulations adopted hereunder.

26 **§3227. Fees for copies.** (a) The Director shall, by regulation, establish
27 fees for certified copies of certificates or records issued; for the search of the

1 files or records when no copy or information is available; for processing a
2 change of name by court order and other means; for amending records; and
3 for filing a delayed certificate of birth or marriage.

4 (b) Fees collected under this section by the Office of Vital Statistics
5 shall be deposited in the General Fund of the government of Guam according
6 to procedures established by law governing collections.

7 **§3228. Duty to furnish information relative to vital events.** Any person
8 having knowledge of the facts, shall furnish such information as he may
9 possess regarding any birth, death, fetal death, marriage or divorce, upon
10 demand of the Territorial Registrar of Vital Statistics.

11 **§3229. Penalties.** (a) (1) Any person who willfully and knowingly
12 makes any false statement in a report, record or certificate required to be filed
13 under this article or in an application for amendment thereof or who willfully
14 and knowingly supplies false information intending that such information be
15 used in the preparation of any such report, record or certificate, or
16 amendment thereof; or

17 (2) Any person who without lawful authority and with intent
18 to deceive, makes, alters, amends or mutilates any report, record or
19 certificate required to be filed under this article or certified copy of
20 such report, record or certificate; or

21 (3) Any person who willfully and knowingly uses or attempts
22 to use or furnish to another for use, for any purpose of deception,
23 any certificate, record, report or certified copy thereof so made,
24 altered, amended or mutilated; or

25 (4) Any person who, with the intention to deceive, willfully
26 uses or attempts to use any certificate of birth or certified copy of a
27 record of birth, knowing that such certificate or certified copy was

1 issued upon a record which is false in whole or in part, or which
2 relates to the birth of another person; or

3 (5) Any person who willfully and knowingly furnishes a
4 certificate of birth or certified copy of a record of birth with the
5 intention that it be used by a person other than the person to whom
6 the record of birth relates, shall be guilty of a misdemeanor.

7 (b) (1) Any person who refuses to provide information required by this
8 article; or

9 (2) Any person who willfully and knowingly transports or
10 accepts for transportation; interment or other disposition a dead
11 body without an accompanying permit as required by this article; or

12 (3) Any person who willfully neglects or violates any of the
13 provisions of this article, or refuses to perform any of the duties
14 imposed upon him by this article, shall be guilty of a petty
15 misdemeanor.

16 **§3230. Burial-transit permits.** (a) No dead human body or fetus
17 attaining twenty (20) weeks of gestation or more shall be buried, deposited in
18 a crypt, mausoleum or vault, cremated, removed from Guam or otherwise
19 disposed of, unless a burial-transit permit has first been issued therefor by the
20 Office of Vital Statistics. Such permit shall be presented to the person in
21 charge of the cemetery, crematorium or other place of disposition, and shall
22 be promptly returned by him to the Office of Vital Statistics after such burial,
23 cremation or other disposition with a certification that the body was disposed
24 of in accordance with the burial-transit permit.

25 (b) The Territorial Registrar shall not issue a burial-transit permit for
26 the disposition of any dead body in any place other than in a cemetery,
27 crematorium, crypt or mausoleum which is in compliance with the

1 regulations for cemeteries, crematoriums, crypts or mausoleums established
2 by the Director. Each burial-transit permit shall include the cemetery plot
3 number, crypt number or other information which will designate the exact
4 location to which the body will be taken.

5 (c) The Territorial Registrar shall issue burial-transit permits for
6 disposition of bodies outside Guam or for burial at sea only when such
7 disposition complies with regulations established by the Director for this
8 purpose.

9 (d) Any person first assuming custody of a dead body or fetus shall
10 obtain a burial-transit prior to final disposition or removal from Guam
11 within seventy-two (72) hours after death.

12 (e) Burial-transit permits shall be issued provided that first a certificate
13 of death or fetal death has been filed with the Office in accordance with
14 §§3216 and 3217 of this article.

15 (f) A permit issued under the law of any state which accompanies a
16 dead human body or fetus brought into Guam for final disposition shall be the
17 authority to dispose of said body or fetus; **provided**, that the Director, in the
18 protection of the public health, having consideration of the cause of death or
19 other special conditions, may, in his discretion, order such form of burial or
20 disposition of a dead body or fetus as he deems necessary.

21 (g) No dead human body or remains shall be disinterred for reburial or
22 other purpose from any cemetery, crypt, mausoleum or vault without a
23 permit from the Office of Vital Statistics. Such disinterments must comply
24 with regulations established by the Director of the disinterment of human
25 bodies or remains.

1 **§3231. Disposition.** (a) The right to control the disposition of a dead
2 human body and the duty of burial or other disposition and the liability for the
3 reasonable cost thereof devolves upon the following in the order named:

- 4 (1) Surviving spouse of the decedent;
5 (2) Surviving child or children of the decedent;
6 (3) Surviving parent or parents of the decedent; and
7 (4) Person or persons, respectively, in the next degrees of
8 kindred, in the order named by the laws of Guam as entitled to
9 succeed the estate of the decedent; **provided**, that liability for the cost
10 of burial or other disposition shall be primarily upon the estate of the
11 decedent.

12 (b) Where the duty of burial or other disposition of the dead human
13 body does not devolve upon any other person in Guam, or if such person
14 cannot after reasonable diligence be found within Guam, the Director shall
15 arrange for the burial or other disposition of such body.

16 **Article 3**

17 **Disease control**

18 **§3301. Definitions.**

19 **§3302. Duty to report.**

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21 **§3304. Same: laboratories.**

22 **§3305. Same: keeper of boarding or lodging houses.**

23 **§3306. Same: master of vessels; captain of aircraft.**

24 **§3307. Investigation.**

25 **§3308. Same: access to records, reports, etc.**

26 **§3309. Isolation and quarantine: regulations.**

27 **§3310. Same: authority of Director.**

- 1 §3311. Placarding.
- 2 §3312. Violation of isolation or quarantine.
- 3 §3314. Disinfection of premises.
- 4 §3315. Destruction of property.
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- 8 §3319. Responsibility of person in charge of minor.
- 9 §3320. Willful exposure.
- 10 §3321. Concealing disease.
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- 14 §3325. Prevention of blindness at childbirth.
- 15 §3326. Immunization audit.
- 16 §3327. Same: confidentiality.
- 17 §3328. Autopsy.
- 18 §3329. Testing for tuberculosis.
- 19 §3330. Failure to report.
- 20 §3301. Definitions. As used in this article:
- 21 (a) "Communicable Disease" includes any of the following diseases or
- 22 conditions which are dangerous to public health:
- 23 1. Acquired Immune Deficiency Syndrome (AIDS)
- 24 2. Amebiasis (amoebic dysentery);
- 25 3. Anthrax;
- 26 4. Brucellosis (undulant fever);
- 27 5. Chancroid;

- 1 6. Chickenpox;
- 2 7. Cholera;
- 3 8. Clonorchiasis (liver-fluke);
- 4 9. Conjunctivitis, acute infectious (pink eye);
- 5 10. Dengue;
- 6 11. Diarrhea of newborn (epidemic infantile);
- 7 12. Diphtheria;
- 8 13. Encephalitis, primary (infectious);
- 9 14. Erysipelas;
- 10 15. Favus;
- 11 16. Filariasis;
- 12 17. Fish (ciguatera) poisoning;
- 13 18. Fish (scombroid) poisoning;
- 14 19. Glanders (farcy);
- 15 20. Gonorrhea;
- 16 21. Gonorrheal ophthalmia;
- 17 22. Granuloma inguinale;
- 18 23. Hepatitis A (Infectious)
- 19 24. HIV-seropositive condition;
- 20 25. Hepatitis B (Serum);
- 21 26. Hookworm disease;
- 22 27. Impetigo contagious (in institution);
- 23 28. Influenza;
- 24 29. Kerato-Conjunctivitis (Infectious);
- 25 30. Leprosy (Hansen's Disease);
- 26 31. Leptospirosis (Weil's disease or haemorrhagic
- 27 jaundice);

- 1 32. Malaria;
- 2 33. Measles (rubeola);
- 3 34. Melioidosis
- 4 35. Meningitis, aseptic;
- 5 36. Meningitis, cerebrospinal (meningococcic);
- 6 37. Meningitis, other infectious;
- 7 38. Mononucleosis, infectious;
- 8 39. Mumps;
- 9 40. Paratyphoid fever;
- 10 41. Pertussis (whooping cough);
- 11 42. Plague;
- 12 43. Poliomyelitis, acute anterior (infantile paralysis);
- 13 44. Psittacosis-ornithosis;
- 14 45. Puerperal septicemia;
- 15 46. Rabies;
- 16 47. Relapsing fever;
- 17 48. Rheumatic fever (active);
- 18 49. Rickettsial disease;
- 19 50. Ringworm of the scalp (tinea capitis);
- 20 51. Rubella (German measles);
- 21 52. Salmonellosis;
- 22 53. Scabies;
- 23 54. Scarlet Fever;
- 24 55. Septic sore throat (streptococcus);
- 25 56. Shigellosis (bacillary dysentery);
- 26 57. Smallpox;
- 27 58. Syphilis;

1 59. Tetanus;
2 60. Trachoma;
3 61. Trichinosis;
4 62. Tuberculosis (pulmonary);
5 63. Tuberculosis (other than pulmonary);
6 64. Tularemia;
7 65. Typhoid fever;
8 66. Typhus fever;
9 67. Yaws;
10 68. Yellow fever
11 69. Any other disease deemed by the Director to be
12 dangerous to the public health may be added by regulation.

13 (b) "Isolation" means the separation of persons suffering a
14 communicable disease or carriers of such a disease from other persons for the
15 period of communicability in such places and under such conditions as will
16 prevent the transmission of the causative agent; and

17 (c) "Quarantine" means the limitation of freedom of movement of
18 those who have been exposed to a communicable disease, whether a person
19 or animal, for a period of time equal to the longest usual incubation period of
20 the disease, in such manner as to prevent effective contacts with those not so
21 exposed.

22 **§3302. Duty to report.** Any person licensed or registered to practice any
23 healing art under Chapter 12 of this Title who has knowledge of or suspects
24 the presence of any communicable disease or any other disease dangerous to
25 the public health, shall report the same to the Director within forty-eight (48)
26 hours after diagnosis, unless a different time is prescribed by regulation,
27 together with the name, age, village of residence and sex of the person

1 afflicted, the house or other place in which such person may be found, and
2 such other information as may be required by regulation.

3 **§3303. Same: dispensaries, hospitals, etc.** The superintendent, chief
4 medical officer, nurse in charge or other person in charge of any hospital,
5 clinic, dispensary, infirmary, medical aid station or other establishment
6 providing medical care, either to the general public or otherwise, who has
7 knowledge of the presence of any communicable disease or any other disease
8 dangerous to the public health shall report the same to the Director in
9 accordance with §3302 of this article. When the patient is hospitalized, the
10 person in charge of the hospital in which he is hospitalized shall make the
11 report.

12 **§3304. Same: laboratories.** The director, administrator, chief officer
13 or other person in charge of any laboratory, public or private, performing any
14 test or examinations upon persons or their blood, urine, feces or any other
15 body products shall, upon identification or suspected identification of an
16 etiologic agent, antigen, antibody or any other substance or combination of
17 substances generally accepted as being diagnostic of the presence of a
18 communicable disease, shall report same to the Director in accordance with
19 §3302 of this article.

20 **§3305. Same: keeper of boarding or lodging houses.** Any owner,
21 keeper or other person in charge of the operation of a hotel, boarding house
22 or dormitory shall immediately report to the Director the presence therein of
23 any person he has reason to believe to be sick of, or to have died of any
24 contagious, infectious, communicable or other disease dangerous to the public
25 health.

26 **§3306. Same: master of vessels; captain of aircraft.** Any master of a
27 vessel or captain of an aircraft shall immediately report to the Director or his

1 representative the presence aboard such vessel or aircraft of any person such
2 master or captain has reason to believe to be sick of or to have died of any
3 communicable disease.

4 **§3307. Investigation.** When a complaint is made or a reasonable belief
5 exists that a communicable disease or other disease dangerous to the public
6 health prevails in any house or elsewhere which has not been reported, the
7 Director shall make an inspection for the purpose of discovering whether any
8 such disease exists.

9 **§3308. Same: access to records, reports, etc.** When the Director has
10 reason to believe that a communicable disease exists but that full and
11 complete information as required by §3302 of this article has not been
12 provided, the Director or his representative may examine any and all records
13 or reports deemed necessary to fully investigate the disease.

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

19 **§3310. Same: authority of Director.** (a) Notwithstanding §3309 of
20 this article, when a person has or is reasonably suspected of having or is
21 reasonably suspected of being a carrier of any communicable disease or any
22 other disease dangerous to the public health, the Director may impose
23 isolation of such person and may impose quarantine on anyone who has had
24 contact with such person. The extent and duration of isolation and
25 quarantine imposed in a given case and release therefrom shall be within the
26 discretion of the Director, depending upon the disease. The Director may, in
27 his discretion, determine the persons subject to isolation and quarantine,

1 specify the places or areas to which or in which they are restricted in their
2 movements, prescribe other conditions and requirements to be observed,
3 decide the duration of isolation and quarantine and release therefrom and
4 issue other necessary instructions. He shall insure that provisions are made
5 for medical observation of such persons as frequently as necessary during
6 isolation and quarantine or amend the degree thereof and other restrictions
7 imposed in connection therewith at any time.

8 (b) When a person has or is reasonably suspected of having or is
9 reasonably suspected of being a carrier of any communicable disease or any
10 other disease dangerous to the public health, the Director may, in his
11 discretion and for the safety of the public, remove such person, with or
12 without his consent, to a licensed hospital or other designated premises for
13 the purpose of isolation and treatment until the disease is no longer
14 communicable by such person. If the Director should determine that removal
15 of such person is not practicable, such person may be allowed to remain
16 where he is and the Director may take such measures as he may deem
17 advisable to provide for his care for the public health by way of isolation and
18 quarantine.

19 **§3311. Placarding.** When a person has been isolated or quarantined
20 and is restricted thereby to his residence or other building, the Director may
21 place in a conspicuous position on the exterior of the premises where such
22 person is isolated or quarantined a placard having printed on it in large
23 letters the name of the disease and warning all unauthorized persons to
24 remain off the premises. Such placard shall be in both English and Chamorro
25 and in any other languages the Director deems appropriate. No person shall
26 remove, deface or destroy such placard until authorized by the Director.

1 **Except** as authorized by the Director or by regulation, no person shall enter
2 or leave any premises which has been placarded.

3 **§3312. Violation of isolation or quarantine.** No person who has been
4 isolated or quarantined shall leave the premises or area to which he has been
5 restricted **without** the written permission of the Director until he has been
6 released from such isolation or quarantine.

7 **§3313. Chief of Police.** Upon the request of the Director, it shall be the
8 duty of the Chief of Police to act and assist in the enforcement of isolation and
9 quarantine, using such force as may be reasonably necessary.

10 **§3314. Disinfection of premises.** The Director may, if he deems it
11 advisable, order the premises and contents thereof in which any person has
12 been ill or has died of a communicable disease or any other room, building,
13 premises or area, any contents thereof, which may be infective by contact
14 with any communicable disease, to be disinfected and purified in such manner
15 as he may direct. It shall be the duty of the owner or occupant of such
16 premises to comply with any such order.

17 **§3315. Destruction of property.** The Director may destroy any infective
18 clothing, bedding or other article which cannot be made safe by disinfection.
19 He shall furnish to the owner thereof a receipt showing the number,
20 character, condition and estimated value of the article so destroyed. A copy of
21 such receipt shall be retained by the Director.

22 **§3316. Compensation.** Upon the presentation of the original receipt
23 for articles destroyed under §3315 of this article and approval by the Attorney
24 General, the Director shall pay to the owner of such property, out of such
25 appropriations of the Department as may be available, the value of such
26 destroyed articles.

1 **§3317. Closing of school.** During an epidemic or threatening epidemic
2 or when a dangerous communicable disease is unusually prevalent, the
3 Director may close any public or private school and prohibit any public or
4 private gathering for such time as may be necessary in the interest of the
5 public health.

6 **§3318. Disposal of bodies.** The Director, in his discretion, may require
7 that the body of a person, who has died of a communicable disease or any
8 other disease dangerous to the public health, be buried or cremated
9 immediately or within such period of time and in conformity with such
10 procedures for the protection of the public health, as he may designate.

11 **§3319. Responsibility of person in charge of minor.** Where any person
12 suffering from a communicable disease is required to remain isolated or
13 quarantined or to do or refrain from doing any act or thing whereby spread of
14 the disease may be enhanced or such person because of his tender age or of
15 physical or mental disability is unable to comprehend or comply with such
16 requirements, it shall be the duty of the parent, guardian or other person,
17 including any attendant having such patient under his care, custody or control
18 to comply or cause compliance with the isolation or quarantine so imposed
19 and pertinent provisions of this article.

20 **§3320. Willful exposure.** No person having a communicable disease or
21 any other disease dangerous to the public health or being in charge of any
22 other person afflicted with such a disease, shall willfully expose himself or
23 such person in any public place, street or highway **except** as may be
24 authorized by the Director.

25 **§3321. Concealing disease.** No person shall conceal any person having
26 any communicable disease or any other disease dangerous to the public
27 health, including any venereal disease. No parent, guardian or other person

1 having custody or care of a minor child shall conceal the fact of a minor child
2 having any such disease.

3 **§3322. Vaccination and immunization.** No student shall be permitted to
4 attend any public or private school, college, or university within Guam unless
5 evidence is presented to the enrolling officer of such school, college or
6 university that the student has had all required vaccinations or
7 immunizations. Required vaccinations and immunizations include but are not
8 limited to Diphtheria, Pertussis, Tetanus, Polio, Measles (Rubeola), Mumps
9 and Rubella(German Measles) or against any other communicable disease as
10 the Director shall, by regulation, require, **except** that exemption may be
11 granted to a student in a case when the vaccination or immunization would
12 be against his or her religious beliefs, or upon certification by a parent or
13 guardian of a student who is a minor that such vaccination or immunization
14 would be against their religious belief, or to a student who has been certified
15 by a licensed medical doctor that said student should be exempt from this
16 section where medical contraindication to his or her receiving a specific
17 vaccine exists. The Director may require vaccination and immunization of
18 any person or persons suspected as carriers of a communicable disease upon
19 entering or leaving Guam which the Director believes may present a risk to
20 the public health of Guam. The Director, in case of an epidemic or to control
21 a possible epidemic of a communicable disease, may direct that the general
22 population be vaccinated and immunized against said disease. A child may
23 not be enrolled in kindergarten or first grade unless that child has been
24 administered the measles, mumps, and rubella (MMR) vaccine twice or that
25 child is exempt on religious grounds or that the administration to such child is
26 medically contraindicated.

1 **§3323. Prenatal test.** Any licensed physician attending a pregnant
2 woman for a condition relating to her pregnancy during the period of
3 gestation or at delivery shall take or cause to be taken a sample of the blood
4 of such woman and submit such sample to the Department's laboratory or
5 other laboratory approved by the Director for a standard serologic test for
6 syphilis. Any other person permitted by law to attend pregnant women, but
7 not permitted by law to take blood samples, shall cause a sample of blood of
8 every pregnant woman attended by him to be taken by a duly licensed
9 physician or at a lab approved by the Director for a standard serologic test
10 for syphilis. Such samples of blood shall be taken at the time of the first visit
11 of the pregnant woman or within fourteen (14) days thereafter. Every
12 pregnant woman shall permit such samples of her blood to be taken as in this
13 section.

14 **§3324. Report as to prenatal test.** In reporting any birth or stillbirth,
15 any physician or other person required to make such reports shall state in a
16 report accompanying the certificate whether, according to his knowledge or
17 information, a blood test for syphilis has been made upon a specimen of blood
18 taken from the woman who bore the child for which the birth or stillbirth
19 certificate is filed and the approximate date when the specimen was taken.
20 The Director is authorized to investigate the circumstances surrounding the
21 birth of any baby on whose mother no serologic test, as required by the
22 provisions of this article, appears to have been taken.

23 **§3325. Prevention of blindness at childbirth.** Any physician, midwife, or
24 any other person in attendance at childbirth immediately after birth shall
25 administer a one percent (1%) silver nitrate solution to both eyes of the
26 newborn child. Preparations other than one percent (1%) silver nitrate may

1 be used only on approval of the Director and subject to such conditions and
2 restrictions as the Director may impose.

3 **§3326. Immunization audit.** Annually, the Director shall conduct an
4 immunization audit. Sample audits shall be conducted on public health clinic
5 records, private clinic records and private physicians' records to determine if:

6 (a) One (1) consolidated immunization record is posted on the
7 inside front cover of the patient's medical record if the patient is under
8 the age of eighteen (18); and

9 (b) If the record of any child found to be deficient in immunizations
10 indicates:

11 (1) That progress towards immunization is being made;

12 (2) A record of scheduled return appointment for the child; or

13 (3) A reason for the lack of immunization.

14 **§3327. Same: confidentiality.** The immunization audit shall be done by
15 the Director who may delegate his duty. The Director shall be responsible for
16 assuring that the confidentiality of individual patient records is preserved.
17 The Department shall be responsible for compiling a statistical report of the
18 audit.

19 **§3328. Autopsy.** The Director may order an autopsy to determine if the
20 deceased died of a communicable disease or whenever, in his direction, the
21 public interest justifies it.

22 **§3329. Testing for tuberculosis.** No student shall be permitted to attend
23 any public or private school, college, or university within Guam unless they
24 have on file with the enrolling officer of such school, college or university a
25 report of a Tuberculosis ("TB") skin test result.

26 (a) If the student is entering from the United States or states or its
27 territories, such test must have been conducted within one year prior to

1 enrollment. If the student is entering from an area other than the United
2 States or its states or territories, such test must have been conducted within
3 six (6) months prior to enrollment.

4 (b) If a student has had a positive TB skin test, a Certificate of
5 Tuberculosis Evaluation must be obtained from the Department. If this
6 certificate indicates that the student is TB contagious the student shall be
7 permitted entrance to school only after he or she is certified as noncontagious
8 by the Department.

9 **Article 4**

10 **Maternal and child health and children with special** 11 **health needs**

12 **§3401. Designation of Department of Public Health and Social Services**
13 **as cooperative agency.** The Department of Public Health and Social Services
14 is hereby designated as the agency to cooperate with the duly constituted
15 Federal authorities in the administration of these parts of the Social Security
16 Act which relate to maternal and child health services and the care and
17 treatment of children with special health needs and is authorized to receive
18 and expend all funds made available by the Federal government or from any
19 other source for the purpose provided in this article; **provided**, that all plans,
20 rules and regulations, or agreements adopted in connection therewith shall
21 be subject to the approval of the Governor.

22 **Article 5**

23 **Maternal and child health services**

24 **§3501. Maternal and child health programs: administration and**
25 **purposes.**

26 **§3502. Guam Plan for Maternal and Child Health**
27 **Services: formulation, adoption and approval.**

1 **§3503. Provisions to be included in Guam Plan.**

2 **§3504. Duties of Director.**

3 **§3505. Maternal and child health service funds: custody and**
4 **expenditures.**

5 **§3501. Maternal and child health programs: administration and**
6 **purposes.** (a) The Department of Public Health and Social Services (the
7 “Department”) is hereby designated as the agency to administer a maternal
8 and child health program in Guam.

9 (b) The purposes of such program shall be to develop, extend and
10 improve health services, and to provide for development of demonstration
11 services.

12 **§3502. Guam Plan for Maternal and Child Health Services:**
13 **formulation, adoption and approval.** (a) The Department hereby
14 empowered and authorized:

15 (1) To formulate, adopt and administer a detailed plan or
16 plans for the purposes specified in §3501 of this article.

17 (2) To make and adopt all such rules and regulations not
18 inconsistent with the provisions of §§3501 through 3505 of this
19 article, inclusive, or of the Social Security Act, as are or may be
20 necessary for the administration of such plan or plans and the
21 administration of this article.

22 (b) Such plan or plans and the rules and regulations when formulated
23 shall be submitted to the Secretary of Health and Human Services for
24 approval, and when approved by the Secretary shall thereupon be made
25 effective by the Department in accordance with the Administration
26 Adjudication Law.

1 **§3503. Provisions to be included in Guam Plan.** Such plan or plans shall
2 include therein provisions for:

3 (a) Financial participation by Guam.

4 (b) Administration of such plans or plans by the Department.

5 (c) Such methods of administration as are necessary for
6 efficient operation of such plan or plans.

7 (d) Maintenance of records and preparation as are necessary
8 for efficient operation of such plan or plans.

9 (e) Cooperation with medical, health, nursing and welfare
10 groups and organizations for the purpose of extending and
11 improving maternal and child health.

12 (f) Receiving and expending in the manner provided herein in
13 accordance with such plan or plans, all funds made available by the
14 Federal government or from any other source for such purposes.

15 (g) Cooperating with the Federal government, through its
16 appropriate agency or instrumentality, in developing, extending and
17 improving such services, and in the administration of such plan or
18 plans and development of demonstration services among groups in
19 special need.

20 (h) Carrying out the purposes specified in §3501 of this article.

21 **§3504. Duties of Director.** (a) The Director of Public Health and Social
22 Services (the "Director") shall be the administrative officer of the agency
23 with respect to the administration and enforcement of the provisions of this
24 article, and of the plan or plans formulated and adopted in accordance
25 therewith and all such rules and regulations necessary thereto.

1 (b) The Director is hereby empowered and directed to administer and
2 enforce all rules and regulations adopted for the efficient operations of the
3 plan or plans formulated for the purposes of this article.

4 (c) The Director shall, from time to time as directed by the Secretary of
5 Health and Human Services make such reports in such form and containing
6 such information as the Secretary of Health and Human Services shall
7 require.

8 (d) The Director shall from time to time, pursuant to the rules and
9 regulations of the Secretary of Health and Human Services and of the
10 Secretary of the Treasury, requisition and cause to be deposited with the
11 Treasurer of Guam all moneys allotted to Guam by the Federal government
12 for the purposes of this article, and shall cause to be paid out of the treasury
13 the moneys therein deposited for such purposes.

14 **§3505. Maternal and child health service funds: custody and**
15 **expenditures.** (a) The Treasurer of Guam is hereby made custodian of all
16 moneys allotted to Guam by the Federal government, or received from other
17 sources, for the purposes of maternal and child health services.

18 (b) The Treasurer shall receive and provide for the proper custody of
19 such moneys and is authorized to deposit such moneys in the same manner as
20 other public moneys are deposited.

21 (c) Such moneys shall be disbursed only upon certification by the
22 Director.

23 **Article 6**

24 **Services for children with special health needs**

25 **§3601. Program for services for children with special health needs:**
26 **administration and purposes.**

1 **§3602. Guam Plan for Services for Children with Special Health**
2 **Needs: formulation, adoption and approval.**

3 **§3603. Provisions to be included in plan.**

4 **§3604. Duties of Director.**

5 **§3605. Services for children with special health needs: custody and**
6 **expenditure.**

7 **§3606. Department authorized to enter into cooperative agreements**
8 **with Federal government.**

9 **§3601. Program for services for children with special health needs:**
10 **administration and purposes. (a) The Department of Public Health and**
11 **Social Services (the "Department") is hereby designated as the agency to**
12 **administer a program of service for children with a disability(ies) or special**
13 **health need(s).**

14 (b) The purpose of such program shall be to develop, extend, and
15 improve services for locating such children, to provide medical, surgical,
16 corrective and other services and care, to provide facilities for diagnosis,
17 hospitalization and aftercare.

18 **§3602. Guam Plan for Services for Children with Special Health**
19 **Needs: formulation, adoption and approval. (a) The Department is hereby**
20 **empowered and authorized:**

21 (1) To formulate, adopt and administer a detailed plan or
22 plans for the purposes specified in §3601 of this article.

23 (2) To make and adopt all such rules and regulations, not
24 inconsistent with the provisions of §§3601 through 3605 of this
25 article, inclusive, or of the Social Security Act, as are or may be
26 necessary for the administration of such plan or plans and the
27 administration of this Article.

1 (b) Such plan or plans and the rules and regulations, when formulated,
2 shall be submitted to the Secretary of Health and Human Services for
3 approval, and when approved by the Secretary shall thereupon be made
4 effective in accordance with the Administration Adjudication Law.

5 **§3603. Provisions to be included in plan.** Such plan or plans shall
6 include therein provisions for:

7 (a) Financial participation by Guam.

8 (b) Administration of such plan or plans by the Department.

9 (c) Such methods of administration as are necessary for
10 efficient operation of such plan or plans.

11 (d) Maintenance of records and preparation, submission and
12 filing of reports of services rendered.

13 (e) Cooperation with medical, health, nursing and welfare
14 groups and organizations, and with any agency charged with
15 administration of laws providing for vocational rehabilitation of
16 physically handicapped children.

17 (f) Receiving and expending in the manner provided herein in
18 accordance with such plan or plans, all funds made available by the
19 Federal government, or from any other source for such purposes.

20 (g) Cooperating with the Federal government, through its
21 appropriate agency or instrumentality, in developing, extending and
22 improving such services and in the administration of such plan or
23 plans.

24 (h) Carrying out the purposes specified in §3601 of this article.

25 **§3604. Duties of Director.** (a) The Director of Public Health and Social
26 Services (the "Director") shall be the administrative officer of the agency
27 with respect to the administration and enforcement of the provisions of this

1 article, and of the plan or plans formulated and adopted in accordance
2 therewith, and all such rules and regulations necessary thereto.

3 (b) The Director is hereby empowered and directed to administer and
4 enforce all rules and regulations adopted for the efficient operations of the
5 plan or plans formulated for the purposes of this article.

6 (c) The Director shall, from time to time as directed by the Secretary of
7 Health and Human Services make such reports, in such form and containing
8 such information as the Secretary of Health and Human Services shall
9 require.

10 (d) The Director of Public Health and Social Services shall from time to
11 time, pursuant to the rules and regulations of the Secretary of Health and
12 Human Services and of the Secretary of the Treasury, requisition and cause
13 to be deposited with the Treasurer of Guam all moneys allotted to Guam by
14 the Federal government for the purposes of this article, and shall cause to be
15 paid out of the treasury the moneys therein deposited for such purposes.

16 **§3605. Services for children with special health needs: custody and**
17 **expenditure.** (a) The Treasurer of Guam is hereby made custodian of all
18 moneys allotted to Guam by the Federal government, or received from other
19 sources, for the purposes of services for children with special health needs.

20 (b) The Treasurer of Guam shall receive and provide for the proper
21 custody of such moneys and is authorized to deposit such moneys in the same
22 manner as other public moneys are deposited.

23 (c) Such moneys shall be disbursed only upon certification by the
24 Director.

25 **§3606. Department authorized to enter into agreements with Federal**
26 **government.** The Department is hereby authorized to enter into a
27 cooperative agreement or agreements with the United States Department of

1 Health and Human Services prescribing the manner, terms and conditions of
2 cooperation with such Department of Health and Human Services in
3 providing for the identification, diagnosis and treatment of children with
4 special health needs. Such agreements may define the amounts which Guam
5 and the Federal government will contribute under the agreement and the
6 Department shall be bound and governed by such agreement or agreements.

7 **Article 7**

8 **U.S. Public Health Services**

9 **§3701. Designation of the Department as cooperative agency.**

10 **§3702. Public Health and Social Services Programs: administration**
11 **and purposes.**

12 **§3703. Guam Plan for Public Health Services.**

13 **§3704. Provisions to be included in Guam Plan.**

14 **§3705. Duties of Director.**

15 **§3706. Public Health Service Funds: custody and expenditures.**

16 **§3701. Designation of Department as cooperative agency.** The
17 Department of Public Health and Social Services (the "Department") is
18 hereby designated as the agency to cooperate with the United States Public
19 Health Service in the administration of those parts of the Public Health
20 Service Act, as amended, which relate to grants and services for public health
21 purposes, and is authorized to apply for, receive and expend all funds made
22 available by the Federal government, or from any other source for the
23 purposes provided in this article.

24 **§3702. Public Health Services Programs: administration and purposes.**

25 (a) The Department is hereby designated as the agency to administer U.S.
26 Public Health Services programs in Guam.

1 (b) The purpose of such programs shall be to develop, extend and
2 improve public health services.

3 **§3703. Guam Plan for Public Health Services.** (a) The Department is
4 hereby empowered and authorized:

5 (1) To formulate, adopt, subject to the approval of the
6 Governor, and administer a detailed plan or plans for the purpose
7 specified in §3702 of this article.

8 (2) To make and adopt such rules and regulations, **subject to**
9 the approval of the Governor, not inconsistent with the provisions of
10 §§3702 through 3706, inclusive, or of the Public Health Service Act, as
11 are or may be necessary for the administration of this article.

12 (b) Such plan or plans and the rules and regulations when
13 formulated shall be submitted to the Secretary of Health and Human
14 Services, and when approved by the Secretary shall thereupon be made
15 effective by the Department, pursuant to the Administrative
16 Adjudication Law.

17 **§3704. Provisions to be included in Guam Plan.** Such plan or plans shall
18 include therein provisions for:

19 (a) Financial participation by Guam.

20 (b) Administration of such plan or plans by the Department.

21 (c) Such methods of administration as are necessary for
22 efficient operation of such plan or plans.

23 (d) Maintenance of records and preparation, submission and
24 filing of reports of services rendered.

25 (e) Cooperation with medical, health, nursing and welfare
26 groups and organizations for the purpose of extending and
27 improving public health.

1 (f) Receiving and expending in the manner provided herein in
2 accordance with such plan or plans, all funds made available by the
3 Federal government or from any other source for such purposes.

4 (g) Cooperating with the Federal government, through its
5 appropriate agency or instrumentality, in developing, extending and
6 improving such services and in the administration of such plan or
7 plans, and development of demonstration services.

8 (h) Carrying out the purposes specified in §3702 of this article.

9 **§3705. Duties of Director.** (a) The Director of Public Health and Social
10 Services (the "Director") shall be the administrative officer of the agency
11 with respect to the administration and enforcement of the provisions of this
12 article, and of the plan or plans formulated and adopted in accordance
13 therewith and all such rules and regulations necessary thereto.

14 (b) The Director is hereby empowered and directed to administer and
15 enforce all rules and regulations adopted for the efficient operations of the
16 plan or plans formulated for the purposes of this article.

17 (c) The Director shall from time to time, as directed by the Secretary of
18 Health and Human Services, make such reports, in such form and containing
19 such information as the Secretary shall require.

20 (d) The Director shall from time to time, pursuant to the rules and
21 regulations of the Secretary of Health and Human Services, requisition and
22 cause to be deposited with the Treasurer of Guam all moneys allotted to
23 Guam by the Federal government for the purposes of this article, and shall
24 cause to be paid out of the treasury the moneys therein deposited for such
25 purposes.

26 **§3706. Public Health Service Funds: custody and expenditures.**

27 (a) The Treasurer of Guam is hereby made custodian of all moneys allotted

1 to Guam by the Federal Government, or received from other sources, for the
2 purposes of public health services.

3 (b) The Treasurer of Guam shall receive and provide for the proper
4 custody of such moneys and is authorized to deposit such moneys in the same
5 manner as other public moneys are deposited.

6 (c) Such moneys shall be disbursed only upon certification by the
7 Director."

8 **Section 3. Severability.** If any provision of this Act or the application
9 thereof, to any person or circumstances is held invalid, such invalidity shall
10 not affect other provisions or applications of the Act which can be given effect
11 without the invalid provision or application, and to this end the provisions of
12 the Act are declared to be severable.

13 **Section 4. Effective date.** This Act shall be effective the first day of the
14 third month following its approval by the Governor.

July 20, 1993



TWENTY SECOND
GUAM LEGISLATURE

The Honorable
Joe T. San Agustin
Speaker, 22nd Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Ecology & Welfare,
to which was referred BILL NO. 436:AN ACT
TO REPEAL CHAPTER 3 AND 4; ARTICLES 6,7 AND
8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM
CODE ANNOTATED AND ENACT A NEW CHAPTER 3
RELATIVE TO THE ESTABLISHMENT OF A DIVISION
OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF
PUBLIC HEALTH AND SOCIAL SERVICES, herein
reports back and recommends that **Bill
No.436 be passed as substituted by
the Committee.**

<u>7</u>	To Pass
<u>0</u>	Not To Pass
<u>0</u>	To The Inactive File
<u>0</u>	Abstained
<u>2</u>	Off-Island
<u>0</u>	Not Available

Dr. DAVID L.G. SHIMIZU
Senator

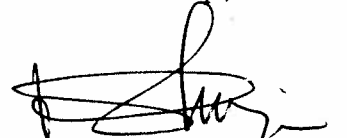
CHAIRMAN:
Committee on
Health,
Ecology
and
Welfare

324 West Soledad Ave.
Suite 202,
Agaña, Guam
96910

Telephone:
(671)472-3543/44/45

Facsimile:
(671)472-3832

Sincerely,

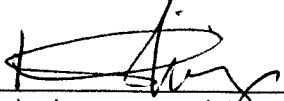
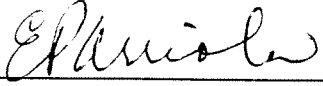
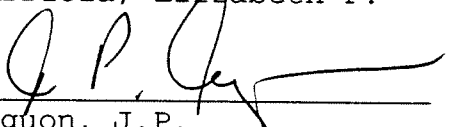
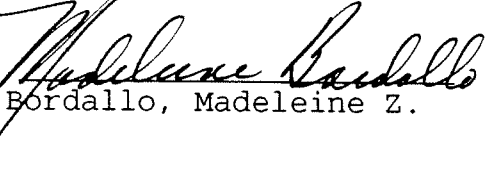
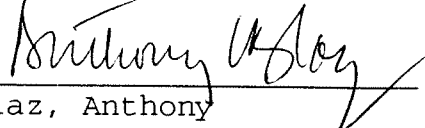
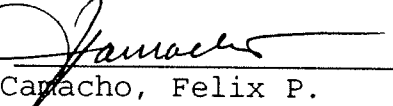


Dr. David L.G.
Shimizu

Attachments



VOTE SHEET
Committee on Health, Ecology & Welfare

Substitute Bill 436: AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6,7, AND 8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED AND ENACT A NEW CHAPTER 3 RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

SENATOR	TO PASS	TO PASS	ABSTAIN	FILE
 Shimizu, David L.G.	<input checked="" type="checkbox"/>			
 Arriola, Elizabeth P.	<input checked="" type="checkbox"/>			
 Aguon, J.P.	<input checked="" type="checkbox"/>			
 Bordallo, Madeleine Z.	<input checked="" type="checkbox"/>			
Brooks, Doris F.				
 Blaz, Anthony	<input checked="" type="checkbox"/>			
 Canacho, Felix P.	<input checked="" type="checkbox"/>			
Dierking, Herminia				
 Manibusan, Marilyn D.A.	7/19/93 <input checked="" type="checkbox"/>			

HEALTH, ECOLOGY AND WELFARE COMMITTEE

COMMITTEE REPORT ON BILL NO. 436

AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6, 7 AND 8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED AND ENACT A NEW CHAPTER 3 RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

BACKGROUND

Bill No. 436 was introduced by Senator David L. G. Shimizu on April 29, 1993 (Attachment 1), and referred to the Committee on Health, Ecology and Welfare on May 3, 1993 (Attachment 2). A Fiscal Note was requested from the Bureau of Budget and Management Research on June 25, 1993, and the Bureau requested for a waiver because "... the proposed measure is administrative in nature and does not pose a financial impact to the General Fund of the Government of Guam" (Attachment 3).

The Committee on Health, Ecology and Welfare conducted a public hearing on Friday, July 9, 1993, at the Legislative Public Hearing Room. The committee members present include: Senator David L. G. Shimizu, Chairperson; Senator John P. Aguon, member; Senator Doris Flores Brooks, member; and Senator Marilyn D. A. Manibusan, member.

TESTIMONY

The Committee heard and received written testimony only from the Director of Public Health and Social Services, Dr. Leticia V. Espaldon

(Attachment 4), whose written testimony was presented by Dr. Robert L. Haddock, Territorial Epidemiologist and Acting Chief Public Health Officer.

The Director of Public Health and Social Services' written testimony advised that the Department is in full support of Bill No 436. The Division of Public Health has always existed as an organizational unit but its mission has never been codified. Bill No. 436 will correct this situation. Also, scattered sections under the current Guam Code that are under the organizational responsibility of the Division of Public Health are placed in one comprehensive new Chapter 3 and the wording of federal programs and services have been appropriately updated.

The Director further advised that there are sections that have been revised i. e. chronic disease control would require the reporting of certain chronic diseases because currently there is no local government database for certain chronic diseases for specific public importance; measles, mumps and rubella (MMR) vaccine for school entry would require two doses and college and university students would be added to this requirement; tuberculosis testing would be required for entering students and anyone tested positive would be determined as non-contagious; and imposition of a penalty for non-reporting of diseases by physicians and other licensed health care providers.

During the public hearing, the Chairman asked if the proposed legislation would in any way result in the displacement, transfer or downgrade of any personnel or functions in the Department of Public Health and Social Services. Dr. Haddock responded by saying that to the best of his knowledge, "no". The Chairman then requested for a written certification from the Director to this effect. The Director's certification letter is noted on Attachment 5.

FINDINGS

The Committee finds that, aside from some minor amendments relative to updating the wording to federal government programs and services; requiring that certain chronic diseases be reported; requiring two doses of measles, mumps and rubella (MMR) vaccine

for school entry and making this a requirement for in-coming college and university students; requiring entering students to be tested for tuberculosis; and imposing a penalty for non-reporting of diseases; Bill No. 436 merely codifies scattered sections of the current Guam Code that are under the organizational responsibility of the Division of Public Health and place them within a new Chapter 3.

RECOMMENDATION

The Health, Ecology and Welfare Committee, having heard and received testimonies on Bill No. 436, recommends that subject bill **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE.**

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill No. 436

As substituted by the Committee on Health,
Ecology and Welfare

Introduced by:

D.L.G. Shimizu

M.D.A. Manibusan



AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6,7 AND 8 OF
CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED
AND ENACT A NEW CHAPTER 3 RELATIVE TO THE
ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN
THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

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

Section 1. Chapters 3 and 4, Articles 6,7 and 8 of Chapter 9 and
Chapter 16 of 10 GCA are hereby repealed.

Section 2. A new Chapter 3 of the Guam Code Annotated is enacted to
read:

"Chapter 3

Article 1

Division of Public Health

Section 3101. General Provision.

Section 3102. Personnel.

Section 3103. General Duties.

Section 3104. Chief Administrative Officer.

Section 3105. Federal Grants.

Section 3106. Rule-Making.

Section 3107. Authority to Set fees.

Section 3101. General Provision.

There is hereby established a Division of Public Health in the

1 administered by the Director. The Division through organized
2 community effort and applied scientific and technical
3 knowledge is responsible for working towards the prevention
4 and control of disease and for promoting health throughout the
5 territory.

6
7 Section 3102. Personnel.

8 The Director is authorized to appoint such personnel to act on
9 behalf of the Director and fix their duties for the purposes of
10 carrying out the responsibilities so designated to the Division.

11
12 Section 3103. General Duties.

- 13 (a) Formulate plans and policies to address the health needs
14 of the community.
15 (b) Implement health programs and services to meet
16 identified health needs of the community.
17 (c) Conduct research and studies to identify community
18 health problems.
19 (d) Provide health services to individuals who are medically
20 and financially in need.
21 (e) Administer grants-in-aid for health programs and
22 services.
23 (f) Conduct disease surveillance and monitor activities to
24 prevent and/or identify health problems.
25 (g) Conduct health promotion and education programs.
26 (h) Serve as the "State Public Health Agency" for Guam.
27 (i) Establish standards and regulations necessary to ensure
28 quality health care and the prevention and control of
29 diseases.

30
31 Section 3104. Chief Administrative Officer.

32 The Chief Public Health Officer shall be the Chief
33 Administrative Officer of the Division.

34
35 Section 3105. Federal Grants.

36 The Division shall comply with all federal requirements and
37 procedures necessary for administration of grants-in-aid and
38 cooperative agreements.

39
40 Section 3106. Rule-Making.

41 The Director shall, in accordance with the Administrative
42 Adjudication Law, adopt rules and regulations necessary to
43 fulfill the duties of this Division.

1
2 Section 3107. Authority to set fees.

3 (a) The Director is authorized to establish fees for health
4 services in accordance with the Administrative
5 Adjudication Law and as may be required to qualify for
6 grants-in-aid.

7 (b) Fees established by the Department shall not be a
8 deterrent to receiving health care and shall be based on
9 ability to pay.

10
11 Article 2

12 Vital Statistics

13 Section 3201. General Organization.

14 Section 3202. Supervision.

15 Section 3203. Personnel.

16 Section 3204. Mayors to Aid.

17 Section 3205. Report.

18 Section 3206. Regulations.

19 Section 3207. Definitions.

20 Section 3208. Duties of the Registrar.

21 Section 3209. Forms of Certificates.

22 Section 3210. Birth Registration.

23 Section 3211. Foundling Registration; Infants of Unknown
24 Parentage.

25 Section 3212. Delayed Registration.

26 Section 3213. Judicial Procedure to Establish Facts of Birth.

27 Section 3214. Court Reports of Adoption.

28 Section 3215. New Certification of Birth Following Adoption,
29 Legitimation and Paternity Determination

30 Section 3216. Death Registration.

31 Section 3217. Fetal Death Registration.

32 Section 3218. Abortion Report.

33 Section 3219. Extension of Time.

34 Section 3220. Marriage Registration.

35 Section 3221. Court Reports of Divorce and Annulment of
36 Marriage.

37 Section 3222. Correction and Amendment of Vital Records.

38 Section 3223. Reproduction of Records.

39 Section 3224. Same: Microfilm.

40 Section 3225. Disclosure of Records.

41 Section 3226. Copies of Data from Vital Records.

42 Section 3227. Fees for Copies.

43 Section 3228. Duty to Furnish Information Relative to Vital

1 Events.

2 Section 3229. Penalties.

3 Section 3230. Severability.

4 Section 3231. Effective Date.

5 Section 3232. Burial-Transit Permits.

6 Section 3233. Disposition.

7
8 Section 3201. General Organization.

9 There is hereby established within the Department of Public
10 Health and Social Services an Office of Vital Statistics which
11 shall install, maintain and operate the system of vital
12 statistics for the Territory of Guam.

13
14 SOURCE: Section 9300 GC.

15
16 Section 3202. Supervision.

17 The Director of Public Health and Social Services, hereinafter
18 referred to as the Director, has general supervision of vital
19 statistics and is responsible for the implementation of the
20 provisions of this Chapter.

21
22 SOURCE. Section 9301 GC.

23
24 Section 3203. Personnel.

25 The Director shall appoint a Territorial Registrar of Vital
26 Statistics, and such other officers and personnel as may be
27 required to carry out the provisions of this Chapter; such
28 employees shall be members of the classified services of the
29 Government of Guam.

30
31 SOURCE. Section 9302 GC.

32
33 Section 3204. Mayors to Aid.

34 Mayors, under the direction of the President of the Mayors
35 Council, shall assist in the implementation of this Chapter and
36 shall be governed by this Chapter and by regulations
37 issued by the Director under the provisions of this Chapter.

38
39 SOURCE: Section 9303 GC.

40
41 Section 3205. Report.

42 The Director shall make an annual report to the Governor
43 concerning vital statistics and the enforcement of this

Chapter, which report shall contain a summary on the municipal district basis of such statistics.

SOURCE: Section 9304 GC.

Section 3206. Regulations.

The Director is authorized to adopt, amend and repeal rules and regulations as may be necessary in his judgment, for the purpose of carrying out the provisions of this Chapter. Such rules and regulations, and any other rules and regulations authorized or required to be issued under the Chapter, shall be promulgated in accordance with the Administrative Adjudication Act.

SOURCE: Section 9305 GC, as amended by P.L. 15-90.

Section 3207. Definitions.

Unless the context clearly requires otherwise, the following definitions shall apply:

1. Vital Statistics means records of birth, death, fetal death, adoption, marriage, divorce and data related thereto.
2. System of Vital Statistics includes the registration, collection, preservation, amendment and certification of vital statistics records and activities related thereto, including the tabulation, analysis and publication of statistical data derived from such records.
3. Filing means the presentation of a certificate, report or other record provided for in this Chapter of a birth, death, fetal death, adoption, legitimation, marriage or divorce for registration by the Office of Vital Statistics.
4. Registration means the acceptance by the Office of Vital Statistics and the incorporation in its official records of certificates, reports or other records provided for in this Chapter, of births, deaths, fetal deaths, adoptions, legitimations, marriages or divorces.
5. Live Birth means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or

1 extraction, breathes or shows any other evidence of life such
2 as beating of umbilical cord [heart] or definite movement of
3 the voluntary muscles, whether or not the umbilical cord has
4 been cut or the placenta is attached.
5

6 6. Fetal Death means death prior to the complete expulsion or
7 extraction from its mother of a product of human conception,
8 irrespective of the duration of pregnancy; the death is
9 indicated by the fact that after such expulsion or extraction
10 the fetus does not breathe or show any other evidence of life
11 such as beating of the heart, pulsation of the umbilical cord or
12 definite movement of voluntary muscles.
13

14 7. Dead Body means a lifeless human body or parts of such
15 body or bones thereof from the state of which it reasonably
16 may be concluded that death recently occurred.
17

18 8. Marriage is defined as the legal union of persons of opposite
19 sex. The legality of the union may be established by civil or
20 religious means, as recognized by the laws of Guam.
21

22 9. Divorce is defined as the final legal dissolution of a
23 marriage; that is, the separation of husband and wife by a
24 judicial decree which confers on the parties the right to civil
25 and/or religious remarriage, according to the laws of Guam.
26

27 10. Physician means a person authorized or licensed to
28 practice the healing art, pursuant to the laws of Guam.
29

30 11. Attendant at Birth *is* to mean the physician, midwife, nurse
31 or other person present and assisting in the delivery of a
32 newborn.
33

34 12. Institution means any establishment, public or private,
35 which provides in-patient medical, surgical or diagnostic care
36 or treatment or nursing, custodial or domiciliary care to two
37 or more unrelated individuals, or to which persons are
38 committed by law.
39

40 13. Delayed Registration of Birth means the registration of a
41 person's non-recorded birth after the sixth year following
42 birth.
43

1 14. Abortion means the purposeful termination of a human
2 pregnancy after implantation of a fertilized ovum, by any
3 person, including the pregnant woman herself, with the
4 intention other than to necessarily produce a live birth or to
5 remove a dead unborn fetus.
6

7 SOURCE: Section 9306 GC, as amended by P.L. 15-112.
8

9 Section 3208. Duties of the Registrar.
10

11 (a) The Territorial Registrar of Vital Statistics shall:
12

13 1. Administer and enforce this Chapter and the rules and
14 regulations issued hereunder, and issue instructions for the
15 efficient administration of the territorial system of vital
16 statistics.
17

18 2. Direct and supervise the territorial-wide system of vital
19 statistics and the Office of Vital Statistics and be custodian
20 of its records.
21

22 3. Prescribe, with the approval of the Director, and distribute
23 such forms as are required by this Chapter, and the rules and
24 regulations issued hereunder.
25

26 4. Prepare and publish annual reports of vital statistics of this
27 Territory, and such other reports as may be required by the
28 Director.
29

30 (b) The Territorial Registrar of Vital Statistics may
31 delegate such functions and duties vested in him to other
32 employees of the Office of Vital Statistics as he may deem
33 necessary and expedient.
34

35 SOURCE: Section 9307 GC.
36

37 Section 3209. Forms of Certificate.
38

39 (a) In order to promote and maintain uniformity in the system
40 of vital statistics, the forms of certificates, reports and other
41 returns required by this Chapter, or by regulations adopted
42 hereunder, shall include as a minimum the items recommended
43 by the Federal agency responsible for national vital statistics,

1 subject to approval of and modification by the Director of
2 Public Health and Social Services.

3
4 (b) Each certificate, report and form required to be filed under
5 this Chapter shall have entered upon its face the date of
6 registration, duly attested.

7
8 SOURCE: Section 9308 GC.

9
10 Section 3210. Birth Registration.

11
12 (a) The birth of each and every child born in Guam shall be
13 registered within ten (10) days after birth, as hereinafter
14 provided.

15
16 (b) When a birth occurs in an institution, the person in charge
17 of the institution shall obtain the personal data, prepare the
18 certificate and file it with the Office of Vital Statistics. The
19 physician in attendance shall certify to the facts of birth and
20 provide all medical information required by the certificate
21 within five (5) days after the birth.

22
23 (c) When a birth occurs outside an institution, the certificate
24 shall be prepared and filed by one of the following in the
25 indicated order or priority:

26
27 (1) The physician in attendance at or immediately after the
28 birth, or in the absence of such a person;

29
30 (2) The midwife in attendance at or immediately after the
31 birth, or in the absence of such a person;

32
33 (3) Any other person in attendance at or immediately after the
34 birth, or in the absence of such a person;

35
36 (4) The father, the mother or in the absence of the father or
37 the inability of the mother, the Mayor of the District where the
38 birth occurred.

39
40 (d) In reporting the birth of a child, the surname of the child
41 shall be determined as follows:
42 If the mother was married either at the time of the conception
43 or birth, the name of the husband shall be entered on the

1 certificate as the father of the child and further, the surname
2 of the husband or wife shall be recorded as the surname of the
3 child unless paternity has been determined otherwise by a
4 court of competent jurisdiction, in which case, the name of the
5 father, as determined by the court, shall be entered.

6 If the mother was separated from the husband or an
7 interlocutory or final decree of divorce had been entered
8 either at the time of conception or birth and if the father of the
9 child is not the mother's husband, the person who is the father
10 of the child may acknowledge the child in a sworn statement
11 and upon the written consent of the mother, the name of the
12 man so acknowledging shall be entered on the certificate as the
13 father of the child and further, the surname of that man or
14 mother shall be recorded as the surname of the child unless
15 paternity has been determined otherwise by a court of
16 competent jurisdiction in which case, the name of the father, as
17 determined by the court shall be entered.

18 If the mother was not married either at the time of conception
19 or birth, the name of the father shall not be entered on the
20 certificate of birth without the written consent of the mother
21 and the person to be named as the father unless a
22 determination of paternity has been made by a court of
23 competent jurisdiction, in which case the name of the father
24 as determined by the court shall be entered as the surname of
25 the child.

26 In any case in which paternity of a child is determined by a
27 court of competent jurisdiction, the name of the father and
28 surname of the child shall be entered on the certificate of birth
29 in accordance with the finding and order of the court.

30 If the father is not named on the certificate of birth, no other
31 information about the father shall be entered on the certificate.

32
33 (e) It shall be the duty of the parent(s) in every case to provide
34 all information required on the birth certificate and that one
35 or the other parent shall sign said certificate to attest the
36 accuracy of the personal data entered thereon.

37
38 (f) Upon request, the Director shall accept, for the purpose of
39 recording births, certified copies of birth certificates of
40 children born outside the territory of Guam to residents of
41 Guam.

42
43 (g) When a birth occurs on a moving conveyance and the child

1 is first removed from the conveyance in this Territory, the
2 birth shall be registered in this Territory and the location
3 where the child is removed from the conveyance shall be
4 considered as the place of birth.
5

6 SOURCE: Section 9309 GC, as amended by P.L.'s 15-63 and 15-
7 90.
8

9 NOTE: Section 2 of P.L. 15-63 makes the provisions of
10 Subsection (a)(4) retroactive.
11

12 Section 3211. Foundling Registration; Infants of Unknown
13 Parentage.

14 (a) Whoever assumes custody of a living infant of unknown
15 parentage shall report on a form and in the manner prescribed
16 by the Territorial Registrar of Vital Statistics, within seven
17 (7) days, the following information:
18

19 (1) The date and place of finding;
20 (2) Sex, color or race, and approximate age of child;
21 (3) Name and address of the person or institution with whom
22 the child has been placed for care;
23

24 (4) Name given to the child by the custodian; and
25

26 (5) Other data as may be required by the Territorial Registrar
27 of Vital Statistics.
28

29 (b) The place where the child was found shall be entered as the
30 place of birth, and the date of birth shall be determined by
31 approximation.
32

33 (c) A report registered under this Section shall constitute the
34 certificate of birth for the infant.
35

36 (d) If the child is identified and a certificate of birth is found
37 or obtained, any report registered under this Section shall be
38 sealed and filed and may be opened only by order of a court of
39 competent jurisdiction.
40

41 SOURCE: Section 9310 GC.
42

43 Section 3212. Delayed Registration.

1
2 (a) Birth:

3 (1) When a birth of a person born in the Territory of Guam has
4 not been registered, a certificate may be filed in accordance
5 with the regulations of the Office of Vital Statistics. Such
6 certificate shall be registered subject to such evidentiary
7 requirements as the Office of Vital Statistics shall by
8 regulations prescribe to substantiate the alleged facts of birth.
9

10 (2) Certificates of birth registered seven (7) years or more
11 after the date of occurrence shall be marked "Delayed" and
12 show on their face the date of delayed registration.
13

14 (3) In all instances of delayed birth registration, the following
15 facts concerning the person whose birth is to be registered are
16 required and must be established:

17 a. Date of birth; b. Place of birth; and c. Parentage.
18

19 (4) When an applicant does not submit the minimum
20 documentation required in the regulation for delayed
21 registration, or when the Territorial Registrar of Vital
22 Statistics finds reason to question the validity or adequacy of
23 the certificate or the documentary evidence, the Territorial
24 Registrar shall not register the delayed certificate and shall
25 advise the applicant of the reasons for this action.
26

27 (5) If the person whose birth is to be recorded be a child under
28 the age of eighteen (18), the birth certificate shall be signed
29 by one of the following in the indicated order of priority:
30

31 a. The attendant at birth;

32
33 b. By either parent;

34
35 c. By the child's guardian; or
36

37 d. By relatives in the immediate degree of kindred,
38 provided that each person signing a certificate shall attest
39 under oath to his belief in the truth of the statements made
40 concerning the age, birthplace, and parentage of the person
41 whose birth is being recorded.
42

43 (6) If the person whose birth is to be recorded be of legal age,

1 the date of birth and place of birth shall be supported by at
2 least two (2) documents of which only one may be an affidavit;
3 the facts of parentage must be supported by at least one
4 document which may be one of the two (2) submitted as
5 evidence of the other facts.

6
7 (b) Death and Marriage:

8
9 (1) When a death or marriage in Guam has not been
10 registered, a certificate may be filed in accordance with
11 regulations of the Office of Vital Statistics. Such certificate
12 shall be registered subject to such evidentiary requirements
13 as the Office shall by regulations prescribe to substantiate the
14 alleged facts of death or marriage.

15
16 (2) Certificates of death and marriage registered one (1)
17 year or more after the date of occurrence shall be marked
18 "Delayed" and shall show on their face the date of the delayed
19 registration.

20
21 SOURCE: Section 9311 GC.

22
23 Section 3213. Judicial Procedure to Establish Facts of Birth.

24
25 (a) If a delayed certificate of birth is rejected under the
26 provision of Section 3212, a petition may be filed with the
27 Superior Court of Guam for an order establishing a record of
28 the date and place of birth and the parentage of the person
29 whose birth is to be registered.

30
31 (b) Such petition shall allege:

32 (1) That the person for whom delayed certificate of birth is
33 sought was born in the territory of Guam;

34 (2) That no record of birth can be found in the Office of Vital
35 Statistics;

36 (3) That diligent efforts by the petitioner have failed to obtain
37 the evidence required in accordance with Section 3212.

38 (4) That the Territorial Registrar of Vital Statistics
39 has refused to register a delayed certificate of birth; and

40 (5) Such other allegations as may be required.

41
42 (c) The petition shall be accompanied by a statement of the
43 registration official made in accordance with Subsection (a)(4)

1 of Section 3212, and all documentary evidence which was
2 submitted to the registration official in support of such
3 registration. The petition shall be sworn to by the petitioner.
4

5 (d) The court shall fix a time and place for hearing the petition
6 and shall give the registration official who refused to register
7 the petitioner's delayed certificate of birth (5) days' notice of
8 said hearing. Such official or his authorized representative,
9 may appear and testify in the proceedings.
10

11 (e) If the Court from the evidence presented finds that the
12 person for whom a delayed certificate of birth is sought was
13 born on Guam, it shall make findings as to place and date of
14 birth, parentage and such other findings as the case may
15 require, and shall issue an order on a form prescribed and
16 furnished by the Registrar of Vital Statistics to establish a
17 record of birth. This order shall include the birth data to be
18 registered, a description of the evidence presented in the
19 manner prescribed by Section 3212 of this Chapter, and the
20 date of the Court's action.
21

22 (f) The clerk of the Superior Court shall forward each such
23 order to the Territorial Registrar of Vital Statistics not later
24 than the tenth (10th) day of the calendar month following the
25 month in which it was entered. Such order shall be registered
26 by the Territorial Registrar of Vital Statistics and shall
27 constitute the record of birth, from which copies may be
28 issued in accordance with Section 3225 of this Chapter.
29

30 SOURCE: Section 9312 GC.
31

32 Section 3214. Court Reports of Adoption.
33

34 (a) For each adoption decreed by a court of competent
35 jurisdiction, the court shall require the preparation of a
36 certificate of adoption on a form prescribed and furnished by
37 the Territorial Registrar of Vital Statistics. The certificate
38 shall include such facts as are necessary to locate and identify
39 the certificate of birth of the person adopted; provide
40 information necessary to establish a new certificate of birth
41 of the person adopted, and shall identify the order of adoption
42 and be certified by the clerk of court.
43

1 (b) The certificate of adoption shall be filed with the original
2 record of birth, which shall remain as a part of the permanent
3 records of the Office of Vital Statistics.
4

5 (c) Whenever an adoption decree is amended or annulled, the
6 clerk of the court shall prepare a certificate thereof, which
7 shall include such facts as are necessary to identify the
8 original adoption report, and the facts amended in the adoption
9 decree as shall be necessary to properly amend the birth
10 record.
11

12 (d) When the Territorial Registrar of Vital Statistics receives
13 a record of adoption or annulment of adoption or amendment
14 thereof from a court for a person born elsewhere, such record
15 shall be forwarded to the appropriate registration authority in
16 the place of birth of the child adopted.
17

18 SOURCE: Section 9313 GC.
19

20 Section 3215. New Certification of Birth Following Adoption,
21 Legitimation and Paternity Determination.
22

23 (a) The Territorial Registrar of Vital Statistics shall establish
24 a new certificate of birth for a person born in the Territory of
25 Guam when he receives one (1) of the following:
26

27 (1) An adoption report as provided in section 3214, or a
28 certified copy of the decree of adoption, together with the
29 information necessary to identify the original certificate of
30 birth and to establish a new certificate of birth; (except that a
31 new certificate of birth shall not be established, if so
32 requested by the court decreeing the adoption, the adoptive
33 parents or the adopted person).
34

35 (2) An affidavit of acknowledgment of paternity signed by both
36 parents; or
37

38 (3) A court order determining paternity.
39

40 (b) When a new certificate of birth is established, the actual
41 place and date of birth shall be shown. It shall be substituted
42 for the original certificate of birth:
43

1 (1) Thereafter, the original certificate and the evidence of
2 adoption, paternity or legitimation shall not be subject to
3 inspection, except upon court order or as provided by
4 regulations.

5
6 (2) Upon receipt of notice of annulment of adoption, the
7 original certificate of birth shall be restored to its place in
8 the files and the new certificate and evidence shall not be
9 subject to inspection, except upon court order.

10
11 (c) If no certificate of birth is on file for the person for whom
12 a new certificate is to be established under this section, a
13 delayed certificate of birth shall be filed with the Office of
14 Vital Statistics as provided in Subsection 3212 or 3213 of
15 this Chapter. Before a new certificate of birth is established,
16 exception that when the date and place of birth and parentage
17 have been established in the adoption proceeding, a delayed
18 certificate shall not be required.

19
20 (d) When a new certificate of birth is established by the
21 Territorial Registrar of Vital Statistics, all copies of the
22 original certificate of birth in the custody of the Office of Vital
23 Statistics, will be sealed from inspection and opened only upon
24 court order or as provided by regulation.

25
26 SOURCE: Section 9314 GC, as amended by P.L. 15-90.

27
28 COMMENT: The language of Subsection (3), as amended by P.L.
29 15-90, is very obscure. One supposes by deleting "that" from
30 the second sentence it might convey more clearly, though still
31 imprecisely, the intended meaning.

32
33 Section 3216. Death Registration.

34
35 (a) A death certificate for each death which occurs on Guam
36 shall be filed with the Office of Vital Statistics.

37
38 (b) The Mayor, upon receiving information of any death within
39 his district, shall report the same immediately to the Office
40 of Vital Statistics, on a prescribed form, provided:

41
42 a. If the place of death is unknown, a death report shall be
43 filed by the Mayor of the district in which a dead body is found

1 and the place where the body is found shall be shown as the
2 place of death; further
3

4 b. That if death occurs in a moving conveyance, a death report
5 shall be filed by the Mayor of the district in which the dead
6 body was first removed from such conveyance and the location
7 where the body is removed from the conveyance shall be
8 shown as the place of death or if taken to an institution, the
9 death certificate shall be filed by the person in charge of that
10 institution.
11

12 c. Death in an institution shall be reported to the Office of
13 Vital Statistics by the person in charge of that institution.
14

15 (d) Any person who first assumes custody of a dead human
16 body shall report same and file a death certificate with the
17 Office of Vital Statistics. He shall obtain the personal data from
18 the next of kin or the best qualified person or source available
19 and shall obtain the medical certification of cause of death
20 from the person responsible therefor.
21

22 (e) The medical certification shall be completed and signed
23 within twenty-four (24) hours after death by the physician in
24 charge of the patient's care for the illness or condition which
25 resulted in death, except when the patient has received no
26 medical attention within seventy-two (72) hours prior to
27 death or when inquiry is required in accordance with the Chief
28 Medical Examiner's Act, Article 2 of Chapter 12 of this Title.
29

30 (f) When death occurred without medical attendance as set
31 forth in Paragraph (e) of this Section, or when inquiry is
32 required by the Chief Medical Examiner Act, the Medical
33 Examiner or his duly authorized representative shall
34 investigate the cause of death and shall complete and sign the
35 medical certification within twenty-four (24) hours after
36 taking charge of the case.
37

38 (g) Upon request, the Director shall accept, for purposes of
39 recording deaths, certified copies of death certificates of
40 resident's of Guam who died outside the territory of Guam.
41

42 (h) When a death is presumed to have occurred within the
43 Territory but the body cannot be located, a death certificate

1 may be prepared by the Territorial Registrar upon receipt of an
2 order from the court of competent jurisdiction, which shall
3 include the finding of facts required to complete the death
4 certificate. Such a death certificate shall be marked
5 "presumptive" and shall show on its face the date of
6 registration and shall identify the court and date of decree.
7

8 SOURCE: Section 9315 GC, as amended by P.L. 15-90.
9

10 Section 3217. Fetal Death Registration.
11

12 (a) A fetal death report for each fetal death which occurs
13 in Guam after twenty (20) complete weeks of
14 gestation or more or when a fetus weighs three hundred fifty
15 (350) grams or more, shall be filed with the Office of Vital
16 Statistics within twenty-four (24) hours after such delivery
17 and prior to the removal of the disposition of said fetus;
18 provided:
19

20 (1) that if the place of fetal death is unknown, a fetal death
21 certificate shall be filed by the Mayor of the village in which
22 the dead fetus was found; or
23

24 (2) that if a fetal death occurs in a moving conveyance, a fetal
25 death report shall be filed by the Mayor of the village in
26 which the dead fetus was first removed or if to an institution,
27 the fetal death report shall be filed by the person in
28 charge of that institution.
29

30 (b) Any physician, midwife or other person in attendance at or
31 after the delivery of a dead fetus shall file a fetal death report.
32 He shall obtain the personal data from the next of kin or the
33 best qualified person or source available.
34

35 (c) The medical certification shall be completed and signed
36 within twenty-four (24) hours after delivery by the physician
37 in attendance at or after delivery, except when inquiry is
38 required by the Chief Medical Examiner Act, Chapter II, Title
39 XVII of the Government Code of Guam.
40

41 (d) When a fetal death occurs without medical attendance upon
42 the mother at or after deliver, or when inquiry is required by
43 the Medical Examiner Act, the Medical Examiner shall

1 investigate the cause of fetal death, and shall complete and
2 sign the medical certification within twenty-four (24) hours
3 after taking charge of the case.
4

5 SOURCE: Section 9316 GC, as amended by P.L. 15-90.
6

7 Section 3218. Abortion Report.
8

9 (a) An individual abortion report for each abortion shall be
10 completed by mother's attending physician. The report shall be
11 confidential and it shall not contain the name of the woman
12 involved. This report shall include:
13

- 14 (1) the patient number;
- 15 (2) the name and address of the abortion facility or hospital;
- 16 (3) the date of the abortion;
- 17 (4) the zip code or other residential identification of the
18 pregnant woman;
- 19 (5) the age of the pregnant woman;
- 20 (6) the ethnic origin of the pregnant woman;
- 21 (7) the marital status of the pregnant woman;
- 22 (8) the number of previous pregnancies;
- 23 (9) the number of years of education of the pregnant woman;
- 24 (10) the number of living children;
- 25 (11) the number of previous induced abortions;
- 26 (12) the date of the last induced abortion;
- 27 (13) the date of the last live birth;
- 28 (14) the method of contraception used, if any, at the time of
29 conception;
- 30 (15) the date of the beginning of the last menstrual period;
- 31 (16) the medical condition of the woman at the time of
32 abortion;
- 33 (17) the RH type of the pregnant woman;
- 34 (18) the type of abortion procedure used;
- 35 (19) the complications, if any;
- 36 (20) the type of procedure done after the abortion;
- 37 (21) the type of family planning recommended;
- 38 (22) the type of additional counseling given, if any;
- 39 (23) the signature of attending physician; and
- 40 (24) the certification provided for in this Section.
41

42 (b) An individual complication report for any post-abortion
43 care performed upon a woman shall be completed by the

1 physician providing such post-abortion care. This report shall
2 include:

- 3
4 (1) the date of the abortion;
5 (2) the name and the address of the abortion facility or
6 hospital where the abortion was performed; and
7 (3) the nature of the abortion complication diagnosed or
8 treated.

9
10 (c) All abortion reports shall be signed by the attending
11 physician and shall be submitted to the Guam Memorial
12 Hospital Medical Records Section within thirty (30) days from
13 the date of the abortion. All complication reports shall be
14 signed by the physician providing the post abortion care and
15 submitted to the Guam Memorial Hospital Medical Records
16 Section within thirty (30) days from the date of the post-
17 abortion care.

18
19 (d) A copy of the abortion report shall be made a part of the
20 medical record of the patient of the facility or hospital in
21 which the abortion was performed.

22
23 (e) The Guam Memorial Hospital Medical Records Section shall
24 be responsible for collecting all abortion reports and
25 complication reports, and collating and evaluating all data
26 gathered therefrom, and shall annually publish a statistical
27 report based on such data, from abortions performed in the
28 previous calendar year.

29
30 (f) The Guam Memorial Hospital Medical Records Section shall
31 make available to physicians performing abortions in the
32 territory of Guam, forms for both abortion reports and post-
33 abortion care reports, as provided in Subsection (a) and (b) in
34 this Section.

35
36 (g) All information in abortion reports and post-abortion care
37 reports and the reports themselves shall be confidential.
38 Information and records may be disclosed only in
39 communications between qualified professional persons in the
40 provision of services or in statistical form for research
41 purposes as required by Subsection (e) of this Section.

42
43 (h) Any person who releases confidential information in

1 violation of Subsection (g) of this Section shall be guilty of a
2 misdemeanor.

3
4 (i) Any person may bring an action against an individual who
5 has willfully and knowingly released confidential information
6 about such person in violation of Subsection (g) of this Section
7 for the greater of the following amounts:
8

9 (1) Five Hundred Dollars (\$500.00); or

10 (2) Three (3) times the amount of actual damages, if any,
11 sustained by the plaintiff; reasonable attorney's fees and the
12 costs of the action. It is not a prerequisite to an action under
13 this Subsection that the plaintiff suffer or be threatened with
14 actual damages.
15

16 SOURCE: Section 9316.1 GC, added by P.L. 15-112.
17

18 Section 3219. Extension of Time.
19

20 The Office of Vital Statistics may, by regulations, and upon
21 such conditions as it may prescribe to assure compliance with
22 the purposes of this Chapter, provide for the extension of the
23 periods prescribe in Subsection 3216 and 3217 for the filing
24 of death certificates, fetal death report and medical
25 certification of cause of death in cases in which compliance
26 with the applicable prescribed period would result in undue
27 hardship.
28

29 SOURCE: Section 9317 GC.
30

31 Section 3220. Marriage Registration.
32

33 (a) A record of each marriage performed on Guam shall be
34 filed with the Territorial Registrar of Vital Statistics as
35 provided in this Section.
36

37 (b) The officer who issues the marriage license shall prepare
38 the license and certificate on the form prescribed and
39 furnished by the Office of Vital Statistics upon the basis of
40 information obtained from the parties to be married, who
41 shall attest to the information by their signatures.
42

43 (c) Every person authorized by the laws of Guam to perform a

1 marriage shall certify the fact of marriage and file the record
2 of such marriage with the Office of Vital Statistics within ten
3 (10) days after the ceremony. This certificate shall be signed
4 by the witnesses, and another signed copy shall be given to the
5 parties marrying.
6

7 (d) The officer issuing marriage licenses shall complete and
8 forward to the Territorial Registrar of Vital Statistics, on or
9 before the fifteenth (15th) day of each month, copies of the
10 applications and licenses filed with him during the preceding
11 calendar month.
12

13 (e) The Director shall accept, for the purpose of recordation,
14 certified copies of records of marriages performed outside the
15 territory of Guam in which one or both parties are residents of
16 Guam.
17

18 SOURCE: Section 9318 GC.
19

20 Section 3221. Court Reports of Divorce and Annulment of
21 Marriage.
22

23 (a) For each divorce and annulment of marriage granted by
24 the courts of Guam, a report of each shall be filed with the
25 Office of Vital Statistics by the clerk of court.
26

27 (b) On or before the fifteenth (15th) day of each month, the
28 clerk of court shall forward to the Office of Vital Statistics
29 the report of each divorce and annulment of marriage granted
30 during the preceding calendar month and such related reports
31 as may be required by regulations issued under this Chapter.
32

33 (c) The information necessary to prepare the report shall be
34 furnished with the petition to the clerk of court by the parties,
35 petitioner or their legal representative on forms prescribed
36 and furnished by the Territorial Registrar of Vital Statistics.
37

38 SOURCE: Section 9319 GC.
39

40 Section 3222. Correction and Amendment of Vital Records.
41

42 (a) A certificate or record registered under this Chapter may
43 be amended only in accordance with this Chapter and

1 regulations thereunder, adopted by the Department of Public
2 Health and Social Services to protect the integrity and
3 accuracy of vital statistics records.
4

5 (b) A certificate that is amended under this Section shall be
6 marked "Amended," except as provided in Paragraph (a) in this
7 Section. The date of amendment and a summary description of
8 the evidence submitted in support of the amendment shall be
9 endorsed on or made a part of the record. The Office of Vital
10 Statistics shall prescribe by regulation the conditions under
11 which additions or minor corrections shall be made to birth
12 certificates within one (1) year after the date of birth without
13 the certificates being considered as amended.
14

15 (c) Upon receipt of a certified copy of a court order changing
16 the name of a person born in Guam, and upon request of such
17 person or his parent, guardian or legal representative, the
18 Office of Vital Statistics shall amend the certificate of birth
19 to reflect the new name.
20

21 (d) Upon request and receipt of a sworn acknowledgment of
22 paternity of a child born out of wedlock, signed by both
23 parents, the Territorial Registrar of Vital Statistics shall
24 amend a certificate of birth to show such paternity, if
25 paternity is not shown on the certificate. The surname of the
26 child shall then be changed to that of the father, but the
27 certificate shall not be marked "Amended".
28

29 (e) Upon receipt of a sworn statement from the physician
30 performing the surgery certifying the sex of an individual has
31 been changed by surgical procedure, and upon written request
32 of an individual born in this territory, the sex of the individual
33 shall be amended on the birth certificate to reflect such
34 change. The name of the individual may be changed in
35 accordance with Subsection (c) of this Section.
36

37 SOURCE: Section 9320 GC, as amended by P.L. 15-90.s
38

39 Section 3223. Reproduction of Records.
40

41 To preserve original documents, the Territorial Registrar of
42 Vital Statistics is authorized to prepare typewritten,
43 photographic or other reproductions of original records and

1 files in his office. Such reproductions, when certified by him
2 and sealed with official government seal, shall be accepted as
3 the original and official record.
4

5 SOURCE: Section 9321 GC.
6

7 Section 3224. Same: Microfilm.
8

9 To preserve original records, the Territorial Registrar is
10 authorized and directed to microfilm all vital records. All such
11 reproductions shall be equally admissible as competent
12 evidence in all courts of the Territory or in any administrative
13 proceeding as the original itself whether the original is in
14 existence or not.
15

16 SOURCE: Section 9321.1 GC, added by P.L. 15-90.
17

18 Section 3225. Disclosure of Records.
19

20 (a) To protect the integrity, the confidentiality, the validity
21 and the evidentiary value of Vital Statistics Records, to insure
22 their proper use and to insure the efficient and proper
23 administration of the Vital Statistics system, it shall be
24 unlawful for any person to permit inspection of, or to disclose
25 information contained in Vital Statistics Records, or to copy
26 or issue a copy of all or part of any such record, except as
27 authorized by regulation or as provided for by this Chapter.
28

29 (b) The Office of Vital Statistics may authorize the disclosure
30 of data contained in Vital Statistics Records for research
31 purposes, provided that request for such be approved
32 beforehand by the Director.
33

34 (c) Information in Vital Statistics Records, such as birth
35 occurring out of wedlock or length of pregnancy, may not be
36 disclosed except as provided for in this Chapter, by regulation
37 or upon court order.
38

39 (d) Appeals from decisions of the Territorial Registrar
40 refusing to disclose information, or to permit inspection of or
41 copying of records under the authority of this Section and
42 regulations issued hereunder shall be made to the Director,
43 whose decisions shall be binding upon the Territorial

1 Registrar.

2
3 SOURCE: Section 9322 GC.

4
5 Section 3226. Copies of Data from Vital Records.

6
7 In accordance with Section 3225 of this Chapter, and the
8 regulations adopted pursuant thereto:
9

10 (a) The Office of Vital Statistics shall upon request, issue a
11 certified copy of any certificate or record in his custody or of
12 a part thereof. Each copy issued shall show the date of
13 registration; and copies issued from records marked "Delayed,"
14 "Amended" or "Court Order" shall be similarly marked and
15 show the effective date.
16

17 (b) A certified copy of a certificate or any part thereof, issued
18 in accordance with Subsection (a), shall be considered for all
19 purposes the same as the original, and shall be prima facie
20 evidence of the facts therein stated, provided that the
21 evidentiary value of the certificate or record filed more than
22 one (1) year after the event, or a record which has been
23 amended shall be determined by the judicial or administrative
24 body or official before whom the certificate is offered as
25 evidence.
26

27 (c) The National Center for Health Statistics shall be furnished
28 such copies or data as it may require for national statistics;
29 provided that the government of Guam shall be reimbursed for
30 the cost of furnishing such data; and provided further that such
31 data shall not be used for other than statistical purposes by
32 the National Center for Health Statistics unless so authorized
33 by the Office of Vital Statistics.
34

35 (d) Federal or state governmental branches and other public or
36 private agencies may, upon request, be furnished copies of data
37 for statistical purposes upon such terms or conditions as may
38 be prescribed by the Office of Vital Statistics.
39

40 (e) No person shall prepare or issue any certificate which
41 purports to be an original, certified copy or copy of a
42 certificate of birth, death or fetal death, except as authorized
43 in this Chapter or regulations adopted hereunder.

1
2 SOURCE: Section 9323 GC.

3
4 Section 3227. Fees for Copies.

5
6 (a) The Director shall, by regulation, establish fees for
7 certified copies of certificates or records issued; for search
8 of the files or records when no copy or information is
9 available; for processing a change of name by court order and
10 other means; for amending records and filing a delayed
11 certificate of birth or marriage.

12
13 (b) Fees collected under this Section by the Office of Vital
14 Statistics shall be deposited in the General Fund of the
15 government of Guam according to procedures established by
16 law governing collections.

17
18 SOURCE: Section 9324 GC, as amended by P.L. 15-90.

19
20 Section 3228. Duty to Furnish Information Relative to Vital
21 Events.

22
23 Any person having knowledge of the facts, shall furnish such
24 Information as he may possess regarding any birth, death, fetal
25 death, marriage or divorce, upon demand of the Territorial
26 Registrar of Vital Statistics.

27
28 SOURCE: Section 9325 GC.

29
30 Section 3229. Penalties.

31
32 (a)

33 (1) Any person who willfully and knowingly makes any false
34 statement in a report, record or certificate required to be
35 filed under this Chapter or in an application for amendment
36 thereof or who willfully and knowingly supplies false
37 information intending that such information be used in the
38 preparation of any such report, record or certificate, or
39 amendment thereof; or

40
41 (2) Any person who without lawful authority and with intent
42 to deceive, makes, alters, amends or mutilates any report,
43 record or certificate required to be filed under this Chapter or

1 certified copy of such report, record or certificate; or
2

3 (3) Any person who willfully and knowingly uses or attempts
4 to use or furnish to another for use, for any purpose of
5 deception, any certificate, record, report or certified copy
6 thereof so made, altered, amended or mutilated; or
7

8 (4) Any person who, with the intention to deceive, willfully
9 uses or attempts to use any certificate of birth or certified
10 copy of a record of birth, knowing that such certificate or
11 certified copy was issued upon a record which is false in
12 whole or in part, or which relates to the birth of another
13 person; or
14

15 (5) Any person who willfully and knowingly furnishes a
16 certificate of birth or certified copy of a record of birth with
17 the intention that it be used by a person other than the person
18 to whom the record of birth relates, shall be guilty of a
19 misdemeanor.
20

21 (b)

22 (1) Any person who refuses to provide information required by
23 this Chapter; or
24

25 (2) Any person who willfully and knowingly transports or
26 accepts for transportation; interment or other disposition a
27 dead body without an accompanying permit as required by this
28 Chapter; or
29

30 (3) Any person who willfully neglects or violates any of the
31 provisions of this Chapter, or refuses to perform any of the
32 duties imposed upon him by this Chapter, shall be guilty of a
33 petty misdemeanor.
34

35 SOURCE: Section 9326 GC, as amended by P.L.'s 13-187 and 15-
36 90.
37

38 Section 3230. Severability.
39

40 If any provision of this Act or the application thereof, to any
41 person or circumstances is held invalid, such invalidity shall
42 not affect other provisions or applications of the Act which
43 can be given effect without the invalid provision or

1 application, and to this end the provisions of the Act are
2 declared to be severable.

3
4 SOURCE: Section 9327 GC.

5
6 Section 3231. Effective Date.

7
8 This Act shall be effective the first day of the third month
9 following its approval by the Governor.

10
11 SOURCE: Section 9328 GC.

12
13 Section 3232. Burial-Transit Permits.

14
15 (a) No dead human body or fetus attaining twenty (20) weeks
16 of gestation or more shall be buried, deposited in a crypt,
17 mausoleum or vault, cremated, removed from Guam or
18 otherwise disposed of, unless a burial-transit permit has first
19 been issued therefore by the Office of Vital Statistics. Such
20 permit shall be presented to the person in charge of the
21 cemetery, crematorium or other place of disposition, and shall
22 be promptly returned by him to the Office of Vital Statistics
23 after such burial, cremation or other disposition with a
24 certification that the body was disposed of in accordance with
25 the burial-transit permit.

26
27 (b) The Territorial Registrar shall not issue a burial-transit
28 permit for the disposition of any dead body in any place other
29 than in a cemetery, crematorium, crypt or mausoleum which is
30 in compliance with the regulations for cemeteries,
31 crematoriums, crypts or mausoleums established by the
32 Director. Each burial-transit permit shall include the cemetery
33 plot number, crypt number or other information which will
34 designate the exact location where the body has been
35 dispositioned.

36
37 (c) The Territorial Registrar shall issue burial-transit permits
38 for disposition of bodies outside the territory of Guam or for
39 burial at sea only when such disposition complies with
40 regulations established by the Director for this purpose.

41
42 (d) Any person first assuming custody of a dead body or fetus
43 shall obtain a burial-transit prior to final disposition or

1 removal from Guam within seventy-two (72) hours after death.

2
3 (e) Burial-transit permit shall be issued provided that first a
4 certificate of death or fetal death has been filed with the
5 Office in accordance with Subsection 3216 and 3217 of this
6 Chapter.

7
8 (f) A permit issued under the law of any state which
9 accompanies a dead human body or fetus brought into Guam
10 for final disposition shall be the authority to dispose of said
11 body or fetus; provided, that the Director, in the protection of
12 the public health, having consideration of the cause of death or
13 other special conditions, may, in his discretion, order such form
14 of burial or disposition of a dead body or fetus as he deems
15 necessary.

16
17 (g) No dead human body or remains shall be disinterred for
18 reburial or other purpose from any cemetery, crypt,
19 mausoleum or vault without a permit from the Office of Vital
20 Statistics. Such disinterments must comply with regulations
21 established by the Director of the disinterment of human
22 bodies or remains.

23
24 SOURCE: Section 9329, as amended by P.L. 15-90.

25
26 Section 3233. Disposition.

27
28 (a) The right to control the disposition of a dead human body
29 and the duty of burial or other disposition and the liability for
30 the reasonable cost thereof devolves upon the following in the
31 order named:

- 32
33 (1) the surviving spouse of the decedent;
34
35 (2) the surviving child or children of the decedent;
36
37 (3) the surviving parent or parents of the decedent; and
38
39 (4) the person or persons, respectively, in the next degrees of
40 kindred, in the order named by the laws of Guam as entitled to
41 succeed the estate of the decedent; provided that the liability
42 for the cost of burial or other disposition shall be primarily
43 upon the estate of the decedent.

1
2 (b) Where the duty of burial or other disposition of the dead
3 human body does not devolve upon any other person in Guam,
4 or if such person cannot after reasonable diligence be found
5 within Guam, the Director shall arrange for the burial or other
6 disposition of such body.
7

8 SOURCE: Section 9330 GC, as amended by P.L. 15-90.
9

10 Article 3
11 Disease Control
12

- 13 Section 3301. Definitions.
14 Section 3302. Duty to Report.
15 Section 3303. Same: Dispensaries, Hospitals, Etc.
16 Section 3304. Same: Laboratories.
17 Section 3305. Same: Keeper of Boarding or Lodging Houses.
18 Section 3306. Same: Master of Vessels; Captain of Aircraft.
19 Section 3307. Investigation.
20 Section 3308. Same: Access to Records, Reports, Etc.
21 Section 3309. Isolation and Quarantine: Regulations.
22 Section 3310. Same: Authority of Director.
23 Section 3311. Placarding.
24 Section 3312. Violation of Isolation or Quarantine.
25 Section 3314. Disinfection of Premises.
26 Section 3315. Destruction of Property.
27 Section 3316. Compensation.
28 Section 3317. Closing of Schools.
29 Section 3318. Disposal of Bodies.
30 Section 3319. Responsibility of Person in Charge of Minor.
31 Section 3320. Willful Exposure.
32 Section 3321. Concealing Disease.
33 Section 3322. Vaccination and Immunization.
34 Section 3323. Prenatal Test.
35 Section 3324. Reports as to Prenatal Test.
36 Section 3325. Prevention of Blindness at Childbirth.
37 Section 3326. Immunization Audit.
38 Section 3327. Same: Confidentiality.
39 Section 3328. Autopsy.
40 Section 3329. Testing for Tuberculosis.
41 Section 3330. Failure to Report.
42

43 Section 3301. Definitions.

As used in this Chapter:

(a) Communicable Disease includes any of the following diseases or conditions which are dangerous to public health:

1. Acquired Immune Deficiency Syndrome (AIDS)
2. Amebiasis (amoebic dysentery);
3. Anthrax;
4. Brucellosis (Undulant fever);
5. Chancroid;
6. Chickenpox;
7. Cholera;
8. Clonorchiasis (liver-fluke);
9. Conjunctivitis, acute infectious (pink eye);
10. Dengue;
11. Diarrhea of newborn (epidemic infantile);
12. Diphtheria;
13. Encephalitis, primary (infectious);
14. Erysipelas;
15. Favus;
16. Filariasis;
17. Fish (ciguatera) poisoning;
18. Fish (scombroid) poisoning;
19. Glanders (Farcy);
20. Gonorrhea;
21. Gonorrheal Ophthalmia;
22. Granuloma inguinale;
23. Hepatitis A (Infectious)
24. HIV-seropositive condition;
25. Hepatitis B (Serum);
26. Hookworm Disease;
27. Impetigo Contagious (in institution);
28. Influenza;
29. Kerato-Conjunctivitis (Infectious);
30. Leprosy (Hansen's Disease);
31. Leptospirosis (Weil's disease or Hemorrhagic Jaundice);
32. Malaria;
33. Measles (Rubeola);
34. Melioidosis
35. Meningitis, aseptic;
36. Meningitis, cerebrospinal (Meningococcic);
37. Meningitis, other infectious;
38. Mononucleosis, infectious;
39. Mumps;

40. Paratyphoid Fever;
41. Pertussis (Whooping cough);
42. Plague;
43. Poliomyelitis, acute anterior (Infantile paralysis);
44. Psittacosis-ornithosis;
45. Puerperal septicemia;
46. Rabies;
47. Relapsing Fever;
48. Rheumatic Fever (active);
49. Rickettsial Disease;
50. Ringworm of the scalp (Tinea Capitis);
51. Rubella (German Measles);
52. Salmonellosis;
53. Scabies;
54. Scarlet Fever;
55. Septic sore throat (streptococcus);
56. Shigellosis (Bacillary dysentery);
57. Smallpox;
58. Syphilis;
59. Tetanus;
60. Trachoma;
61. Trichinosis;
62. Tuberculosis (Pulmonary);
63. Tuberculosis (other than Pulmonary);
64. Tularemia;
65. Typhoid Fever;
66. Typhus Fever;
67. Yaws;
68. Yellow Fever
69. Any other disease deemed by the Director to be dangerous to the public health may be added by regulation.

(b) Chronic Disease includes any of the following diseases or conditions:

1. Amyotrophic lateral sclerosis
2. Parkinsonism dementia
3. Parkinson's disease
4. Any other disease deemed by the Director to be dangerous to the public health may be added by regulation;

(c) Isolation means the separation of persons suffering a communicable disease or carriers of such a disease from other persons for the period of communicability in such places and

1 under such conditions as will prevent the transmission of the
2 causative agent; and
3

4 (d) Quarantine means the limitation of freedom of movement
5 of those who have been exposed to a communicable disease,
6 whether a person or animal, for a period of time equal to the
7 longest usual incubation period of the disease, in such manner
8 as to prevent effective contacts with those not so exposed.

9 SOURCE: Section 9400 GC; Amended by P.L. 20-11:1.
10

11 Section 3302. Duty to Report.
12

13 Any person licensed or registered to practice any healing art
14 under Chapter 12 of this Title who has knowledge of or
15 suspects the presence of any communicable or chronic disease
16 or any other disease dangerous to the public health, shall
17 report the same to the Director within forty-eight (48) hours
18 after diagnosis, unless a different time is prescribed by
19 regulation, together with the name, age, village of residence
20 and sex of the person afflicted, the house or other place in
21 which such person may be found, and such other information
22 as may be required by regulation.
23

24 SOURCE: Section 9400.1 GC.
25

26 Section 3303. Same: Dispensaries, Hospitals, Etc.
27

28 The superintendent, chief medical officer, nurse in charge or
29 other person in charge of any hospital, clinic, dispensary,
30 infirmary, medical aid station or other establishment
31 providing medical care, either to the general public or
32 otherwise, who has knowledge of the presence of any
33 communicable or chronic disease or any other disease
34 dangerous to the public health shall report the same to the
35 Director in accordance with Section 3302. When the patient is
36 hospitalized, the person in charge of the hospital in which he
37 is hospitalized shall make the report.
38

39 SOURCE: Section 9400.2 GC.
40

41 Section 3304. Same: Laboratories.
42

43 The Director, administrator, chief officer or other person in

1 charge of any laboratory, public or private, performing any test
2 or examinations upon persons or their blood, urine, feces or
3 any other body products shall, upon identification or suspected
4 identification of an etiologic agent, antigen, antibody or any
5 other substance or combination of substances generally
6 accepted as being diagnostic of the presence of a
7 communicable disease, shall report same to the Director in
8 accordance with Section 3302.
9

10 SOURCE: Section 9400.3 GC.
11

12 Section 3305. Same: Keeper of Boarding or Lodging Houses.
13

14 Any owner, keeper or other person in charge of the operation
15 of a hotel, boarding house or dormitory shall immediately
16 report to the Director the presence therein of any person he
17 has reason to believe to be sick of, or to have died of any
18 contagious, infectious, communicable or other disease
19 dangerous to the public health.
20

21 SOURCE: Section 9400.4 GC.
22

23 Section 3306. Same: Master of Vessels; Captain of Aircraft.
24

25 Any master of a vessel or captain of an aircraft, shall
26 immediately report to the Director or his representative the
27 presence aboard such vessel or aircraft of any person he has
28 reason to believe to be sick of or to have died of any
29 communicable disease.
30

31 SOURCE: Section 9400. GC.
32

33 Section 3307. Investigation.
34

35 When a complaint is made or a reasonable belief exists that a
36 communicable disease or other disease dangerous to the public
37 health prevails in any house or elsewhere which has not been
38 reported, the Director shall make an inspection for the purpose
39 of discovering whether any such disease exists.
40

41 SOURCE: Section 9400.6 GC.
42

43 Section 3308. Same: Access to Records, Reports, Etc.

1
2 When the Director has reason to believe that a communicable
3 disease exists but that full and complete information as
4 required by Section 3302 of this Chapter has not been
5 provided, the Director or his representative may examine any
6 and all records or reports deemed necessary to fully
7 investigate the disease.
8

9 SOURCE: Section 9400.7 GC.
10

11 Section 3309. Isolation and Quarantine: Regulations.
12

13 Isolation and quarantine shall be imposed in accordance with
14 regulations. Such regulations shall designate the disease for
15 which isolation or quarantine is necessary, and such other
16 requirements concerning diagnosis, treatment, release and
17 other pertinent matters as may be necessary.
18

19 SOURCE: Section 9400.8 GC.
20

21 Section 3310. Same: Authority of Director.
22

23 (a) Notwithstanding Section 3309, when a person has or is
24 suspected of having or is suspected of being a carrier of any
25 communicable disease or any other disease dangerous to the
26 public health, the Director may impose isolation of such person
27 and may impose quarantine on anyone who has had contact
28 with such person. The extent and duration of isolation and
29 quarantine imposed in a given case and release therefrom shall
30 be within the discretion of the Director depending upon the
31 disease. The Director may, in his discretion, determine the
32 persons subject to isolation and quarantine, specify the places
33 or areas to which or in which they are restricted in their
34 movements, prescribe other conditions and requirements to be
35 observed, decide the duration of isolation and quarantine and
36 release therefrom and issue other necessary instructions. He
37 shall insure that provisions are made for medical observation
38 of such persons as frequently as necessary during isolation and
39 quarantine or amend the degree thereof and other restrictions
40 imposed in connection therewith at any time.
41

42 (b) When a person has or is suspected of having or is
43 suspected of being a carrier of any communicable disease or

1 any other disease dangerous to the public health, the Director
2 may, in his discretion and for the safety of the public, remove
3 such person, with or without his consent, to a licensed hospital
4 or other designated premises for the purpose of isolation and
5 treatment until the disease is no longer communicable by such
6 person. If the Director should determine that removal of such
7 person is not practicable, such person may be allowed to
8 remain where he is and the Director may take such measures
9 as he may deem advisable to provide for his care for the public
10 health by way of isolation and quarantine.

11
12 SOURCE: Section 9400.9 GC.

13
14 Section 3311. Placarding.

15
16 When a person has been isolated or quarantined and is
17 restricted thereby to his residence or other building, the
18 Director may place in a conspicuous position on the exterior of
19 the premises where such person is isolated or quarantined a
20 placard having printed on it in large letters the name of the
21 disease and warning all unauthorized persons to remain off the
22 premises. Such placard shall be in both English and Chamorro
23 and in any other languages the Director deems appropriate. No
24 person shall remove, deface or destroy such placard until
25 authorized by the Director. Except as authorized by the
26 Director or regulation, no person shall enter or leave any
27 premises which has been placarded.

28
29 SOURCE: Section 9400.10 GC.

30
31 Section 3312. Violation of Isolation or Quarantine.

32
33 No person who has been isolated or quarantined shall leave the
34 premises or area to which he has been restricted without the
35 written permission of the Director until he has been released
36 from such isolation or quarantine.

37
38 SOURCE: Section 9400.11 GC.

39
40 Section 3313. Chief of Police.

41
42 Upon the request of the Director, it shall be the duty of the
43 Chief of Police to act and assist in the enforcement of

1 isolation and quarantine, using such force as may be
2 reasonably necessary.

3
4 SOURCE: Section 9400.12 GC.

5
6 Section 3314. Disinfection of Premises.

7
8 The Director may, if he deems it advisable, order the premises
9 and contents thereof in which any person has been ill or has
10 died of a communicable disease or any other room, building,
11 premises or area, any contents thereof, which may be infective
12 by contact with any communicable disease, to be disinfected
13 and purified in such manner as he may direct. It shall be the
14 duty of the owner or occupant of such premises to comply with
15 any such order.

16
17 SOURCE: Section 9400.13 GC.

18
19 Section 3315. Destruction of Property.

20
21 The Director may destroy any infective clothing, bedding or
22 other article which cannot be made safe by disinfection. He
23 shall furnish to the owner thereof a receipt showing the
24 number, character, condition and estimated value of the article
25 so destroyed. A copy of such receipt shall be retained by the
26 Director.

27
28 SOURCE: Section 9400.14 GC.

29
30 Section 3316. Compensation.

31
32 Upon the presentation of the original receipt for articles
33 destroyed under section 3315 and approval by the Attorney
34 General, the Director shall pay to the owner of such property,
35 out of such appropriations of the Department of Public Health
36 and Social Services as may be available, the value of such
37 destroyed articles.

38
39 SOURCE: Section 9400.15 GC.

40
41 Section 3317. Closing of School.

42
43 During an epidemic or threatening epidemic or when a

1 dangerous communicable disease is unusually prevalent, the
2 Director may close any public or private school and prohibit
3 any public or private gathering for such time as may be
4 necessary in the interest of the public health.
5

6 SOURCE: Section 9400.16 GC.
7

8 Section 3318. Disposal of Bodies.
9

10 The Director, in his discretion, may require that the body of a
11 person, who has died of a communicable disease or any other
12 disease dangerous to the public health, be buried or cremated
13 immediately or within such period of time and in conformity
14 with such procedures for the protection of the public health,
15 as he may designate.
16

17 SOURCE: Section 9400.17 GC.
18

19 Section 3319. Responsibility of Person in Charge of Minor.
20

21 Where any person suffering from a communicable disease is
22 required to remain isolated or quarantined or to do or refrain
23 from doing any act or thing whereby spread of the disease may
24 be enhanced or such person because of his tender age or of
25 physical or mental disability is unable to comprehend or
26 comply with such requirements, it shall be the duty of the
27 parent, guardian or other person, including any attendant
28 having such patient under his care, custody or control to
29 comply or cause compliance with the isolation or quarantine so
30 imposed and pertinent provisions of this Chapter.
31

32 SOURCE: Section 9400.18 GC.
33

34 Section 3320. Willful Exposure.
35

36 No person having a communicable disease or any other disease
37 dangerous to the public health or being in charge of any other
38 person afflicted with such a disease, shall willfully expose
39 himself or such person in any public place, street or highway
40 except as may be authorized by the Director.
41

42 SOURCE: Section 9400.19 GC.
43

1 Section 3321. Concealing Disease.

2
3 No person shall conceal any person having any communicable
4 disease or any other disease dangerous to the public health,
5 including any venereal disease. No parent, guardian or other
6 person having custody or care of a minor child shall conceal
7 the fact of a minor child having any such disease.
8

9 SOURCE: Section 9400.20 GC.

10
11 Section 3322. Vaccination and Immunization

12
13 No student shall be permitted to attend any public or private
14 school, college, or university within the Territory unless
15 evidence is presented to the enrolling officer of such school,
16 college or university that the student has had all required
17 vaccinations or immunizations. Required vaccinations and
18 immunizations include but are not limited to Diphtheria,
19 Pertussis, Tetanus, Polio, Measles (Rubeola), Mumps and
20 Rubella (German Measles) or against any other communicable
21 disease as the Director shall, by regulation, require, except
22 that exemption may be granted to the student in a case when
23 the vaccination or immunization would be against his/her
24 religious beliefs or upon certification by a parent or
25 guardian of a student who is a minor that such vaccination or
26 immunization would be against their religious belief or a
27 student that has been certified by a licensed medical doctor
28 that said student shall be exempt from this section where
29 medical contraindication to receiving a specific vaccine
30 exists. The Director may require vaccination and immunization
31 of any person or persons suspected as carriers of a
32 communicable disease upon entering or leaving the Territory
33 which the Director believes may present a risk to the public
34 health of the Territory. The Director, in case of an epidemic or
35 to control a possible epidemic of a communicable disease, may
36 direct that the general population be vaccinated and
37 immunized against said disease. A child may not be enrolled in
38 kindergarten or first grade unless that child has been
39 administered the measles, mumps, and rubella (MMR) vaccine
40 twice or that child is exempt on religious grounds or because
41 medically contraindicated.
42

43 SOURCE: Section 9400.21 GC.

1
2 Section 3323. Prenatal Test.
3

4 Any licensed physician attending a pregnant woman for
5 condition relating to her pregnancy during the period of
6 gestation or at delivery shall take or cause to be taken a
7 sample of the blood of such woman and submit such sample to
8 the Department of Public Health and Social Services laboratory
9 or other laboratory approved by the Director for a standard
10 serologic test for syphilis. Any other person permitted by law
11 to attend pregnant women, but not permitted by law to take
12 blood samples, shall cause a sample of blood of every pregnant
13 woman attended by him to be taken by a duly licensed
14 physician or at a lab approved by the Director of the
15 Department of Public Health and Social Services for a standard
16 serologic test for syphilis. Such samples of blood shall be
17 taken at the time of the first visit of the pregnant woman or
18 within fourteen (14) days thereafter. Every pregnant woman
19 shall permit such samples of her blood to be taken as in this
20 Section.

21
22 SOURCE: Section 9400.23 GC.
23

24 Section 3324. Report as to Prenatal Test.
25

26 In reporting any birth or stillbirth, any physician or other
27 person required to make such reports shall state in a report
28 accompanying the certificate whether, according to his
29 knowledge or information, a blood test for syphilis has been
30 made upon a specimen of blood taken from the woman who
31 bore the child for which the birth or stillbirth certificate is filed
32 and the approximate date when the specimen was taken. The
33 Director is authorized to investigate the circumstances
34 surrounding the birth of any baby on whose mother no
35 serologic test, as required by the provisions of this Subchapter,
36 appears to have been taken.
37

38 SOURCE: Section 9400.23 GC.
39

40 Section 3325. Prevention of Blindness at Childbirth.
41

42 Any physician, midwife, or any other person in attendance at
43 childbirth immediately after birth shall administer the one

1 percent (1%) silver nitrate solution to both eyes of the
2 newborn child. Preparations other than one percent (1%) silver
3 nitrate may be used only on approval of the Director and
4 subject to such conditions and restrictions as the Director
5 may impose.

6
7 SOURCE: Section 9400.24 GC.

8
9 Section 3326. Immunization Audit.

10
11 Annually, the Director shall conduct an immunization audit.
12 The sample audits shall be conducted on public health clinic
13 records, private clinic records and private physicians' records
14 to determine if:

15
16 (a) One (1) consolidated immunization record is posted on the
17 inside front cover of the patient's medical record if the
18 patient is under the age of eighteen (18); and

19
20 (b) That the record of any child found to be deficient in
21 immunizations indicates:

- 22
23 (1) that progress towards immunization is being made;
24 (2) a record of scheduled return appointment for the child; or
25 (3) a reason for the lack of immunization.
26

27 SOURCE: Section 9400.25 GC.

28
29 Section 3327. Same: Confidentiality.

30
31 The immunization audit shall be done by the Director who may
32 delegate his duty. The Director shall be responsible for
33 assuring that the confidentiality of individual patient records
34 is preserved. The Department of Public Health and Social
35 Services shall be responsible for compiling a statistical
36 report of the audit.
37

38 SOURCE: Section 9400.26 GC.

39
40 Section 3328. Autopsy

41
42 The Director may order an autopsy to determine if the
43 deceased died of a communicable disease or whenever, in his

1 direction, the public interest justifies it.

2
3 SOURCE: Section 9400.27 GC.

4
5 Section 3329. Testing for Tuberculosis.

6
7 No student shall be permitted to attend any public or private
8 school, college, or university within the Territory of Guam
9 unless they have on file with the enrolling officer of such
10 school, college or university a report of a Tuberculosis (TB)
11 skin test result.

12
13 (a) If the student is entering from the United States or its
14 territories, such test must have been conducted within one
15 year prior to enrollment. If the student is entering from an
16 area other than the United States or its territories, such test
17 must have been conducted within six months prior to
18 enrollment.

19
20 (b) If a student has had a positive TB skin test, a Certificate of
21 Tuberculosis Evaluation must be obtained from the Department
22 of Public Health and Social Services. If this certificate
23 indicates that the student is TB contagious the student shall
24 be permitted entrance to school only after he/she is certified
25 as non-contagious by the Department of Public Health and
26 Social Services.

27
28 Section 3330. Failure to Report.

29
30 Any person licensed or registered to practice any healing art
31 under Chapter 12 of this Title who refuses or neglects to
32 report to the Director the presence of a known or suspected
33 disease dangerous to the public health shall be liable for a fine
34 of not more than \$500.00, except that for a second or
35 subsequent offense, such person shall be guilty of a
36 misdemeanor.

37
38 Article 4

39 Maternal and Child Health and Children with Special
40 Health Needs

41
42 Section 3401. Designation of Department of Public Health and
43 Social Services as Cooperative Agency.

1
2 The Department of Public Health and Social Services is hereby
3 designated as the agency to cooperate with the duly
4 constituted Federal authorities in the administration of these
5 parts of the Social Security Act which relate to the maternal
6 and child health services and the care and treatment of
7 children with special health needs and is authorized to receive
8 and expend all funds made available by the Federal
9 Government or from any other source for the purpose provided
10 in this Chapter, provided that all plans, rules and regulations,
11 or agreements adopted in connection therewith shall be subject
12 to the approval of the Governor.
13

14 SOURCE: Section 9900 GC.
15

16 Article 5
17 Maternal and Child Health Services
18

19 Section 3501. Maternal and Child Health Programs:
20 Administration:
21 Purposes.

22 Section 3502. Guam Plan for Maternal and Child Health
23 Services:
24 Formulation, Adoption and Approval.

25 Section 3503. Provision to be Included in Guam Plan.

26 Section 3504. Duties of Director of Public Health and Social
27 Services.

28 Section 3505. Maternal and Child Health Service Funds:
29 Custody: Expenditures.
30

31 Section 3501. Maternal and Child Health Programs:
32 Administration: Purposes.
33

34 (a) The Department of Public Health and Social Services is
35 hereby designated as the agency to administer a maternal and
36 child health program in Guam.
37

38 (b) The purpose of such program shall be to develop, extend
39 and improve health services, and to provide for development
40 of demonstration services.
41

42 SOURCE: Section 9901.1 GC.
43

1 Section 3502. Guam Plan for Maternal and Child Health
2 Services: Formulation, Adoption and Approval.
3

4 (a) The Department of Public Health and Social Services is
5 hereby empowered and authorized:
6

7 (1) To formulate, adopt and administer a detailed plan or plans
8 for the purposes specified in 3501.
9

10 (2) To make and adopt all such rules and regulations not
11 inconsistent with the provisions of Section 3501-3505,
12 inclusive, or of the Social Security Act, as are or may be
13 necessary for the administration of such plan or plans and the
14 administration of this Article.
15

16 (b) Such plan or plans and the rules and regulations when
17 formulated shall be submitted to the Secretary of Health and
18 Human Services for approval, and when approved by the
19 Secretary shall thereupon be made effective by the Department
20 of Public Health and Social Services in accordance with the
21 Administration Adjudication Act for the purposes of this
22 Article.
23

24 SOURCE: Section 9900.2 GC.
25

26 Section 3503. Provision to be Included in Guam Plan.
27

28 Such plan or plans shall include therein provisions for:
29

30 (a) Financial participation by Guam.
31

32 (b) Administration of such plans or plans by the Department of
33 Public Health and Social Services.
34

35 (c) Such methods of administration as are necessary for
36 efficient operation of such plan or plans.
37

38 (d) Maintenance of records and preparation as are necessary
39 for efficient operation of such plan or plans.
40

41 (e) Cooperation with medical, health, nursing and welfare
42 groups and organizations for the purpose of extending and
43 improving maternal and child health.

1
2 (f) Receiving and expending in the manner provided herein in
3 accordance with such plan or plans, all funds made available by
4 the Federal Government or from any other source for such
5 purposes.
6

7 (g) Cooperating with the Federal Government, through its
8 appropriate agency or instrumentality, in developing,
9 extending and improving such services, and in the
10 administration of such plan or plans and development of
11 demonstration services among groups in special need.
12

13 (h) Carrying out the purposes specified in 3501.
14

15 SOURCE: Section 9900.3 GC.
16

17 Section 3504. Duties of Director of Public Health and Social
18 Services.
19

20 (a) The Director of Public Health and Social Services shall be
21 the administrative officer of the agency with respect to the
22 administration and enforcement of the provisions of this
23 Article, and of the plan or plans formulated and adopted in
24 accordance therewith and all such rules and regulations
25 necessary thereto.
26

27 (b) The Director of Public Health and Social Services is hereby
28 empowered and directed to administer and enforce all rules
29 and regulations adopted for the efficient operations of the plan
30 or plans formulated for the purposes of this Article.
31

32 (c) The Director of Public Health and Social Services, shall,
33 from time to time as directed by the Secretary of Health and
34 Human Services make such reports, in such form and
35 containing such information as the Secretary of Health and
36 Human Services shall require.
37

38 (d) The Director of Public Health and Social Services shall
39 from time to time, pursuant to the rules and regulations of the
40 Secretary of Health and Human Services and of the Secretary
41 of the Treasury requisition and cause to be deposited with the
42 Treasurer of Guam all moneys allotted to Guam by the Federal
43 Government for the purposes of this Article, and shall cause to

1 be paid out of the
2 treasury the moneys therein deposited for such purposes.

3
4 SOURCE: Section 9900.4 GC.

5
6 Section 3505. Maternal and Child Health Service Funds:
7 Custody:
8 Expenditures.

9
10 (a) The Treasurer of Guam is hereby made custodian of all
11 moneys allotted to Guam by the Federal Government, or
12 received from other sources, for the purposes of maternal and
13 child health services.

14
15 (b) The Treasurer shall receive and provide for the proper
16 custody of such moneys and is authorized to deposit such
17 moneys in the same manner as other public moneys are
18 deposited.

19
20 (c) Such moneys shall be disbursed only upon certification by
21 the Director of Public Health and Social Services.

22
23 SOURCE: Section 9900.5 GC.

24
25 Article 6

26 Services for Children with Special Health Needs

27
28 Section 3601. Program for Services for Children with Special
29 Health Needs: Administration: Purposes.

30 Section 3602. Guam Plan for Services for Children with Special
31 Health Needs: Formulation, Adoption and Approval.

32 Section 3603. Provision to be Included in Plan.

33 Section 3604. Duties of Director of Public Health and Social
34 Services.

35 Section 3605. Services for Children with Special Health Needs:
36 Custody: Expenditure.

37 Section 3606. Department of Public Health and Social Services
38 Authorized to Enter into Cooperative Agreements with
39 Federal Government.

40
41 Section 3601. Program for Services for Children with Special
42 Health Needs: Administration: Purposes.

1 (a) The Department of Public Health and Social Services is
2 hereby designated as the agency to administer a program of
3 service for children with a disability(ies) or special health
4 need(s).

5
6 (b) The purpose of such program shall be to develop, extend,
7 and improve services for locating such children, and for
8 providing for medical, surgical, corrective and other services
9 and care, and providing facilities for diagnosis, hospitalization
10 and aftercare.

11
12 SOURCE: Section 9901 GC.

13
14 Section 3602. Guam Plan for Services for Children with
15 Special
16 Health Needs: Formulation, Adoption and Approval.

17
18 (a) The Department of Public Health and Social Services is
19 hereby empowered and authorized:

20
21 (1) To formulate, adopt and administer a detailed plan or plans
22 for the purposes specified in 3601.

23
24 (2) To make and adopt all such rules and regulations, not
25 inconsistent with the provisions of Section 3601-3605
26 inclusive, or of the Social Security Act, as are or may be
27 necessary for the administration of such plan or plans and the
28 administration of this Article.

29
30 (b) Such plan or plans and the rules and regulations, when
31 formulated, shall be submitted to the Secretary of Health and
32 Human Services for approval, and when approved by the
33 Secretary shall thereupon be made effective in accordance
34 with the Administration Adjudication Act for the purposes of
35 this Article.

36
37 SOURCE: Section 9901.1 GC.

38
39 Section 3603. Provision to be Included in Plan.

40
41 Such plan or plans shall include therein provisions for:

42
43 (a) Financial participation by Guam.

1
2 (b) Administration of such plan or plans by the Department of
3 Public Health and Social Services.
4

5 (c) Such methods of administration as are necessary for
6 efficient operation of such plan or plans.
7

8 (d) Maintenance of records and preparation, submission and
9 filing of reports of services rendered.
10

11 (e) Cooperation with medical, health, nursing and welfare
12 groups and organizations, and with any agency charged with
13 administration of laws providing for vocational rehabilitation
14 of physically handicapped children.
15

16 (f) Receiving and expending in the manner provided herein in
17 accordance with such plan or plans, all funds made available by
18 the Federal Government, or from any other source for such
19 purposes.
20

21 (g) Cooperating with the Federal Government, through its
22 appropriate agency or instrumentality, in developing,
23 extending and improving such services and in the
24 administration of such plan or plans.
25

26 (h) Carrying out the purposes specified in 3601.
27

28 SOURCE: Section 9901.2 GC.
29

30 Section 3604. Duties of Director of Public Health and Social
31 Services.
32

33 (a) The Director of Public Health and Social Services shall be
34 the administrative office of the agency with respect to the
35 administration and enforcement of the provision of this
36 Article, and of the plan or plans formulated and adopted in
37 accordance therewith, and all such rules and regulations
38 necessary thereto.
39

40 (b) The Director of Public Health and Social Services is hereby
41 empowered and directed to administer and enforce all rules
42 and regulations adopted for the efficient operations of the plan
43 or plans formulated for the purposes of this Article.

1
2 (c) The Director of Public Health and Social Services shall,
3 from time to time as directed by the Secretary of Health and
4 Human Services make such reports, in such form and
5 containing such information as the Secretary of Health and
6 Human Services shall require.
7

8 (d) The Director of Public Health and Social Services shall
9 from time to time, pursuant to the rules and regulations of the
10 Secretary of Health and Human Services and of the Secretary
11 of the Treasury, requisition and cause to be deposited with the
12 Treasurer of Guam all moneys allotted to Guam by the Federal
13 Government for the purposes of this Article, and shall cause to
14 be paid out of the treasury the moneys therein deposited for
15 such purposes.
16

17 SOURCE: Section 9901.3 GC.
18

19 Section 3605. Services for Children With Special Health Needs:
20 Custody: Expenditure.
21

22 (a) The Treasurer of Guam is hereby made custodian of all
23 moneys allotted to Guam by the Federal Government, or
24 received from other sources, for the purposes of services for
25 children with special health needs.
26

27 (b) The Treasurer of Guam shall receive and provide for the
28 proper custody of such moneys and is authorized to deposit
29 such moneys in the same manner as other public moneys are
30 deposited.
31

32 (c) Such moneys shall be disbursed only upon certification by
33 the Director of Public Health and Social Services.
34

35 SOURCE: Section 9901.4 GC.
36

37 Section 3606. Department of Public Health and Social Services
38 Authorized to Enter into Agreements with Federal Government.
39

40 The Department of Public Health and Social Services is hereby
41 authorized to enter into a cooperative agreement or
42 agreements with the Department of Health and Human Services
43 prescribing the manner, terms and conditions of cooperation

1 with the Department of Health and Human Services in
2 providing for the identification, diagnosis and treatment of
3 children with special health needs. Such agreements may
4 define the amounts which the Territory of Guam and the
5 Federal Government will contribute under the agreement and
6 the Department of Public Health and Social Services shall be
7 bound and governed by such agreement or agreements.
8

9 SOURCE: Section 9901.5 GC.
10

11 Article 7
12 U.S. Public Health Services
13

14 Section 3701. Designation of the Department of Public Health
15 and Social Services as Cooperative Agency.

16 Section 3702. Public Health and Social Services Programs:
17 Administration: Purposes.

18 Section 3703. Guam Plan for Public Health Services.

19 Section 3704. Provisions to be Included in Guam Plan.

20 Section 3705. Duties of Director of Public Health and Social
21 Services.

22 Section 3706. Public Health Service Funds: Custody:
23 Expenditures. Section 3707. References.

24 Section 3708. Transfer.

25 Section 3709. Appropriations.
26

27 Section 3701. Designation of Department of Public Health and
28 Social Services as Cooperative Agency.
29

30 The Department of Public Health and Social Services is hereby
31 designated as the agency to cooperate with the United States
32 Public Health Service in the administration of those parts of
33 the Public Health Service Act, as amended, which relate to
34 grants and services for public health purposes, and is
35 authorized to apply for, receive and expend all funds made
36 available by the Federal Government, or from any other source
37 for the purposes provided in this Chapter.
38

39 SOURCE: Section 9925 GC.
40

41 Section 3702. Public Health Services Programs:
42 Administration: Purposes.
43

1 (a) The Department of Public Health and Social Services is
2 hereby designated as the agency to administer U.S. Public
3 Health Services programs in the Territory of Guam.
4

5 (b) The purpose of such programs shall be to develop, extend
6 and improve public health services.
7

8 SOURCE: Section 9925.1 GC.
9

10 Section 3703. Guam Plan for Public Health Services.
11

12 (a) The Department of Public Health and Social Services is
13 hereby empowered and authorized:
14

15 (1) To formulate, adopt, subject to the approval of the
16 Governor, and administer a detailed plan or plans for the
17 purpose specified in section 3702.
18

19 (2) To make and adopt such rules and regulations, subject to
20 the approval of the Governor, not inconsistent with the
21 provisions of section 3702 and section 3706, inclusive, or of
22 the Public Health Service Act, as are or may be necessary for
23 the administration of this Chapter.
24

25 (b) Such plan or plans and the rules and regulations when
26 formulated shall be submitted to the Secretary of Health and
27 Human Services, and when approved by the Secretary shall
28 thereupon be made effective by the Department of Public
29 Health and Social Services for the purposes of this Chapter.
30

31 SOURCE: Section 9925.2 GC.
32

33 Section 3704. Provisions to be Included in Guam Plan.
34

35 Such plan or plans shall include herein provisions for:
36

37 (a) Financial participation by Guam.
38

39 (b) Administration of such plan or plans by the Department of
40 Public Health and Social Services.
41

42 (c) Such methods of administration as are necessary for
43 efficient operation of such plan or plans.

1
2 (d) Maintenance of records and preparation, submission and
3 filing of reports of services rendered.
4

5 (e) Cooperation with medical, health, nursing and welfare
6 groups and organizations for the purpose of extending and
7 improving public health.
8

9 (f) Receiving and expending in the manner provided herein in
10 accordance with such plan or plans, all funds made available
11 by the Federal Government or from any other source for such
12 purposes.
13

14 (g) Cooperating with the Federal Government, through its
15 appropriate agency or instrumentality, in developing,
16 extending and improving such services and in the
17 administration of such plan or plans, and development of
18 demonstration services.
19

20 (h) Carrying out the purposes specified in Section 3702.
21 [Subsection (2) amended by P.L. 7-101, approved February 26,
22 1964, effective July 11, 1964.]
23

24 SOURCE: Section 9925.3 GC.
25

26 Section 3705. Duties of Director of Public Health and Social
27 Services.
28

29 (a) The Director of Public Health and Social Services shall be
30 the administrative officer of the agency with respect to the
31 administration and enforcement of the provisions of this
32 Chapter, and of the plan or plans formulated and adopted in
33 accordance therewith and all such rules and regulations
34 necessary thereto.
35

36 (b) The Director of Public Health and Social Services is hereby
37 empowered and directed to administer and enforce all rules
38 and regulations adopted for the efficient operations of the plan
39 or plans formulated for the purposes of this Chapter.
40

41 (c) The Director of Public Health and Social Services shall
42 from time to time, as directed by the Secretary of Health and
43 Human Services, make such reports, in such form and

1 containing such information as the Secretary shall require.
2

3 (d) The Director of Public Health and Social Services shall
4 from time to time, pursuant to the rules and regulations of the
5 Secretary of Health and Human Services, requisition and cause
6 to be deposited with the Treasurer of Guam all moneys allotted
7 to the Territory of Guam by the Federal Government for the
8 purposes of this Chapter, and shall cause to be paid out of the
9 treasury the moneys therein deposited for such purposes.
10

11 SOURCE: Section 9925.4 GC.
12

13 Section 3706. Public Health Service Funds: Custody and
14 Expenditures.
15

16 (a) The Treasurer of Guam is hereby made custodian of all
17 moneys, allotted to Guam by the Federal Government, or
18 received from other sources, for the purposes of public health
19 services.
20

21 (b) The Treasurer of Guam shall receive and provide for the
22 proper custody of such moneys and is authorized to deposit
23 such moneys in the same manner as other public moneys are
24 deposited.
25

26 (c) Such moneys shall be disbursed only upon certification by
27 the Director of Public Health and Social Services.
28

29 SOURCE: Section 9925.5 GC.
30

31 Section 3707. Reference.
32

33 Unless otherwise specifically provided, every reference in
34 law, order or regulation to the Director of Medical Services or
35 the Department of Medical Services concerning a public health
36 or welfare function, duty or subject shall mean the Director of
37 Public Health and Social Services or the Department of Public
38 Health and Social Services, respectively, any such reference to
39 the Director of Medical Services or the Department of Medical
40 Services concerning a Guam Memorial Hospital function, duty
41 or subject shall mean the administrator of the Guam Memorial
42 Hospital or Guam Memorial Hospital respectively.
43

1 SOURCE: Section 9925.6 GC.

2
3 Section 3708. Transfer.

4
5 All property, facilities, equipment, supplies, records and files
6 pertaining to and used in connection with the operation and
7 administration of public health and welfare, and all personnel
8 used in the administration and operation of public health and
9 welfare, are transferred and assigned to the Department of
10 Public Health and Social Services. All property, facilities,
11 equipment, supplies, records and files pertaining to and used in
12 connection with operation and administration of Guam
13 Memorial Hospital and all personnel used in the administration
14 and operation of Guam Memorial Hospital are transferred to
15 that instrumentality.

16
17 SOURCE: Section 9925.7 GC.

18
19 Section 3709. Appropriations.

20
21 Any appropriation made for the fiscal year ending June 30,
22 1965, for the operation of the Department of Medical Services
23 shall be apportioned so that moneys allocated for public health
24 and welfare operations shall be transferred to the Department
25 of Public Health and Social Services and all moneys allocated
26 for the operation of Guam Memorial Hospital shall be
27 transferred to that instrumentality."

28
29 SOURCE: Section 9925.8 GC."

30
31 7/16/93
32



log 4/10
Senator **HERMINIA D. DIERKING**

22nd GUAM LEGISLATURE

Committees:

May 3, 1993

CHAIRPERSON:

Rules

MEMORANDUM

VICE CHAIRPERSON:

Ways & Means

TO: Chairperson, Committee on Health, Ecology and Welfare

MEMBER:

FROM: Chairperson, Committee on Rules

Economic-
Agricultural
Development,
and Insurance

SUBJ: Referral - Bill No. 436

Education

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

Electrical
Power and
Consumer
Protection

Based on Subsection 6.04.06.02, Rule VI, of the Standing Rules, upon completion of your Committee findings, if favorable action is recommended, please refer this Bill to the Committee on Ways and Means for their review.

Federal and
Foreign Affairs

General
Governmental
Operations and
Micronesian Affairs

It is requested that you inform the Committee on Rules of the sequential referral date to the Committee on Ways and Means. Thank you for your cooperation.

Health,
Ecology and
Welfare

Judiciary
and
Criminal Justice

Herminia D. Dierking
HERMINIA D. DIERKING

Tourism and
Transportation

Attachment

Youth, Senior
Citizens and
Cultural Affairs

cc: Committee on Ways & Means
(For Information Only)



BUREAU OF BUDGET & MANAGEMENT RESEARCH
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910



GIOVANNI T. SGAMBELLURI
Director

JUL 08 1993

The Bureau requests that Bill Nos. 436 be granted a waiver pursuant to Public Law 12-229 for the following reason(s).

Bill No. 436 intends to repeal chapters 3 and 4; articles 6,7, and 8 of chapter 9; and chapter 16 of 10 GCA and enact a new chapter 3 relative to the establishment of a Division of Public Health within the Department of Public Health and Social Services. The proposed measure is administrative in nature and does not pose a financial impact to the General Fund of the Government of Guam.

Giovanni T. Sgambelluri *JS*
Director

JS 6/7/93

COMMENTS ON BILL 436

AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6,7, AND 8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED AND ENACT A NEW CHAPTER 3 RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

The Department is in full support of Bill 436. I want to specifically thank Senator Shimizu and his staff for their interest and work in preparing this Bill for a public hearing. The Division of Public Health has always existed as an organizational unit within the Department. However, the Division and its mission is not recognized in the Guam Code. Bill 436 will correct this situation (reference Article 1).

Bill 436 also takes scattered sections of the current Guam Code that are under the organizational responsibility of the Division of Public Health and places them within the new Chapter 3. Those sections are Article 2 Vital Statistics, Article 3 Disease Control, Article 4 Maternal and Child Health and Children With Special Health Needs, Article 5 Maternal and Child Health Services, Article 6 Services for Children With Special Health Needs, and Article 7 U.S. Public Health Services.

Articles 4 through 7 pertaining to federal government programs and services were reviewed by Region IX Public Health Services and program wording is now appropriately updated as presented in Bill 436 i.e. Crippled Children's Services is now referred to as Children With Special Health Needs.

Section 3301 (b) and Section 3302 of Article 3 have been revised in Bill 436 to include provision for reporting of certain chronic diseases. This became particularly important because there is currently no requirement for reporting and therefore there is no local government database for certain chronic diseases of specific public importance.

Section 3322 of Article 3 includes the new requirement for two doses of measles, mumps, and rubella (MMR) vaccine for school entry. Wording was also changed to include college and university students in the general immunization requirements for students entering public and private schools.

Section 3329 has been added which will require entering students to be tested for tuberculosis and any student with a positive test must be determined as non-contagious.

Section 3330 has been added to impose a penalty for non-reporting of diseases. Public Health uses the reports of physicians and other licensed health care providers to monitor the occurrence of infectious diseases and other diseases of concern. Changes alert the Department to implement preventive and/or control measures and

thereby protect the health of the community. Currently, there is no penalty for non-reporting.

Reviews of the draft Bill were made by the Division. Despite this we still missed certain typographical errors. Attached is a summary of those corrections that are needed. With these corrections we fully endorse this proposed legislation and once again thank you for your continued perseverance in preparing and bringing this proposed legislation to hearing. We look forward to your assistance in bringing Bill 436 to the Legislature for passage.

A handwritten signature in dark ink, appearing to read "Leticia V. Espaldon", followed by the letters "DVM" in a slightly larger, bolder script.

LETICIA V. ESPALDON, M.D.

DIRECTOR

Date 7/9/93

CORRECTIONS TO BILL 436

Page 3, line 13 change Commissioners to Mayors

Page 6, lines 19-21 to read:

9. Divorce is defined as the final legal dissolution of a marriage; that is, the separation of husband and wife by a judicial decree which confers on the parties the right to civil and/or religious remarriage, according to the laws of Guam.

Page 8, lines 31-32 delete

Page 9, insert after line 15 the following:

If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. In every case, however, the legal surname of the mother shall be entered as the surname of the child.

In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court.

If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

Page 12, line 34 change capital S to s

Page 15-16 starting on line 39 place parentheses around section letter i.e. (c), (d), (e), (f), (g) and (h)

Page 16, line 39 to read:

(a) A fetal death report for each fetal death which occurs

Page 17, line 5 to read:

report shall be filed by the Mayor of the village in which

Page 17, line 9 and line 11 change word certificate to report

Page 17, line 15 and 16 to read:

after the delivery of a dead fetus shall file a fetal death report. He shall obtain the personal data from the nest of kin

Page 17, line 26 the word deliver should be delivery

Page 17, line 37 change her to the mother's

Page 18, line 17 to read:

(17) the RH type of the pregnant woman;

~~Page 20, lines 8-9~~ to read:

of death certificates, fetal death reports and medical certifications of cause of death in cases in which compliance

Page 20, line 22 to read:

the license and certificate on the form prescribed and

Page 21, line 26 to read:

(a) A certificate or record registered under this Chapter may

Page 23, line 8 to read:

unlawful for any person to permit inspection of, or to disclose

Page 25, line 7-8 omit letter i at end, change capital I on word information

Page 25, line 36 to read:

uses or attempts to use any certificate of birth or certified

Page 26, line 25 to read:

person or circumstances is held invalid, such invalidity shall

Page 27, line 5 change word crematory to crematorium

Page 27, line 11 place a hyphen between words burial and transit

Page 28, line 1 omit comma

~~Page 29, line 14~~ change or to of

Page 30, line 9 to read:

21. Gonorrheal Ophthalmia;

Page 31, line 22 correct spelling of word dangerous

Page 38, line 23 change or to and

Page 39, line 40 add s to word record at the end of the line

Page 44, line 42 correct spelling of word Treasurer

Page 51, line 32 add comma after word Services



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM

P.O. BOX 2816

AGANA, GUAM 96910

JUL 15 1993



Senator David L.G. Shimizu
Chairman
Committee on Health, Ecology and Welfare
Twenty Second Guam Legislature
324 West Soledad Ave
Suite 202
Agana, Guam 96910

Dear Senator Shimizu:

This is in response to your request at the hearing on July 9, 1993, for specific assurances in reference to Bill 436.

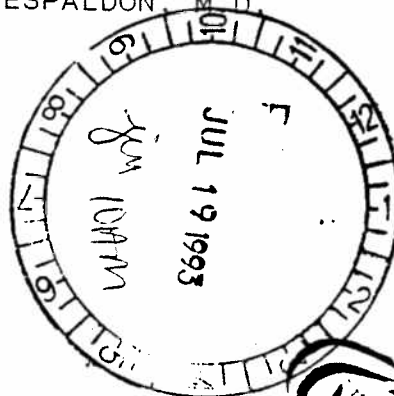
Bill 436 was reviewed by mid-level management/supervisory personnel from the Division of Public Health. The provisions of Bill 436 do not constitute any reorganization within the Department or the Division of Public Health and there are no job changes or reductions as a result of this proposed legislation.

A new question did arise last week however regarding the reporting of chronic diseases and the wording of Sections 3101 (b), 3302, and 3303. Therefore, we are requesting a legal opinion regarding this matter and will provide this to you when it is received.

Thank you once again for your support and assistance in hearing Bill 436. For any further information, please contact Karen Cruz, Chief Public Health Officer at 734-7305.

Sincerely,


LETICIA V. ESPALDON, M.D.
Director



APR 30 '93

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill No. 436 (LS)
Introduced by:

D.L.G. Shimizu



AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6,7 AND 8 OF
CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED
AND ENACT A NEW CHAPTER 3 RELATIVE TO THE
ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN
THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

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

2
3 Section 1. Chapters 3 and 4, Articles 6,7 and 8 of Chapter 9 and
4 Chapter 16 of 10 GCA are hereby repealed.

5
6 Section 2. A new Chapter 3 of the Guam Code Annotated is enacted to
7 read:

8 "Chapter 3
9

10 Article 1

11 Division of Public Health
12

13 Section 3101. General Provision.

14 Section 3102. Personnel.

15 Section 3103. General Duties.

16 Section 3104. Chief Administrative Officer.

17 Section 3105. Federal Grants.

18 Section 3106. Rule-Making.

19 Section 3107. Authority to Set fees.
20

21 Section 3101. General Provision.

22 There is hereby established a Division of Public Health in the
23 Department of Public Health and Social Services to be
24 administered by the Director. The Division through organized
25 community effort and applied scientific and technical
26 knowledge is responsible for working towards the prevention

1 and control of disease and for promoting health throughout the
2 territory.

3
4 Section 3102. Personnel.

5 The Director is authorized to appoint such personnel to act on
6 behalf of the Director and fix their duties for the purposes of
7 carrying out the responsibilities so designated to the Division.
8

9 Section 3103. General Duties.

- 10 (a) Formulate plans and policies to address the health needs
11 of the community.
12 (b) Implement health programs and services to meet
13 identified health needs of the community.
14 (c) Conduct research and studies to identify community
15 health problems.
16 (d) Provide health services to individuals who are medically
17 and financially in need.
18 (e) Administer grants-in-aid for health programs and
19 services.
20 (f) Conduct disease surveillance and monitor activities to
21 prevent and/or identify health problems.
22 (g) Conduct health promotion and education programs.
23 (h) Serve as the "State Public Health Agency" for Guam.
24 (i) Establish standards and regulations necessary to ensure
25 quality health care and the prevention and control of
26 diseases.
27

28 Section 3104. Chief Administrative Officer.

29 The Chief Public Health Officer shall be the Chief
30 Administrative Officer of the Division.
31

32 Section 3105. Federal Grants.

33 The Division shall comply with all federal requirements and
34 procedures necessary for administration of grants-in-aid and
35 cooperative agreements.
36

37 Section 3106. Rule-Making.

38 The Director shall, in accordance with the Administrative
39 Adjudication Law, adopt rules and regulations necessary to
40 fulfill the duties of this Division.
41

42 Section 3107. Authority to set fees.

- 43 (a) The Director is authorized to establish fees for health

1 services in accordance with the Administrative
2 Adjudication Law and as may be required to qualify for
3 grants-in-aid.

- 4 (b) Fees established by the Department shall not be a
5 deterrent to receiving health care and shall be based on
6 ability to pay.
7

8 Article 2

9 Vital Statistics

10 Section 3201. General Organization.

11 Section 3202. Supervision.

12 Section 3203. Personnel.

13 Section 3204. Commissioners to Aid.

14 Section 3205. Report.

15 Section 3206. Regulations.

16 Section 3207. Definitions.

17 Section 3208. Duties of the Registrar.

18 Section 3209. Forms of Certificates.

19 Section 3210. Birth Registration.

20 Section 3211. Foundling Registration; Infants of Unknown
21 Parentage.

22 Section 3212. Delayed Registration.

23 Section 3213. Judicial Procedure to Establish Facts of Birth.

24 Section 3214. Court Reports of Adoption.

25 Section 3215. New Certification of Birth Following Adoption,
26 Legitimation and Paternity Determination

27 Section 3216. Death Registration.

28 Section 3217. Fetal Death Registration.

29 Section 3218. Abortion Report.

30 Section 3219. Extension of Time.

31 Section 3220. Marriage Registration.

32 Section 3221. Court Reports of Divorce and Annulment of
33 Marriage.

34 Section 3222. Correction and Amendment of Vital Records.

35 Section 3223. Reproduction of Records.

36 Section 3224. Same: Microfilm.

37 Section 3225. Disclosure of Records.

38 Section 3226. Copies of Data from Vital Records.

39 Section 3227. Fees for Copies.

40 Section 3228. Duty to Furnish Information Relative to Vital
41 Events.

42 Section 3229. Penalties.

43 Section 3230. Severability.

1 Section 3231. Effective Date.

2 Section 3232. Burial-Transit Permits.

3 Section 3233. Disposition.

4
5 Section 3201. General Organization.

6 There is hereby established within the Department of Public
7 Health and Social Services an Office of Vital Statistics which
8 shall install, maintain and operate the system of vital
9 statistics for the Territory of Guam.

10
11 SOURCE: Section 9300 GC.

12
13 Section 3202. Supervision.

14 The Director of Public Health and Social Services, hereinafter
15 referred to as the Director, has general supervision of vital
16 statistics and is responsible for the implementation of the
17 provisions of this Chapter.

18
19 SOURCE. Section 9301 GC.

20
21 Section 3203. Personnel.

22 The Director shall appoint a Territorial Registrar of Vital
23 Statistics, and such other officers and personnel as may be
24 required to carry out the provisions of this Chapter; such
25 employees shall be members of the classified services of the
26 Government of Guam.

27
28 SOURCE. Section 9302 GC.

29
30 Section 3204. Mayors to Aid.

31 Mayors, under the direction of the President of the Mayors
32 Council, shall assist in the implementation of this Chapter and
33 shall be governed by this Chapter and by regulations
34 issued by the Director under the provisions of this Chapter.

35
36 SOURCE: Section 9303 GC.

37
38 Section 3205. Report.

39 The Director shall make an annual report to the Governor
40 concerning vital statistics and the enforcement of this
41 Chapter, which report shall contain a summary on the
42 municipal district basis of such statistics.

1 SOURCE: Section 9304 GC.

2
3 Section 3206. Regulations.

4 The Director is authorized to adopt, amend and repeal rules
5 and regulations as may be necessary in his judgment, for the
6 purpose of carrying out the provisions of this Chapter. Such
7 rules and regulations, and any other rules and regulations
8 authorized or required to be issued under the Chapter, shall be
9 promulgated in accordance with the Administrative
10 Adjudication Act.

11
12 SOURCE: Section 9305 GC, as amended by P.L. 15-90.

13
14 Section 3207. Definitions.

15
16 Unless the context clearly requires otherwise, the following
17 definitions shall apply:

18 1. Vital Statistics means records of birth, death, fetal
19 death, adoption, marriage, divorce and data related thereto.

20
21 2. System of Vital Statistics includes the registration,
22 collection, preservation, amendment and certification of vital
23 statistics records and activities related thereto, including the
24 tabulation, analysis and publication of statistical data derived
25 from such records.

26
27 3. Filing means the presentation of a certificate, report or
28 other record provided for in this Chapter of a birth, death,
29 fetal death, adoption, legitimation, marriage or divorce for
30 registration by the Office of Vital Statistics.

31
32 4. Registration means the acceptance by the Office of Vital
33 Statistics and the incorporation in its official records of
34 certificates, reports or other records provided for in this
35 Chapter, of births, deaths, fetal deaths, adoptions,
36 legitimations, marriages or divorces.

37
38 5. Live Birth means the complete expulsion or extraction from
39 its mother of a product of human conception, irrespective of
40 the duration of pregnancy, which, after such expulsion or
41 extraction, breathes or shows any other evidence of life such
42 as beating of umbilical cord [heart] or definite movement of
43 the voluntary muscles, whether or not the umbilical cord has

1 been cut or the placenta is attached.
2

3 6. Fetal Death means death prior to the complete expulsion or
4 extraction from its mother of a product of human conception,
5 irrespective of the duration of pregnancy; the death is
6 indicated by the fact that after such expulsion or extraction
7 the fetus does not breathe or show any other evidence of life
8 such as beating of the heart, pulsation of the umbilical cord or
9 definite movement of voluntary muscles.
10

11 7. Dead Body means a lifeless human body or parts of such
12 body or bones thereof from the state of which it reasonably
13 may be concluded that death recently occurred.
14

15 8. Marriage is defined as the legal union of persons of opposite
16 sex. The legality of the union may be established by civil or
17 religious means, as recognized by the laws of Guam.
18

19 9. Divorce is defined as the final legal dissolution of a
20 decree which confers on the parties the right to civil and/or
21 religious remarriage, according to the laws of Guam.
22

23 10. Physician means a person authorized or licensed to
24 practice the healing art, pursuant to the laws of Guam.
25

26 11. Attendant at Birth *is* to mean the physician, midwife, nurse
27 or other person present and assisting in the delivery of a
28 newborn.
29

30 12. Institution means any establishment, public or private,
31 which provides in-patient medical, surgical or diagnostic care
32 or treatment or nursing, custodial or domiciliary care to two
33 or more unrelated individuals, or to which persons are
34 committed by law.
35

36 13. Delayed Registration of Birth means the registration of a
37 person's non-recorded birth after the sixth year following
38 birth.
39

40 14. Abortion means the purposeful termination of a human
41 pregnancy after implantation of a fertilized ovum, by any
42 person, including the pregnant woman herself, with the
43 intention other than to necessarily produce a live birth or to

1 remove a dead unborn fetus.
2

3 SOURCE: Section 9306 GC, as amended by P.L. 15-112.
4

5 Section 3208. Duties of the Registrar.
6

7 (a) The Territorial Registrar of Vital Statistics shall:
8

9 1. Administer and enforce this Chapter and the rules and
10 regulations issued hereunder, and issue instructions for the
11 efficient administration of the territorial system of vital
12 statistics.
13

14 2. Direct and supervise the territorial-wide system of vital
15 statistics and the Office of Vital Statistics and be custodian
16 of its records.
17

18 3. Prescribe, with the approval of the Director, and distribute
19 such forms as are required by this Chapter, and the rules and
20 regulations issued hereunder.
21

22 4. Prepare and publish annual reports of vital statistics of this
23 Territory, and such other reports as may be required by the
24 Director.
25

26 (b) The Territorial Registrar of Vital Statistics may
27 delegate such functions and duties vested in him to other
28 employees of the Office of Vital Statistics as he may deem
29 necessary and expedient.
30

31 SOURCE: Section 9307 GC.
32

33 Section 3209. Forms of Certificate.
34

35 (a) In order to promote and maintain uniformity in the system
36 of vital statistics, the forms of certificates, reports and other
37 returns required by this Chapter, or by regulations adopted
38 hereunder, shall include as a minimum the items recommended
39 by the Federal agency responsible for national vital statistics,
40 subject to approval of and modification by the Director of
41 Public Health and Social Services.
42

43 (b) Each certificate, report and form required to be filed under

1 this Chapter shall have entered upon its face the date of
2 registration, duly attested.

3
4 SOURCE: Section 9308 GC.

5
6 Section 3210. Birth Registration.

7
8 (a) The birth of each and every child born in Guam shall be
9 registered within ten (10) days after birth, as hereinafter
10 provided.

11
12 (b) When a birth occurs in an institution, the person in charge
13 of the institution shall obtain the personal data, prepare the
14 certificate and file it with the Office of Vital Statistics. The
15 physician in attendance shall certify to the facts of birth and
16 provide all medical information required by the certificate
17 within five (5) days after the birth.

18
19 (c) When a birth occurs outside an institution, the certificate
20 shall be prepared and filed by one of the following in the
21 indicated order or priority:

22
23 (1) The physician in attendance at or immediately after the
24 birth, or in the absence of such a person;

25
26 (2) The midwife in attendance at or immediately after the
27 birth, or in the absence of such a person;

28
29 (3) Any other person in attendance at or immediately after the
30 birth, or in the absence of such a person;
31 the inability of the mother, the Mayor of the District where the
32 birth occurred.

33
34 (4) The father, the mother or in the absence of the father or
35 the inability of the mother, the Mayor of the District where the
36 birth occurred.

37
38 (d) In reporting the birth of a child, the surname of the child
39 shall be determined as follows:
40 If the mother was married either at the time of the conception
41 or birth, the name of the husband shall be entered on the
42 certificate as the father of the child and further, the surname
43 of the husband or wife shall be recorded as the surname of the

1 child unless paternity has been determined otherwise by a
2 court of competent jurisdiction, in which case, the name of the
3 father, as determined by the court, shall be entered. If the
4 mother was separated from the husband or an interlocutory or
5 final decree of divorce had been entered either at the time of
6 conception or birth and if the father of the child is not the
7 mother's husband, the person who is the father of the child
8 may acknowledge the child in a sworn statement and upon the
9 written consent of the mother, the name of the man so
10 acknowledging shall be entered on the certificate as the father
11 of the child and further, the surname of that man or mother
12 shall be recorded as the surname of the child unless paternity
13 has been determined otherwise by a court of competent
14 jurisdiction in which case, the name of the father, as
15 determined by the court shall be entered.
16

17 (e) It shall be the duty of the parent(s) in every case to provide
18 all information required on the birth certificate and that one
19 or the other parent shall sign said certificate to attest the
20 accuracy of the personal data entered thereon.
21

22 (f) Upon request, the Director shall accept, for the purpose of
23 recording births, certified copies of birth certificates of
24 children born outside the territory of Guam to residents of
25 Guam.
26

27 (g) When a birth occurs on a moving conveyance and the child
28 is first removed from the conveyance in this Territory, the
29 birth shall be registered in this Territory and the location
30 where the child is removed from the conveyance shall be
31 considered as the place of birth.
32

33 SOURCE: Section 9309 GC, as amended by P.L.'s 15-63 and 15-
34 90.
35

36 NOTE: Section 2 of P.L. 15-63 makes the provisions of
37 Subsection (a)(4) retroactive.
38

39 Section 3211. Foundling Registration; Infants of Unknown
40 Parentage.

41 (a) Whoever assumes custody of a living infant of unknown
42 parentage shall report on a form and in the manner prescribed
43 by the Territorial Registrar of Vital Statistics, within seven

1 (7) days, the following information:
2

3 (1) The date and place of finding;

4 (2) Sex, color or race, and approximate age of child;

5 (3) Name and address of the person or institution with whom
6 the child has been placed for care;
7

8 (4) Name given to the child by the custodian; and
9

10 (5) Other data as may be required by the Territorial Registrar
11 of Vital Statistics.
12

13 (b) The place where the child was found shall be entered as the
14 place of birth, and the date of birth shall be determined by
15 approximation.
16

17 (c) A report registered under this Section shall constitute the
18 certificate of birth for the infant.
19

20 (d) If the child is identified and a certificate of birth is found
21 or obtained, any report registered under this Section shall be
22 sealed and filed and may be opened only by order of a court of
23 competent jurisdiction.
24

25 SOURCE: Section 9310 GC.
26

27 Section 3212. Delayed Registration.
28

29 (a) Birth:

30 (1) When a birth of a person born in the Territory of Guam has
31 not been registered, a certificate may be filed in accordance
32 with the regulations of the Office of Vital Statistics. Such
33 certificate shall be registered subject to such evidentiary
34 requirements as the Office of Vital Statistics shall by
35 regulations prescribe to substantiate the alleged facts of birth.
36

37 (2) Certificates of birth registered seven (7) years or more
38 after the date of occurrence shall be marked "Delayed" and
39 show on their face the date of delayed registration.
40

41 (3) In all instances of delayed birth registration, the following
42 facts concerning the person whose birth is to be registered are
43 required and must be established:

1 a. Date of birth; b. Place of birth; and c. Parentage.
2

3 (4) When an applicant does not submit the minimum
4 documentation required in the regulation for delayed
5 registration, or when the Territorial Registrar of Vital
6 Statistics finds reason to question the validity or adequacy of
7 the certificate or the documentary evidence, the Territorial
8 Registrar shall not register the delayed certificate and shall
9 advise the applicant of the reasons for this action.
10

11 (5) If the person whose birth is to be recorded be a child under
12 the age of eighteen (18), the birth certificate shall be signed
13 by one of the following in the indicated order of priority:
14

15 a. The attendant at birth;
16

17 b. By either parent;
18

19 c. By the child's guardian; or
20

21 d. By relatives in the immediate degree of kindred,
22 provided that each person signing a certificate shall attest
23 under oath to his belief in the truth of the statements made
24 concerning the age, birthplace, and parentage of the person
25 whose birth is being recorded.
26

27 (6) If the person whose birth is to be recorded be of legal age,
28 the date of birth and place of birth shall be supported by at
29 least two (2) documents of which only one may be an affidavit;
30 the facts of parentage must be supported by at least one
31 document which may be one of the two (2) submitted as
32 evidence of the other facts.
33

34 (b) Death and Marriage:
35

36 (1) When a death or marriage in Guam has not been
37 registered, a certificate may be filed in accordance with
38 regulations of the Office of Vital Statistics. Such certificate
39 shall be registered subject to such evidentiary requirements
40 as the Office shall by regulations prescribe to substantiate the
41 alleged facts of death or marriage.
42

43 (2) Certificates of death and marriage registered one (1)

1 year or more after the date of occurrence shall be marked
2 "Delayed" and shall show on their face the date of the delayed
3 registration.
4

5 SOURCE: Section 9311 GC.
6

7 Section 3213. Judicial Procedure to Establish Facts of Birth.
8

9 (a) If a delayed certificate of birth is rejected under the
10 provision of Section 3212, a petition may be filed with the
11 Superior Court of Guam for an order establishing a record of
12 the date and place of birth and the parentage of the person
13 whose birth is to be registered.
14

15 (b) Such petition shall allege:

16 (1) That the person for whom delayed certificate of birth is
17 sought was born in the territory of Guam;

18 (2) That no record of birth can be found in the Office of Vital
19 Statistics;

20 (3) That diligent efforts by the petitioner have failed to obtain
21 the evidence required in accordance with Section 3212.

22 (4) That the Territorial Registrar of Vital Statistics
23 has refused to register a delayed certificate of birth; and

24 (5) Such other allegations as may be required.
25

26 (c) The petition shall be accompanied by a statement of the
27 registration official made in accordance with Subsection (a)(4)
28 of Section 3212, and all documentary evidence which was
29 submitted to the registration official in support of such
30 registration. The petition shall be sworn to by the petitioner.
31

32 (d) The court shall fix a time and place for hearing the petition
33 and shall give the registration official who refused to register
34 the petitioner's delayed certificate of birth (S) days' notice of
35 said hearing. Such official or his authorized representative,
36 may appear and testify in the proceedings.
37

38 (e) If the Court from the evidence presented finds that the
39 person for whom a delayed certificate of birth is sought was
40 born on Guam, it shall make findings as to place and date of
41 birth, parentage and such other findings as the case may
42 require, and shall issue an order on a form prescribed and
43 furnished by the Registrar of Vital Statistics to establish a

1 record of birth. This order shall include the birth data to be
2 registered, a description of the evidence presented in the
3 manner prescribed by Section 3212 of this Chapter, and the
4 date of the Court's action.
5

6 (f) The clerk of the Superior Court shall forward each such
7 order to the Territorial Registrar of Vital Statistics not later
8 than the tenth (10th) day of the calendar month following the
9 month in which it was entered. Such order shall be registered
10 by the Territorial Registrar of Vital Statistics and shall
11 constitute the record of birth, from which copies may be
12 issued in accordance with Section 3225 of this Chapter.
13

14 SOURCE: Section 9312 GC.
15

16 Section 3214. Court Reports of Adoption.
17

18 (a) For each adoption decreed by a court of competent
19 jurisdiction, the court shall require the preparation of a
20 certificate of adoption on a form prescribed and furnished by
21 the Territorial Registrar of Vital Statistics. The certificate
22 shall include such facts as are necessary to locate and identify
23 the certificate of birth of the person adopted; provide
24 information necessary to establish a new certificate of birth
25 of the person adopted, and shall identify the order of adoption
26 and be certified by the clerk of court.
27

28 (b) The certificate of adoption shall be filed with the original
29 record of birth, which shall remain as a part of the permanent
30 records of the Office of Vital Statistics.
31

32 (c) Whenever an adoption decree is amended or annulled, the
33 clerk of the court shall prepare a certificate thereof, which
34 shall include such facts as are necessary to identify the
35 original adoption report, and the facts amended in the adoption
36 decree as shall be necessary to properly amend the birth
37 record.
38

39 (d) When the Territorial Registrar of Vital Statistics receives
40 a record of adoption or annulment of adoption or amendment
41 thereof from a court for a person born elsewhere, such record
42 shall be forwarded to the appropriate registration authority in
43 the place of birth of the child adopted.

1
2 SOURCE: Section 9313 GC.
3

4 Section 3215. New Certification of Birth Following Adoption,
5 Legitimation and Paternity Determination.
6

7 (a) The Territorial Registrar of Vital Statistics shall establish
8 a new certificate of birth for a person born in the Territory of
9 Guam when he receives one (1) of the following:
10

11 (1) An adoption report as provided in section 3214, or a
12 certified copy of the decree of adoption, together with the
13 information necessary to identify the original certificate of
14 birth and to establish a new certificate of birth; (except that a
15 new certificate of birth shall not be established, if so
16 requested by the court decreeing the adoption, the adoptive
17 parents or the adopted person).
18

19 (2) An affidavit of acknowledgment of paternity signed by both
20 parents; or
21

22 (3) A court order determining paternity.
23

24 (b) When a new certificate of birth is established, the actual
25 place and date of birth shall be shown. It shall be substituted
26 for the original certificate of birth:
27

28 (1) Thereafter, the original certificate and the evidence of
29 adoption, paternity or legitimation shall not be subject to
30 inspection, except upon court order or as provided by
31 regulations.
32

33 (2) Upon receipt of notice of annulment of adoption, the
34 original certificate of birth shall be restored to its place in
35 the files and the new certificate and evidence shall not be
36 subject to inspection, except upon court order.
37

38 (c) If no certificate of birth is on file for the person for whom
39 a new certificate is to be established under this section, a
40 delayed certificate of birth shall be filed with the Office of
41 Vital Statistics as provided in Subsection 3212 or 3213 of
42 this Chapter. Before a new certificate of birth is established,
43 exception that when the date and place of birth and parentage

1 have been established in the adoption proceeding, a delayed
2 certificate shall not be required.
3

4 (d) When a new certificate of birth is established by the
5 Territorial Registrar of Vital Statistics, all copies of the
6 original certificate of birth in the custody of the Office of Vital
7 Statistics, will be sealed from inspection and opened only upon
8 court order or as provided by regulation.
9

10 SOURCE: Section 9314 GC, as amended by P.L. 15-90.
11

12 COMMENT: The language of Subsection (3), as amended by P.L.
13 15-90, is very obscure. One supposes by deleting "that" from
14 the second sentence it might convey more clearly, though still
15 imprecisely, the intended meaning.
16

17 Section 3216. Death Registration.
18

19 (a) A death certificate for each death which occurs on Guam
20 shall be filed with the Office of Vital Statistics.
21

22 (b) The Mayor, upon receiving information of any death within
23 his district, shall report the same immediately to the Office
24 of Vital Statistics, on a prescribed form, provided:
25

26 a. If the place of death is unknown, a death report shall be
27 filed by the Mayor of the district in which a dead body is found
28 and the place where the body is found shall be shown as the
29 place of death; further
30

31 b. That if death occurs in a moving conveyance, a death report
32 shall be filed by the Mayor of the district in which the dead
33 body was first removed from such conveyance and the location
34 where the body is removed from the conveyance shall be
35 shown as the place of death or if taken to an institution, the
36 death certificate shall be filed by the person in charge of that
37 institution.
38

39 c. Death in an institution shall be reported to the Office of
40 Vital Statistics by the person in charge of that institution.
41

42 d. Any person who first assumes custody of a dead human
43 body shall report same and file a death certificate with the

1 Office of Vital Statistics. He shall obtain the personal data from
2 the next of kin or the best qualified person or source available
3 and shall obtain the medical certification of cause of death
4 from the person responsible therefor.
5

6 e. The medical certification shall be completed and signed
7 within twenty-four (24) hours after death by the physician in
8 charge of the patient's care for the illness or condition which
9 resulted in death, except when the patient has received no
10 medical attention within seventy-two (72) hours prior to
11 death or when inquiry is required in accordance with the Chief
12 Medical Examiner's Act, Article 2 of Chapter 12 of this Title.
13

14 f. When death occurred without medical attendance as set
15 forth in Paragraph (e) of this Section, or when inquiry is
16 required by the Chief Medical Examiner Act, the Medical
17 Examiner or his duly authorized representative shall
18 investigate the cause of death and shall complete and sign the
19 medical certification within twenty-four (24) hours after
20 taking charge of the case.
21

22 g. Upon request, the Director shall accept, for purposes of
23 recording deaths, certified copies of death certificates of
24 resident's of Guam who died outside the territory of Guam.
25

26 h. When a death is presumed to have occurred within the
27 Territory but the body cannot be located, a death certificate
28 may be prepared by the Territorial Registrar upon receipt of an
29 order from the court of competent jurisdiction, which shall
30 include the finding of facts required to complete the death
31 certificate. Such a death certificate shall be marked
32 "presumptive" and shall show on its face the date of
33 registration and shall identify the court and date of decree.
34

35 SOURCE: Section 9315 GC, as amended by P.L. 15-90.
36

37 Section 3217. Fetal Death Registration.
38

39 (a) A fetal death certificate for each fetal death which occurs
40 in Guam after twenty (20) complete weeks of
41 gestation or more or when a fetus weighs three hundred fifty
42 (350) grams or more, shall be filed with the Office of Vital
43 Statistics within twenty-four (24) hours after such delivery

1 and prior to the removal of the disposition of said fetus;
2 provided:

3
4 (1) that if the place of fetal death is unknown, a fetal death
5 certificate shall be filed by the Mayor of the village in which
6 the dead fetus was found; or

7
8 (2) that if a fetal death occurs in a moving conveyance, a fetal
9 death certificate shall be filed by the Mayor of the district in
10 which the dead fetus was first removed or if to an institution,
11 the fetal death certificate shall be filed by the person in
12 charge of that institution.

13
14 (b) Any physician, midwife or other person in attendance at or
15 after the deliver of a dead fetus shall file a certificate of fetal
16 death. He shall obtain the personal data from the next of kin
17 or the best qualified person or source available.

18
19 (c) The medical certification shall be completed and signed
20 within twenty-four (24) hours after delivery by the physician
21 in attendance at or after delivery, except when inquiry is
22 required by the Chief Medical Examiner Act, Chapter II, Title
23 XVII of the Government Code of Guam.

24
25 (d) When a fetal death occurs without medical attendance upon
26 the mother at or after deliver, or when inquiry is required by
27 the Medical Examiner Act, the Medical Examiner shall
28 investigate the cause of fetal death, and shall complete and
29 sign the medical certification within twenty-four (24) hours
30 after taking charge of the case.

31
32 SOURCE: Section 9316 GC, as amended by P.L. 15-90.

33
34 Section 3218. Abortion Report.

35
36 (a) An individual abortion report for each abortion shall be
37 completed by her attending physician. The report shall be
38 confidential and it shall not contain the name of the woman
39 involved. This report shall include:

- 40
41 (1) the patient number;
42 (2) the name and address of the abortion facility or hospital;
43 (3) the date of the abortion;

1 (4) the zip code or other residential identification of the
2 pregnant woman;
3 (5) the age of the pregnant woman;
4 (6) the ethnic origin of the pregnant woman;
5 (7) the marital status of the pregnant woman;
6 (8) the number of previous pregnancies;
7 (9) the number of years of education of the pregnant woman;
8 (10) the number of living children;
9 (11) the number of previous induced abortions;
10 (12) the date of the last induced abortion;
11 (13) the date of the last live birth;
12 (14) the method of contraception used, if any, at the time of
13 conception;
14 (15) the date of the beginning of the last menstrual period;
15 (16) the medical condition of the woman at the time of
16 abortion;
17 (17) the RH type of pregnant woman;
18 (18) the type of abortion procedure used;
19 (19) the complications, if any;
20 (20) the type of procedure done after the abortion;
21 (21) the type of family planning recommended;
22 (22) the type of additional counseling given, if any;
23 (23) the signature of attending physician; and
24 (24) the certification provided for in this Section.

25
26 (b) An individual complication report for any post-abortion
27 care performed upon a woman shall be completed by the
28 physician providing such post-abortion care. This report shall
29 include:
30

31 (1) the date of the abortion;
32 (2) the name and the address of the abortion facility or
33 hospital where the abortion was performed; and
34 (3) the nature of the abortion complication diagnosed or
35 treated.
36

37 (c) All abortion reports shall be signed by the attending
38 physician and shall be submitted to the Guam Memorial
39 Hospital Medical Records Section within thirty (30) days from
40 the date of the abortion. All complication reports shall be
41 signed by the physician providing the post abortion care and
42 submitted to the Guam Memorial Hospital Medical Records
43 Section within thirty (30) days from the date of the post-

1 abortion care.

2
3 (d) A copy of the abortion report shall be made a part of the
4 medical record of the patient of the facility or hospital in
5 which the abortion was performed.
6

7 (e) The Guam Memorial Hospital Medical Records Section shall
8 be responsible for collecting all abortion reports and
9 complication reports, and collating and evaluating all data
10 gathered therefrom, and shall annually publish a statistical
11 report based on such data, from abortions performed in the
12 previous calendar year.
13

14 (f) The Guam Memorial Hospital Medical Records Section shall
15 make available to physicians performing abortions in the
16 territory of Guam, forms for both abortion reports and post-
17 abortion care reports, as provided in Subsection (a) and (b) in
18 this Section.
19

20 (g) All information in abortion reports and post-abortion care
21 reports and the reports themselves shall be confidential.
22 Information and records may be disclosed only in
23 communications between qualified professional persons in the
24 provision of services or in statistical form for research
25 purposes as required by Subsection (e) of this Section.
26

27 (h) Any person who releases confidential information in
28 violation of Subsection (g) of this Section shall be guilty of a
29 misdemeanor.
30

31 (i) Any person may bring an action against an individual who
32 has willfully and knowingly released confidential information
33 about such person in violation of Subsection (g) of this Section
34 for the greater of the following amounts:
35

36 (1) Five Hundred Dollars (\$500.00); or

37 (2) Three (3) times the amount of actual damages, if any,
38 sustained by the plaintiff; reasonable attorney's fees and the
39 costs of the action. It is not a prerequisite to an action under
40 this Subsection that the plaintiff suffer or be threatened with
41 actual damages.
42

43 SOURCE: Section 9316.1 GC, added by P.L. 15-112.

1
2 Section 3219. Extension of Time.
3

4 The Office of Vital Statistics may, by regulations, and upon
5 such conditions as it may prescribe to assure compliance with
6 the purposes of this Chapter, provide for the extension of the
7 periods prescribe in Subsection 3216 and 3217 for the filing
8 of death certificates, fetal death certificates and medical
9 certificates of cause of death in cases in which compliance
10 with the applicable prescribed period would result in undue
11 hardship.
12

13 SOURCE: Section 9317 GC.
14

15 Section 3220. Marriage Registration.
16

17 (a) A record of each marriage performed on Guam shall be filed
18 with the Territorial Registrar of Vital Statistics as provided
19 in this Section.
20

21 (b) The officer who issues the marriage license shall prepare
22 the license the certificate on the form prescribed and
23 furnished by the Office of Vital Statistics upon the basis of
24 information obtained from the parties to be married, who
25 shall attest to the information by their signatures.
26

27 (c) Every person authorized by the laws of Guam to perform a
28 marriage shall certify the fact of marriage and file the record
29 of such marriage with the Office of Vital Statistics within ten
30 (10) days after the ceremony. This certificate shall be signed
31 by the witnesses, and another signed copy shall be given to the
32 parties marrying.
33

34 (d) The officer issuing marriage licenses shall complete and
35 forward to the Territorial Registrar of Vital Statistics, on or
36 before the fifteenth (15th) day of each month, copies of the
37 applications and licenses filed with him during the preceding
38 calendar month.
39

40 (e) The Director shall accept, for the purpose of recordation,
41 certified copies of records of marriages performed outside the
42 territory of Guam in which one or both parties are residents of
43 Guam.

1
2 SOURCE: Section 9318 GC.
3

4 Section 3221. Court Reports of Divorce and Annulment of
5 Marriage.
6

7 (a) For each divorce and annulment of marriage granted by the
8 courts of Guam, a report of each shall be filed with the Office
9 of Vital Statistics by the clerk of court.
10

11 (b) On or before the fifteenth (15th) day of each month, the
12 clerk of court shall forward to the Office of Vital Statistics
13 the report of each divorce and annulment of marriage granted
14 during the preceding calendar month and such related reports
15 as may be required by regulations issued under this Chapter.
16

17 (c) The information necessary to prepare the report shall be
18 furnished with the petition to the clerk of court by the parties,
19 petitioner or their legal representative on forms prescribed
20 and furnished by the Territorial Registrar of Vital Statistics.
21

22 SOURCE: Section 9319 GC.
23

24 Section 3222. Correction and Amendment of Vital Records.
25

26 (a) A certificate and record registered under this Chapter may
27 be amended only in accordance with this Chapter and
28 regulations thereunder, adopted by the Department of Public
29 Health and Social Services to protect the integrity and
30 accuracy of vital statistics records.
31

32 (b) A certificate that is amended under this Section shall be
33 marked "Amended," except as provided in Paragraph (a) in this
34 Section. The date of amendment and a summary description of
35 the evidence submitted in support of the amendment shall be
36 endorsed on or made a part of the record. The Office of Vital
37 Statistics shall prescribe by regulation the conditions under
38 which additions or minor corrections shall be made to birth
39 certificates within one (1) year after the date of birth without
40 the certificates being considered as amended.
41

42 (c) Upon receipt of a certified copy of a court order changing
43 the name of a person born in Guam, and upon request of such

1 person or his parent, guardian or legal representative, the
2 Office of Vital Statistics shall amend the certificate of birth
3 to reflect the new name.
4

5 (d) Upon request and receipt of a sworn acknowledgment of
6 paternity of a child born out of wedlock, signed by both
7 parents, the Territorial Registrar of Vital Statistics shall
8 amend a certificate of birth to show such paternity, if
9 paternity is not shown on the certificate. The surname of the
10 child shall then be changed to that of the father, but the
11 certificate shall not be marked "Amended".
12

13 (e) Upon receipt of a sworn statement from the physician
14 performing the surgery certifying the sex of an individual has
15 been changed by surgical procedure, and upon written request
16 of an individual born in this territory, the sex of the individual
17 shall be amended on the birth certificate to reflect such
18 change. The name of the individual may be changed in
19 accordance with Subsection (c) of this Section.
20

21 SOURCE: Section 9320 GC, as amended by P.L. 15-90.s
22

23 Section 3223. Reproduction of Records. 24

25 To preserve original documents, the Territorial Registrar of
26 Vital Statistics is authorized to prepare typewritten,
27 photographic or other reproductions of original records and
28 files in his office. Such reproductions, when certified by him
29 and sealed with official government seal, shall be accepted as
30 the original and official record.
31

32 SOURCE: Section 9321 GC.
33

34 Section 3224. Same: Microfilm. 35

36 To preserve original records, the Territorial Registrar is
37 authorized and directed to microfilm all vital records. All such
38 reproductions shall be equally admissible as competent
39 evidence in all courts of the Territory or in any administrative
40 proceeding as the original itself whether the original is in
41 existence or not.
42

43 SOURCE: Section 9321.1 GC, added by P.L. 15-90.

1
2 Section 3225. Disclosure of Records.
3

4 (a) To protect the integrity, the confidentiality, the validity
5 and the evidentiary value of Vital Statistics Records, to insure
6 their proper use and to insure the efficient and proper
7 administration of the Vital Statistics system, it shall be
8 unlawful for any person to permit inspection of, or disclose
9 information contained in Vital Statistics Records, or to copy
10 or issue a copy of all or part of any such record, except as
11 authorized by regulation or as provided for by this Chapter.
12

13 (b) The Office of Vital Statistics may authorize the disclosure
14 of data contained in Vital Statistics Records for research
15 purposes, provided that request for such be approved
16 beforehand by the Director.
17

18 (c) Information in Vital Statistics Records, such as birth
19 occurring out of wedlock or length of pregnancy, may not be
20 disclosed except as provided for in this Chapter, by regulation
21 or upon court order.
22

23 (d) Appeals from decisions of the Territorial Registrar
24 refusing to disclose information, or to permit inspection of or
25 copying of records under the authority of this Section and
26 regulations issued hereunder shall be made to the Director,
27 whose decisions shall be binding upon the Territorial
28 Registrar.
29

30 SOURCE: Section 9322 GC.
31

32 Section 3226. Copies of Data from Vital Records.
33

34 In accordance with Section 3225 of this Chapter, and the
35 regulations adopted pursuant thereto:
36

37 (a) The Office of Vital Statistics shall upon request, issue a
38 certified copy of any certificate or record in his custody or of
39 a part thereof. Each copy issued shall show the date of
40 registration; and copies issued from records marked "Delayed,"
41 "Amended" or "Court Order" shall be similarly marked and
42 show the effective date.
43

1 (b) A certified copy of a certificate or any part thereof, issued
2 in accordance with Subsection (a), shall be considered for all
3 purposes the same as the original, and shall be prima facie
4 evidence of the facts therein stated, provided that the
5 evidentiary value of the certificate or record filed more than
6 one (1) year after the event, or a record which has been
7 amended shall be determined by the judicial or administrative
8 body or official before whom the certificate is offered as
9 evidence.

10
11 (c) The National Center for Health Statistics shall be furnished
12 such copies or data as it may require for national statistics;
13 provided that the government of Guam shall be reimbursed for
14 the cost of furnishing such data; and provided further that such
15 data shall not be used for other than statistical purposes by
16 the National Center for Health Statistics unless so authorized
17 by the Office of Vital Statistics.

18
19 (d) Federal or state governmental branches and other public or
20 private agencies may, upon request, be furnished copies of data
21 for statistical purposes upon such terms or conditions as may
22 be prescribed by the Office of Vital Statistics.

23
24 (e) No person shall prepare or issue any certificate which
25 purports to be an original, certified copy or copy of a
26 certificate of birth, death or fetal death, except as authorized
27 in this Chapter or regulations adopted hereunder.

28
29 SOURCE: Section 9323 GC.

30
31 Section 3227. Fees for Copies.

32
33 (a) The Director shall, by regulation, establish fees for
34 certified copies of certificates or records issued; for search
35 of the files or records when no copy or information is
36 available; for processing a change of name by court order and
37 other means; for amending records and filing a delayed
38 certificate of birth or marriage.

39
40 (b) Fees collected under this Section by the Office of Vital
41 Statistics shall be deposited in the General Fund of the
42 government of Guam according to procedures established by
43 law governing collections.

1
2 SOURCE: Section 9324 GC, as amended by P.L. 15-90.

3
4 Section 3228. Duty to Furnish Information Relative to Vital
5 Events.

6
7 Any person having knowledge of the facts, shall furnish such i
8 Information as he may possess regarding any birth, death, fetal
9 death, marriage or divorce, upon demand of the Territorial
10 Registrar of Vital Statistics.

11
12 SOURCE: Section 9325 GC.

13
14 Section 3229. Penalties.

15
16 (a)

17 (1) Any person who willfully and knowingly makes any false
18 statement in a report, record or certificate required to be
19 filed under this Chapter or in an application for amendment
20 thereof or who willfully and knowingly supplies false
21 information intending that such information be used in the
22 preparation of any such report, record or certificate, or
23 amendment thereof; or

24
25 (2) Any person who without lawful authority and with intent
26 to deceive, makes, alters, amends or mutilates any report,
27 record or certificate required to be filed under this Chapter or
28 certified copy of such report, record or certificate; or

29
30 (3) Any person who willfully and knowingly uses or attempts
31 to use or furnish to another for use, for any purpose of
32 deception, any certificate, record, report or certified copy
33 thereof so made, altered, amended or mutilated; or

34
35 (4) Any person who, with the intention to deceive, willfully
36 uses or attempts to use any certificate or birth or certified
37 copy of a record of birth, knowing that such certificate or
38 certified copy was issued upon a record which is false in
39 whole or in part, or which relates to the birth of another
40 person; or

41
42 (5) Any person who willfully and knowingly furnishes a
43 certificate of birth or certified copy of a record of birth with

1 the intention that it be used by a person other than the person
2 to whom the record of birth relates, shall be guilty of a
3 misdemeanor.

4
5 (b)

6 (1) Any person who refuses to provide information required by
7 this Chapter; or

8
9 (2) Any person who willfully and knowingly transports or
10 accepts for transportation; interment or other disposition a
11 dead body without an accompanying permit as required by this
12 Chapter; or

13
14 (3) Any person who willfully neglects or violates any of the
15 provisions of this Chapter, or refuses to perform any of the
16 duties imposed upon him by this Chapter, shall be guilty of a
17 petty misdemeanor.

18
19 SOURCE: Section 9326 GC, as amended by P.L.'s 13-187 and 15-
20 90.

21
22 Section 3230. Severability.

23
24 If any provision of this Act or the application thereof, to any
25 person or circumstances if held invalid, such invalidity shall
26 not affect other provisions or applications of the Act which
27 can be given effect without the invalid provision or
28 application, and to this end the provisions of the Act are
29 declared to be severable.

30
31 SOURCE: Section 9327 GC.

32
33 Section 3231. Effective Date.

34
35 This Act shall be effective the first day of the third month
36 following its approval by the Governor.

37
38 SOURCE: Section 9328 GC.

39
40 Section 3232. Burial-Transit Permits.

41
42 (a) No dead human body or fetus attaining twenty (20) weeks
43 of gestation or more shall be buried, deposited in a crypt,

1 mausoleum or vault, cremated, removed from Guam or
2 otherwise disposed of, unless a burial-transit permit has first
3 been issued therefore by the Office of Vital Statistics. Such
4 permit shall be presented to the person in charge of the
5 cemetery, crematory or other place of disposition, and shall be
6 promptly returned by him to the Office of Vital Statistics
7 after such burial, cremation or other disposition with a
8 certification that the body was disposed of in accordance with
9 the burial-transit permit.

10
11 (b) The Territorial Registrar shall not issue a burial transit
12 permit for the disposition of any dead body in any place other
13 than in a cemetery, crematorium, crypt or mausoleum which is
14 in compliance with the regulations for cemeteries,
15 crematoriums, crypts or mausoleums established by the
16 Director. Each burial-transit permit shall include the cemetery
17 plot number, crypt number or other information which will
18 designate the exact location where the body has been
19 disposed.

20
21 (c) The Territorial Registrar shall issue burial-transit permits
22 for disposition of bodies outside the territory of Guam or for
23 burial at sea only when such disposition complies with
24 regulations established by the Director for this purpose.

25
26 (d) Any person first assuming custody of a dead body or fetus
27 shall obtain a burial-transit prior to final disposition or
28 removal from Guam within seventy-two (72) hours after death.

29
30 (e) Burial-transit permit shall be issued provided that first a
31 certificate of death or fetal death has been filed with the
32 Office in accordance with Subsection 3216 and 3217 of this
33 Chapter.

34
35 (f) A permit issued under the law of any state which
36 accompanies a dead human body or fetus brought into Guam
37 for final disposition shall be the authority to dispose of said
38 body or fetus; provided, that the Director, in the protection of
39 the public health, having consideration of the cause of death or
40 other special conditions, may, in his discretion, order such form
41 of burial or disposition of a dead body or fetus as he deems
42 necessary.
43

1 (g) No dead human, body or remains shall be disinterred for
2 reburial or other purpose from any cemetery, crypt,
3 mausoleum or vault without a permit from the Office of Vital
4 Statistics. Such disinterments must comply with regulations
5 established by the Director of the disinterment of human
6 bodies or remains.

7
8 SOURCE: Section 9329, as amended by P.L. 15-90.

9
10 Section 3233. Disposition.

11
12 (a) The right to control the disposition of a dead human body
13 and the duty of burial or other disposition and the liability for
14 the reasonable cost thereof devolves upon the following in the
15 order named:

16
17 (1) the surviving spouse of the decedent;

18
19 (2) the surviving child or children of the decedent;

20
21 (3) the surviving parent or parents of the decedent; and

22
23 (4) the person or persons, respectively, in the next degrees of
24 kindred, in the order named by the laws of Guam as entitled to
25 succeed the estate of the decedent; provided that the liability
26 for the cost of burial or other disposition shall be primarily
27 upon the estate of the decedent.

28
29 (b) Where the duty of burial or other disposition of the dead
30 human body does not devolve upon any other person in Guam,
31 or if such person cannot after reasonable diligence be found
32 within Guam, the Director shall arrange for the burial or other
33 disposition of such body.

34
35 SOURCE: Section 9330 GC, as amended by P.L. 15-90.

36
37 Article 3
38 Disease Control

39
40 Section 3301. Definitions.

41 Section 3302. Duty to Report.

42 Section 3303. Same: Dispensaries, Hospitals, Etc.

43 Section 3304. Same: Laboratories.

- 1 Section 3305. Same: Keeper of Boarding or Lodging Houses.
- 2 Section 3306. Same: Master of Vessels; Captain of Aircraft.
- 3 Section 3307. Investigation.
- 4 Section 3308. Same: Access to Records, Reports, Etc.
- 5 Section 3309. Isolation and Quarantine: Regulations.
- 6 Section 3310. Same: Authority of Director.
- 7 Section 3311. Placarding.
- 8 Section 3312. Violation of Isolation or Quarantine.
- 9 Section 3314. Disinfection of Premises.
- 10 Section 3315. Destruction of Property.
- 11 Section 3316. Compensation.
- 12 Section 3317. Closing of Schools.
- 13 Section 3318. Disposal of Bodies.
- 14 Section 3319. Responsibility or Person in Charge of Minor.
- 15 Section 3320. Willful Exposure.
- 16 Section 3321. Concealing Disease.
- 17 Section 3322. Vaccination and Immunization.
- 18 Section 3323. Prenatal Test.
- 19 Section 3324. Reports as to Prenatal Test.
- 20 Section 3325. Prevention of Blindness at Childbirth.
- 21 Section 3326. Immunization Audit.
- 22 Section 3327. Same: Confidentiality.
- 23 Section 3328. Autopsy.
- 24 Section 3329. Testing for Tuberculosis.
- 25 Section 3330. Failure to Report.
- 26
- 27 Section 3301. Definitions.
- 28 As used in this Chapter:
- 29 (a) Communicable Disease includes any of the following
- 30 diseases or conditions which are dangerous to public health:
- 31
- 32 1. Acquired Immune Deficiency Syndrome (AIDS)
- 33 2. Amebiasis (amoebic dysentery);
- 34 3. Anthrax;
- 35 4. Brucellosis (Undulant fever);
- 36 5. Chancroid;
- 37 6. Chickenpox;
- 38 7. Cholera;
- 39 8. Clonorchiasis (liver-fluke);
- 40 9. Conjunctivitis, acute infectious (pink eye);
- 41 10. Dengue;
- 42 11. Diarrhea of newborn (epidemic infantile);
- 43 12. Diphtheria;

- 1 13. Encephalitis, primary (infectious);
- 2 14. Erysipelas;
- 3 15. Favus;
- 4 16. Filariasis;
- 5 17. Fish (ciguatera) poisoning;
- 6 18. Fish (scombroid) poisoning;
- 7 19. Glanders (Farcy);
- 8 20. Gonorrhea;
- 9 21. Gonorrheal Ophtalmia;
- 10 22. Granuloma inguinale;
- 11 23. Hepatitis A (Infectious)
- 12 24. HIV-seropositive condition;
- 13 25. Hepatitis B (Serum);
- 14 26. Hookworm Disease;
- 15 27. Impetigo Contagious (in institution);
- 16 28. Influenza;
- 17 29. Kerato-Conjunctivitis (Infectious);
- 18 30. Leprosy (Hansen's Disease);
- 19 31. Leptospirosis (Weil's disease or Hemorrhagic Jaundice);
- 20 32. Malaria;
- 21 33. Measles (Rubeola);
- 22 34. Melioidosis;
- 23 35. Meningitis, aseptic;
- 24 36. Meningitis, cerebrospinal (Meningococcic);
- 25 37. Meningitis, other infectious;
- 26 38. Mononucleosis, infectious;
- 27 39. Mumps;
- 28 40. Paratyphoid Fever;
- 29 41. Pertussis (Whooping cough);
- 30 42. Plague;
- 31 43. Poliomyelitis, acute anterior (Infantile paralysis);
- 32 44. Psittacosis-ornithosis;
- 33 45. Puerperal septicemia;
- 34 46. Rabies;
- 35 47. Relapsing Fever;
- 36 48. Rheumatic Fever (active);
- 37 49. Rickettsial Disease;
- 38 50. Ringworm of the scalp (Tinea Capitis);
- 39 51. Rubella (German Measles);
- 40 52. Salmonellosis;
- 41 53. Scabies;
- 42 54. Scarlet Fever;
- 43 55. Septic sore throat (streptococcus);

1 56. Shigellosis (Bacillary dysentery);
2 57. Smallpox;
3 58. Syphilis;
4 59. Tetanus;
5 60. Trachoma;
6 61. Trichinosis;
7 62. Tuberculosis (Pulmonary);
8 63. Tuberculosis (other than Pulmonary);
9 64. Tularemia;
10 65. Typhoid Fever;
11 66. Typhus Fever;
12 67. Yaws;
13 68. Yellow Fever
14 69. Any other disease deemed by the Director to be dangerous
15 to the public health may be added by regulation.
16

17 (b) Chronic Disease includes any of the following diseases or
18 conditions:

- 19 1. Amyotrophic lateral sclerosis
20 2. Parkinsonism dementia
21 3. Parkinson's disease
22 4. Any other disease deemed by the Director to be dangerlus
23 to the public health may be added by regulation;
24

25 (c) Isolation means the separation of persons suffering a
26 communicable disease or carriers of such a disease from other
27 persons for the period of communicability in such places and
28 under such conditions as will prevent the transmission of the
29 causative agent; and
30

31 (d) Quarantine means the limitation of freedom of movement of
32 those who have been exposed to a communicable disease,
33 whether a person or animal, for a period of time equal to the
34 longest usual incubation period of the disease, in such manner
35 as to prevent effective contacts with those not so exposed.

36 SOURCE: Section 9400 GC; Amended by P.L. 20-11:1.
37

38 Section 3302. Duty to Report.
39

40 Any person licensed or registered to practice any healing art
41 under Chapter 12 of this Title who has knowledge of or
42 suspects the presence of any communicable or chronic disease
43 or any other disease dangerous to the public health, shall

1 report the same to the Director within forty-eight (48) hours
2 after diagnosis, unless a different time is prescribed by
3 regulation, together with the name, age, village of residence
4 and sex of the person afflicted, the house or other place in
5 which such person may be found, and such other information
6 as may be required by regulation.
7

8 SOURCE: Section 9400.1 GC.
9

10 Section 3303. Same: Dispensaries, Hospitals, Etc.
11

12 The superintendent, chief medical officer, nurse in charge or
13 other person in charge of any hospital, clinic, dispensary,
14 infirmary, medical aid station or other establishment
15 providing medical care, either to the general public or
16 otherwise, who has knowledge of the presence of any
17 communicable or chronic disease or any other disease
18 dangerous to the public health shall report the same to the
19 Director in accordance with Section 3302. When the patient is
20 hospitalized, the person in charge of the hospital in which he
21 is hospitalized shall make the report.
22

23 SOURCE: Section 9400.2 GC.
24

25 Section 3304. Same: Laboratories.
26

27 The Director, administrator, chief officer or other person in
28 charge of any laboratory, public or private, performing any test
29 or examinations upon persons or their blood, urine, feces or
30 any other body products shall, upon identification or suspected
31 identification of an etiologic agent, antigen, antibody or any
32 other substance or combination of substances generally
33 accepted as being diagnostic of the presence of a
34 communicable disease, shall report same to the Director in
35 accordance with Section 3302.
36

37 SOURCE: Section 9400.3 GC.
38

39 Section 3305. Same: Keeper of Boarding or Lodging Houses.
40

41 Any owner, keeper or other person in charge of the operation
42 of a hotel, boarding house or dormitory shall immediately
43 report to the Director the presence therein of any person he

1 has reason to believe to be sick of, or to have died of any
2 contagious, infectious, communicable or other disease
3 dangerous to the public health.
4

5 SOURCE: Section 9400.4 GC.
6

7 Section 3306. Same: Master of Vessels; Captain of Aircraft.
8

9 Any master of a vessel or captain of an aircraft, shall
10 immediately report to the Director or his representative the
11 presence aboard such vessel or aircraft of any person he has
12 reason to believe to be sick of or to have died of any
13 communicable disease.
14

15 SOURCE: Section 9400. GC.
16

17 Section 3307. Investigation.
18

19 When a complaint is made or a reasonable belief exists that a
20 communicable disease or other disease dangerous to the public
21 health prevails in any house or elsewhere which has not been
22 reported, the Director shall make an inspection for the purpose
23 of discovering whether any such disease exists.
24

25 SOURCE: Section 9400.6 GC.
26

27 Section 3308. Same: Access to Records, Reports, Etc.
28

29 When the Director has reason to believe that a communicable
30 disease exists but that full and complete information as
31 required by Section 3302 of this Chapter has not been
32 provided, the Director or his representative may examine any
33 and all records or reports deemed necessary to fully
34 investigate the disease.
35

36 SOURCE: Section 9400.7 GC.
37

38 Section 3309. Isolation and Quarantine: Regulations.
39

40 Isolation and quarantine shall be imposed in accordance with
41 regulations. Such regulations shall designate the disease for
42 which isolation or quarantine is necessary, and such other
43 requirements concerning diagnosis, treatment, release and

1 other pertinent matters as may be necessary.
2

3 SOURCE: Section 9400.8 GC.
4

5 Section 3310. Same: Authority of Director.
6

7 (a) Notwithstanding Section 3309, when a person has or is
8 suspected of having or is suspected of being a carrier of any
9 communicable disease or any other disease dangerous to the
10 public health, the Director may impose isolation of such person
11 and may impose quarantine on anyone who has had contact
12 with such person. The extent and duration of isolation and
13 quarantine imposed in a given case and release therefrom shall
14 be within the discretion of the Director depending upon the
15 disease. The Director may, in his discretion, determine the
16 persons subject to isolation and quarantine, specify the places
17 or areas to which or in which they are restricted in their
18 movements, prescribe other conditions and requirements to be
19 observed, decide the duration of isolation and quarantine and
20 release therefrom and issue other necessary instructions. He
21 shall insure that provisions are made for medical observation
22 of such persons as frequently as necessary during isolation and
23 quarantine or amend the degree thereof and other restrictions
24 imposed in connection therewith at any time.
25

26 (b) When a person has or is suspected of having or is suspected
27 of being a carrier of any communicable disease or any other
28 disease dangerous to the public health, the Director may, in his
29 discretion and for the safety of the public, remove such
30 person, with or without his consent, to a licensed hospital or
31 other designated premises for the purpose of isolation and
32 treatment until the disease is no longer communicable by such
33 person. If the Director should determine that removal of such
34 person is not practicable, such person may be allowed to
35 remain where he is and the Director may take such measures
36 as he may deem advisable to provide for his care for the public
37 health by way of isolation and quarantine.
38

39 SOURCE: Section 9400.9 GC.
40

41 Section 3311. Placarding.
42

43 When a person has been isolated or quarantined and is

1 restricted thereby to his residence or other building, the
2 Director may place in a conspicuous position on the exterior of
3 the premises where such person is isolated or quarantined a
4 placard having printed on it in large letters the name of the
5 disease and warning all unauthorized persons to remain off the
6 premises. Such placard shall be in both English and Chamorro
7 and in any other languages the Director deems appropriate. No
8 person shall remove, deface or destroy such placard until
9 authorized by the Director. Except as authorized by the
10 Director or regulation, no person shall enter or leave any
11 premises which has been placarded.
12

13 SOURCE: Section 9400.10 GC.

14
15 Section 3312. Violation of Isolation or Quarantine.
16

17 No person who has been isolated or quarantined shall leave the
18 premises or area to which he has been restricted without the
19 written permission of the Director until he has been released
20 from such isolation or quarantine.
21

22 SOURCE: Section 9400.11 GC.

23
24 Section 3313. Chief of Police.
25

26 Upon the request of the Director, it shall be the duty of the
27 Chief of Police to act and assist in the enforcement of
28 isolation and quarantine, using such force as may be
29 reasonably necessary.
30

31 SOURCE: Section 9400.12 GC.

32
33 Section 3314. Disinfection of Premises.
34

35 The Director may, if he deems it advisable, order the premises
36 and contents thereof in which any person has been ill or has
37 died of a communicable disease or any other room, building,
38 premises or area, any contents thereof, which may be infective
39 by contact with any communicable disease, to be disinfected
40 and purified in such manner as he may direct. It shall be the
41 duty of the owner or occupant of such premises to comply with
42 any such order.
43

1 SOURCE: Section 9400.13 GC.

2
3 Section 3315. Destruction of Property.

4
5 The Director may destroy any infective clothing, bedding or
6 other article which cannot be made safe by disinfection. He
7 shall furnish to the owner thereof a receipt showing the
8 number, character, condition and estimated value of the article
9 so destroyed. A copy of such receipt shall be retained by the
10 Director.

11
12 SOURCE: Section 9400.14 GC.

13
14 Section 3316. Compensation.

15
16 Upon the presentation of the original receipt for articles
17 destroyed under section 3315 and approval by the Attorney
18 General, the Director shall pay to the owner of such property,
19 out of such appropriations of the Department of Public Health
20 and Social Services as may be available, the value of such
21 destroyed articles.

22
23 SOURCE: Section 9400.15 GC.

24
25 Section 3317. Closing of School.

26
27 During an epidemic or threatening epidemic or when a
28 dangerous communicable disease is unusually prevalent, the
29 Director may close any public or private school and prohibit
30 any public or private gathering for such time as may be
31 necessary in the interest of the public health.

32
33 SOURCE: Section 9400.16 GC.

34
35 Section 3318. Disposal of Bodies.

36
37 The Director, in his discretion, may require that the body of a
38 person, who has died of a communicable disease or any other
39 disease dangerous to the public health, be buried or cremated
40 immediately or within such period of time and in conformity
41 with such procedures for the protection of the public health,
42 as he may designate.
43

1 SOURCE: Section 9400.17 GC.

2
3 Section 3319. Responsibility of Person in Charge of Minor.

4
5 Where any person suffering from a communicable disease is
6 required to remain isolated or quarantined or to do or refrain
7 from doing any act or thing whereby spread of the disease may
8 be enhanced or such person because of his tender age or of
9 physical or mental disability is unable to comprehend or
10 comply with such requirements, it shall be the duty of the
11 parent, guardian or other person, including any attendant
12 having such patient under his care, custody or control to
13 comply or cause compliance with the isolation or quarantine so
14 imposed and pertinent provisions of this Chapter.

15
16 SOURCE: Section 9400.18 GC.

17
18 Section 3320. Willful Exposure.

19
20 No person having a communicable disease or any other disease
21 dangerous to the public health or being in charge of any other
22 person afflicted with such a disease, shall willfully expose
23 himself or such person in any public place, street or highway
24 except as may be authorized by the Director.

25
26 SOURCE: Section 9400.19 GC.

27
28 Section 3321. Concealing Disease.

29
30 No person shall conceal any person having any communicable
31 disease or any other disease dangerous to the public health,
32 including any venereal disease. No parent, guardian or other
33 person having custody or care of a minor child shall conceal
34 the fact of a minor child having any such disease.

35
36 SOURCE: Section 9400.20 GC.

37
38 Section 3322. Vaccination and Immunization

39
40 No student shall be permitted to attend any public or private
41 school, college, or university within the Territory unless
42 evidence is presented to the enrolling officer of such school,
43 college or university that the student has had all required

1 vaccinations or immunizations. Required vaccinations and
2 immunizations include but are not limited to Diphtheria,
3 Pertussis, Tetanus, Polio, Measles (Rubeola), Mumps and
4 Rubella (German Measles) or against any other communicable
5 disease as the Director shall, by regulation, require, except
6 that exemption may be granted to the student in a case when
7 the vaccination or immunization would be against his/her
8 religious beliefs or upon certification by a parent or
9 guardian of a student who is a minor that such vaccination or
10 immunization would be against their religious belief or a
11 student that has been certified by a licensed medical doctor
12 that said student shall be exempt from this section where
13 medical contraindication to receiving a specific vaccine
14 exists. The Director may require vaccination and immunization
15 of any person or persons suspected as carriers of a
16 communicable disease upon entering or leaving the Territory
17 which the Director believes may present a risk to the public
18 health of the Territory. The Director, in case of an epidemic or
19 to control a possible epidemic of a communicable disease, may
20 direct that the general population be vaccinated and
21 immunized against said disease. A child may not be enrolled in
22 kindergarten or first grade unless that child has been
23 administered the measles, mumps, or rubella (MMR) vaccine
24 twice or that child is exempt on religious grounds or because
25 medically contraindicated.

26
27 SOURCE: Section 9400.21 GC.

28
29 Section 3323. Prenatal Test.

30
31 Any licensed physician attending a pregnant woman for
32 condition relating to her pregnancy during the period of
33 gestation or at delivery shall take or cause to be taken a
34 sample of the blood of such woman and submit such sample to
35 the Department of Public Health and Social Services laboratory
36 or other laboratory approved by the Director for a standard
37 serologic test for syphilis. Any other person permitted by law
38 to attend pregnant women, but not permitted by law to take
39 blood samples, shall cause a sample of blood of every pregnant
40 woman attended by him to be taken by a duly licensed
41 physician or at a lab approved by the Director of the
42 Department of Public Health and Social Services for a standard
43 serologic test for syphilis. Such samples of blood shall be

1 taken at the time of the first visit of the pregnant woman or
2 within fourteen (14) days thereafter. Every pregnant woman
3 shall permit such samples of her blood to be taken as in this
4 Section.

5
6 SOURCE: Section 9400.23 GC.

7
8 Section 3324. Report as to Prenatal Test.

9
10 In reporting any birth or stillbirth, any physician or other
11 person required to make such reports shall state in a report
12 accompanying the certificate whether, according to his
13 knowledge or information, a blood test for syphilis has been
14 made upon a specimen of blood taken from the woman who
15 bore the child for which the birth or stillbirth certificate is filed
16 and the approximate date when the specimen was taken. The
17 Director is authorized to investigate the circumstances
18 surrounding the birth of any baby on whose mother no
19 serologic test, as required by the provisions of this Subchapter,
20 appears to have been taken.

21
22 SOURCE: Section 9400.23 GC.

23
24 Section 3325. Prevention of Blindness at Childbirth.

25
26 Any physician, midwife, or any other person in attendance at
27 childbirth immediately after birth shall administer the one
28 percent (1%) silver nitrate solution to both eyes of the
29 newborn child. Preparations other than one percent (1%) silver
30 nitrate may be used only on approval of the Director and
31 subject to such conditions and restrictions as the Director
32 may impose.

33
34 SOURCE: Section 9400.24 GC.

35
36 Section 3326. Immunization Audit.

37
38 Annually, the Director shall conduct an immunization audit.
39 The sample audits shall be conducted on public health clinic
40 records, private clinic records and private physicians' record
41 to determine if:

42
43 (a) One (1) consolidated immunization record is posted on the

1 inside front cover of the patient's medical record if the
2 patient is under the age of eighteen (18); and
3

4 (b) That the record of any child found to be deficient in
5 immunizations indicates:
6

- 7 (1) that progress towards immunization is being made;
8 (2) a record of scheduled return appointment for the child; or
9 (3) a reason for the lack of immunization.
10

11 SOURCE: Section 9400.25 GC.
12

13 Section 3327. Same: Confidentiality.
14

15 The immunization audit shall be done by the Director who may
16 delegate his duty. The Director shall be responsible for
17 assuring that the confidentiality of individual patient records
18 is preserved. The Department of Public Health and Social
19 Services shall be responsible for compiling a statistical
20 report of the audit.
21

22 SOURCE: Section 9400.26 GC.
23

24 Section 3328. Autopsy
25

26 The Director may order an autopsy to determine if the
27 deceased died of a communicable disease or whenever, in his
28 direction, the public interest justifies it.
29

30 SOURCE: Section 9400.27 GC.
31

32 Section 3329. Testing for Tuberculosis.
33

34 No student shall be permitted to attend any public or private
35 school, college, or university within the Territory of Guam
36 unless they have on file with the enrolling officer of such
37 school, college or university a report of a Tuberculosis (TB)
38 skin test result.
39

40 (a) If the student is entering from the United States or its
41 territories, such test must have been conducted within one
42 year prior to enrollment. If the student is entering from an
43 area other than the United States or its territories, such test

1 must have been conducted within six months prior to
2 enrollment.
3

4 (b) If a student has had a positive TB skin test, a Certificate of
5 Tuberculosis Evaluation must be obtained from the Department
6 of Public Health and Social Services. If this certificate
7 indicates that the student is TB contagious the student shall
8 be permitted entrance to school only after he/she is certified
9 as non-contagious by the Department of Public Health and
10 Social Services.
11

12 Section 3330. Failure to Report. 13

14 Any person licensed or registered to practice any healing art
15 under Chapter 12 of this Title who refuses or neglects to
16 report to the Director the presence of a known or suspected
17 disease dangerous to the public health shall be liable for a fine
18 of not more than \$500.00, except that for a second or
19 subsequent offense, such person shall be guilty of a
20 misdemeanor.
21

22 Article 4

23 Maternal and Child Health and Children with Special 24 Health Needs 25

26 Section 3401. Designation of Department of Public Health and 27 Social Services as Cooperative Agency. 28

29 The Department of Public Health and Social Services is hereby
30 designated as the agency to cooperate with the duly
31 constituted Federal authorities in the administration of these
32 parts of the Social Security Act which relate to the maternal
33 and child health services and the care and treatment of
34 children with special health needs and is authorized to receive
35 and expend all funds made available by the Federal
36 Government or from any other source for the purpose provided
37 in this Chapter, provided that all plans, rules and regulations,
38 or agreements adopted in connection therewith shall be subject
39 to the approval of the Governor.
40

41 SOURCE: Section 9900 GC.
42
43

Article 5

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Purposes.

Formulation, Adoption and Approval.

Section 3504. Duties of Director of Public Health and Social Services.

Section 3505. Maternal and Child Health Service Funds:
Custody: Expenditures.

Administration: Purposes.

(a) The Department of Public Health and Social Services is hereby designated as the agency to administer a maternal and child health program in Guam.

(b) The purpose of such program shall be to develop, extend and improve health services, and to provide for development of demonstration services.

SOURCE: Section 9901.1 GC.

Section 3502. Guam Plan for Maternal and Child Health Services: Formulation, Adoption and Approval.

(a) The Department of Public Health and Social Services is hereby empowered and authorized:

(l) To formulate, adopt and administer a detailed plan or plans for the purposes specified in 3501.

(2) To make and adopt all such rules and regulations not inconsistent with the provisions of Section 3501-3505, inclusive, or of the Social Security Act, as are or may be necessary for the administration of such plan or plans and the administration of this Article.

(b) Such plan or plans and the rules and regulations when

1 formulated shall be submitted to the Secretary of Health and
2 Human Services for approval, and when approved by the
3 Secretary shall thereupon be made effective by the Department
4 of Public Health and Social Services in accordance with the
5 Administration Adjudication Act for the purposes of this
6 Article.

7
8 SOURCE: Section 9900.2 GC.
9

10 Section 3503. Provision to be Included in Guam Plan.
11

12 Such plan or plans shall include therein provisions for:
13

14 (a) Financial participation by Guam.
15

16 (b) Administration of such plans or plans by the Department of
17 Public Health and Social Services.
18

19 (c) Such methods of administration as are necessary for
20 efficient operation of such plan or plans.
21

22 (d) Maintenance of records and preparation as are necessary
23 for efficient operation of such plan or plans.
24

25 (e) Cooperation with medical, health, nursing and welfare
26 groups and organizations for the purpose of extending and
27 improving maternal and child health.
28

29 (f) Receiving and expending in the manner provided herein in
30 accordance with such plan or plans, all funds made available by
31 the Federal Government or from any other source for such
32 purposes.
33

34 (g) Cooperating with the Federal Government, through its
35 appropriate agency or instrumentality, in developing,
36 extending and improving such services, and in the
37 administration of such plan or plans and development of
38 demonstration services among groups in special need.
39

40 (h) Carrying out the purposes specified in 3501.
41

42 SOURCE: Section 9900.3 GC.
43

1 Section 3504. Duties of Director of Public Health and Social
2 Services.

3
4 (a) The Director of Public Health and Social Services shall be
5 the administrative officer of the agency with respect to the
6 administration and enforcement of the provisions of this
7 Article, and of the plan or plans formulated and adopted in
8 accordance therewith and all such rules and regulations
9 necessary thereto.

10
11 (b) The Director of Public Health and Social Services is hereby
12 empowered and directed to administer and enforce all rules
13 and regulations adopted for the efficient operations of the plan
14 or plans formulated for the purposes of this Article.

15
16 (c) The Director of Public Health and Social Services, shall,
17 from time to time as directed by the Secretary of Health and
18 Human Services make such reports, in such form and
19 containing such information as the Secretary of Health and
20 Human Services shall require.

21
22 (d) The Director of Public Health and Social Services shall
23 from time to time, pursuant to the rules and regulations of the
24 Secretary of Health and Human Services and of the Secretary
25 of the Treasury requisition and cause to be deposited with the
26 Treasurer of Guam all moneys allotted to Guam by the Federal
27 Government for the purposes of this Article, and shall cause to
28 be paid out of the
29 treasury the moneys therein deposited for such purposes.

30
31 SOURCE: Section 9900.4 GC.

32
33 Section 3505. Maternal and Child Health Service Funds:
34 Custody:
35 Expenditures.

36
37 (a) The Treasurer of Guam is hereby made custodian of all
38 moneys allotted to Guam by the Federal Government, or
39 received from other sources, for the purposes of maternal and
40 child health services.

41
42 (b) The Treasure shall receive and provide for the proper
43 custody of such moneys and is authorized to deposit such

1 moneys in the same manner as other public moneys are
2 deposited.

3
4 (c) Such moneys shall be disbursed only upon certification by
5 the Director of Public Health and Social Services.
6

7 SOURCE: Section 9900.5 GC.
8

9 Article 6

10 Services for Children with Special Health Needs
11

12 Section 3601. Program for Services for Children with Special
13 Health Needs: Administration: Purposes.

14 Section 3602. Guam Plan for Services for Children with Special
15 Health Needs: Formulation, Adoption and Approval.

16 Section 3603. Provision to be Included in Plan.

17 Section 3604. Duties of Director of Public Health and Social
18 Services.

19 Section 3605. Services for Children with Special Health Needs:
20 Custody: Expenditure.

21 Section 3606. Department of Public Health and Social Services
22 Authorized to Enter into Cooperative Agreements with
23 Federal Government.
24

25 Section 3601. Program for Services for Children with Special
26 Health Needs: Administration: Purposes.
27

28 (a) The Department of Public Health and Social Services is
29 hereby designated as the agency to administer a program of
30 service for children with a disability(ies) or special health
31 need(s).
32

33 (b) The purpose of such program shall be to develop, extend,
34 and improve services for locating such children, and for
35 providing for medical, surgical, corrective and other services
36 and care, and providing facilities for diagnosis, hospitalization
37 and aftercare.
38

39 SOURCE: Section 9901 GC.
40

41 Section 3602. Guam Plan for Services for Children with
42 Special
43 Health Needs: Formulation, Adoption and Approval.

1
2 (a) The Department of Public Health and Social Services is
3 hereby empowered and authorized:
4

5 (1) To formulate, adopt and administer a detailed plan or plans
6 for the purposes specified in 3601.
7

8 (2) To make and adopt all such rules and regulations, not
9 inconsistent with the provisions of Section 3601-3605
10 inclusive, or of the Social Security Act, as are or may be
11 necessary for the administration of such plan or plans and the
12 administration of this Article.
13

14 (b) Such plan or plans and the rules and regulations, when
15 formulated, shall be submitted to the Secretary of Health and
16 Human Services for approval, and when approved by the
17 Secretary shall thereupon be made effective in accordance
18 with the Administration Adjudication Act for the purposes of
19 this Article.
20

21 SOURCE: Section 9901.1 GC.
22

23 Section 3603. Provision to be Included in Plan.
24

25 Such plan or plans shall include therein provisions for:
26

27 (a) Financial participation by Guam.
28

29 (b) Administration of such plan or plans by the Department of
30 Public Health and Social Services.
31

32 (c) Such methods of administration as are necessary for
33 efficient operation of such plan or plans.
34

35 (d) Maintenance of records and preparation, submission and
36 filing of reports of services rendered.
37

38 (e) Cooperation with medical, health, nursing and welfare
39 groups and organizations, and with any agency charged with
40 administration of laws providing for vocational rehabilitation
41 of physically handicapped children.
42

43 (f) Receiving and expending in the manner provided herein in

1 accordance with such plan or plans, all funds made available by
2 the Federal Government, or from any other source for such
3 purposes.
4

5 (g) Cooperating with the Federal Government, through its
6 appropriate agency or instrumentality, in developing,
7 extending and improving such services and in the
8 administration of such plan or plans.
9

10 (h) Carrying out the purposes specified in 3601.
11

12 SOURCE: Section 9901.2 GC.
13

14 Section 3604. Duties of Director of Public Health and Social
15 Services.
16

17 (a) The Director of Public Health and Social Services shall be
18 the administrative office of the agency with respect to the
19 administration and enforcement of the provision of this
20 Article, and of the plan or plans formulated and adopted in
21 accordance therewith, and all such rules and regulations
22 necessary thereto.
23

24 (b) The Director of Public Health and Social Services is hereby
25 empowered and directed to administer and enforce all rules
26 and regulations adopted for the efficient operations of the plan
27 or plans formulated for the purposes of this Article.
28

29 (c) The Director of Public Health and Social Services shall,
30 from time to time as directed by the Secretary of Health and
31 Human Services make such reports, in such form and
32 containing such information as the Secretary of Health and
33 Human Services shall require.
34

35 (d) The Director of Public Health and Social Services shall
36 from time to time, pursuant to the rules and regulations of the
37 Secretary of Health and Human Services and of the Secretary
38 of the Treasury, requisition and cause to be deposited with the
39 Treasurer of Guam all moneys allotted to Guam by the Federal
40 Government for the purposes of this Article, and shall cause to
41 be paid out of the treasury the moneys therein deposited for
42 such purposes.
43

1 SOURCE: Section 9901.3 GC.
2
3

4 Section 3605. Services for Children With Special Health Needs:
5 Custody: Expenditure.
6

7 (a) The Treasurer of Guam is hereby made custodian of all
8 moneys allotted to Guam by the Federal Government, or
9 received from other sources, for the purposes of services for
10 children with special health needs.
11

12 (b) The Treasurer of Guam shall receive and provide for the
13 proper custody of such moneys and is authorized to deposit
14 such moneys in the same manner as other public moneys are
15 deposited.
16

17 (c) Such moneys shall be disbursed only upon certification by
18 the Director of Public Health and Social Services.
19

20 SOURCE: Section 9901.4 GC.
21

22 Section 3606. Department of Public Health and Social Services
23 Authorized to Enter into Agreements with Federal Government.
24

25 The Department of Public Health and Social Services is hereby
26 authorized to enter into a cooperative agreement or
27 agreements with the Department of Health and Human Services
28 prescribing the manner, terms and conditions of cooperation
29 with the Department of Health and Human Services in
30 providing for the identification, diagnosis and treatment of
31 children with special health needs. Such agreements may
32 define the amounts which the Territory of Guam and the
33 Federal Government will contribute under the agreement and
34 the Department of Public Health and Social Services shall be
35 bound and governed by such agreement or agreements.
36

37 SOURCE: Section 9901.5 GC.
38

39 Article 7
40 U.S. Public Health Services
41

42 Section 3701. Designation of the Department of Public Health
43 and Social Services as Cooperative Agency.

Section 3702. Public Health and Social Services Programs:

1 Administration: Purposes.

2 Section 3703. Guam Plan for Public Health Services.

3 Section 3704. Provisions to be Included in Guam Plan.

4 Section 3705. Duties of Director of Public Health and Social
5 Services.

6 Section 3706. Public Health Service Funds: Custody:
7 Expenditures. Section 3707. References.

8 Section 3708. Transfer.

9 Section 3709. Appropriations.

10
11 Section 3701. Designation of Department of Public Health and
12 Social Services as Cooperative Agency.

13
14 The Department of Public Health and Social Services is hereby
15 designated as the agency to cooperate with the United States
16 Public Health Service in the administration of those parts of
17 the Public Health Service Act, as amended, which relate to
18 grants and services for public health purposes, and is
19 authorized to apply for, receive and expend all funds made
20 available by the Federal Government, or from any other source
21 for the purposes provided in this Chapter.

22
23 SOURCE: Section 9925 GC.

24
25 Section 3702. Public Health Services Programs:
26 Administration: Purposes.

27
28 (a) The Department of Public Health and Social Services is
29 hereby designated as the agency to administer U.S. Public
30 Health Services programs in the Territory of Guam.

31
32 (b) The purpose of such programs shall be to develop, extend
33 and improve public health services.

34
35 SOURCE: Section 9925.1 GC.

36
37 Section 3703. Guam Plan for Public Health Services.

38
39 (a) The Department of Public Health and Social Services is
40 hereby empowered and authorized:

41
42 (1) To formulate, adopt, subject to the approval of the
43 Governor, and administer a detailed plan or plans for the

1 purpose specified in section 3702.

2
3 (2) To make and adopt such rules and regulations, subject to
4 the approval of the Governor, not inconsistent with the
5 provisions of section 3702 and section 3706, inclusive, or of
6 the Public Health Service Act, as are or may be necessary for
7 the administration of this Chapter.

8
9 (b) Such plan or plans and the rules and regulations when
10 formulated shall be submitted to the Secretary of Health and
11 Human Services, and when approved by the Secretary shall
12 thereupon be made effective by the Department of Public
13 Health and Social Services for the purposes of this Chapter.

14
15 SOURCE: Section 9925.2 GC.

16
17 Section 3704. Provisions to be Included in Guam Plan.

18
19 Such plan or plans shall include herein provisions for:

20
21 (a) Financial participation by Guam.

22
23 (b) Administration of such plan or plans by the Department of
24 Public Health and Social Services.

25
26 (c) Such methods of administration as are necessary for
27 efficient operation of such plan or plans.

28
29 (d) Maintenance of records and preparation, submission and
30 filing of reports of services rendered.

31
32 (e) Cooperation with medical, health, nursing and welfare
33 groups and organizations for the purpose of extending and
34 improving public health.

35
36 (f) Receiving and expending in the manner provided herein in
37 accordance with such plan or plans, all funds made available
38 by the Federal Government or from any other source for such
39 purposes.

40
41 (g) Cooperating with the Federal Government, through its
42 appropriate agency or instrumentality, in developing,
43 extending and improving such services and in the

1 administration of such plan or plans, and development of
2 demonstration services.

3
4 (h) Carrying out the purposes specified in Section 3702.
5 [Subsection (2) amended by P.L. 7-101, approved February 26,
6 1964, effective July 11, 1964.]
7

8 SOURCE: Section 9925.3 GC.
9

10 Section 3705. Duties of Director of Public Health and Social
11 Services.
12

13 (a) The Director of Public Health and Social Services shall be
14 the administrative officer of the agency with respect to the
15 administration and enforcement of the provisions of this
16 Chapter, and of the plan or plans formulated and adopted in
17 accordance therewith and all such rules and regulations
18 necessary thereto.
19

20 (b) The Director of Public Health and Social Services is hereby
21 empowered and directed to administer and enforce all rules
22 and regulations adopted for the efficient operations of the plan
23 or plans formulated for the purposes of this Chapter.
24

25 (c) The Director of Public Health and Social Services shall
26 from time to time, as directed by the Secretary of Health and
27 Human Services, make such reports, in such form and
28 containing such information as the Secretary shall require.
29

30 (d) The Director of Public Health and Social Services shall
31 from time to time, pursuant to the rules and regulations of the
32 Secretary of Health and Human Services requisition and cause
33 to be deposited with the Treasurer of Guam all moneys allotted
34 to the Territory of Guam by the Federal Government for the
35 purposes of this Chapter, and shall cause to be paid out of the
36 treasury the moneys therein deposited for such purposes.
37

38 SOURCE: Section 9925.4 GC.
39

40 Section 3706. Public Health Service Funds: Custody and
41 Expenditures.
42

43 (a) The Treasurer of Guam is hereby made custodian of all

1 moneys, allotted to Guam by the Federal Government, or
2 received from other sources, for the purposes of public health
3 services.
4

5 (b) The Treasurer of Guam shall receive and provide for the
6 proper custody of such moneys and is authorized to deposit
7 such moneys in the same manner as other public moneys are
8 deposited.
9

10 (c) Such moneys shall be disbursed only upon certification by
11 the Director of Public Health and Social Services.
12

13 SOURCE: Section 9925.5 GC.
14

15 Section 3707. Reference.
16

17 Unless otherwise specifically provided, every reference in
18 law, order or regulation to the Director of Medical Services or
19 the Department of Medical Services concerning a public health
20 or welfare function, duty or subject shall mean the Director of
21 Public Health and Social Services or the Department of Public
22 Health and Social Services, respectively, any such reference to
23 the Director of Medical Services or the Department of Medical
24 Services concerning a Guam Memorial Hospital function, duty
25 or subject shall mean the administrator of the Guam Memorial
26 Hospital or Guam Memorial Hospital respectively.
27

28 SOURCE: Section 9925.6 GC.
29

30 Section 3708. Transfer.
31

32 All property, facilities, equipment, supplies, records and files
33 pertaining to and used in connection with the operation and
34 administration of public health and welfare, and all personnel
35 used in the administration and operation of public health and
36 welfare, are transferred and assigned to the Department of
37 Public Health and Social Services. All property, facilities,
38 equipment, supplies, records and files pertaining to and used in
39 connection with operation and administration of Guam
40 Memorial Hospital and all personnel used in the administration
41 and operation of Guam Memorial Hospital are transferred to
42 that instrumentality.
43

1 SOURCE: Section 9925.7 GC.

2
3 Section 3709. Appropriations.

4
5 Any appropriation made for the fiscal year ending June 30,
6 1965, for the operation of the Department of Medical Services
7 shall be apportioned so that moneys allocated for public health
8 and welfare operations shall be transferred to the Department
9 of Public Health and Social Services and all moneys allocated
10 for the operation of Guam Memorial Hospital shall be
11 transferred to that instrumentality."
12

13 SOURCE: Section 9925.8 GC."

14
15 4/16/93
16