

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>PUBLIC LAW 33-218 168-33 (COR)</b>	FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO ADD A NEW SUBSECTION (q) TO § 3218, AMEND SUBSECTIONS (f) AND (g) OF § 3218.1, AND ADD A NEW SUBSECTION (h) TO § 3218.1, ALL OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR NON-COMPLIANCE AND ADDING REPORTING MECHANISMS TO BETTER ENSURE ENFORCEMENT.	08/31/15 10:42 a.m.	09/02/15	Committee on Health, Economic Development, Homeland Security, and Senior Citizens	09/11/15 9:00 a.m.	06/22/16 2:56 p.m.	<b>Fiscal Note Request</b> 09/02/15 <b>Fiscal Note Waiver</b> 06/27/16
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>DATE AND TIME TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY</small> <i>I MAGA'LA HEN GU'Á HAN</i>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	12/02/16	AN ACT TO ADD NEW ITEMS (5) THROUGH (11) TO SUBSECTION (a) OF § 3208 AND TO AMEND SUBSECTIONS (a), (c), (e), (k), AND (m) OF § 3218, ALL OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 55.65 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR ABORTION REPORTING NON-COMPLIANCE BY ADDING MECHANISMS TO BETTER ENSURE ENFORCEMENT.	12/05/16	4:50 p.m.	12/16/16	<b>12/15/16</b>	<b>P.L. 33-218</b>	<b>M&amp;C No.</b> <b>33GL-16-2289</b>



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

DEC 15 2016

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Tres Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

33-16-2289  
Office of the Speaker  
Judith T. Won Pat, Ed.D.

Date: 12-19-16  
Time: 9AM  
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 168-33 (COR), "AN ACT TO ADD NEW ITEMS (5) THROUGH (11) TO SUBSECTION (a) OF § 3208 AND TO AMEND SUBSECTIONS (a), (c), (e), (k), AND (m) OF § 3218, ALL OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 55.65 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR ABORTION REPORTING NON-COMPLIANCE BY ADDING MECHANISMS TO BETTER ENSURE ENFORCEMENT," which was signed into law on December 15, 2016, as **Public Law 33-218**.

*Senseramente,*

[Signature]  
EDDIE BAZA CALVO

2016 DEC 19 AM 10:51 [Signature]

2289

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2016 (SECOND) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that Substitute Bill No. 168-33 (COR), "AN ACT TO ADD NEW ITEMS (5) THROUGH (11) TO SUBSECTION (a) OF § 3208 AND TO AMEND SUBSECTIONS (a), (c), (e), (k), AND (m) OF § 3218, ALL OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 55.65 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR ABORTION REPORTING NON-COMPLIANCE BY ADDING MECHANISMS TO BETTER ENSURE ENFORCEMENT," was on the 2<sup>nd</sup> day of December 2016, duly and regularly passed.

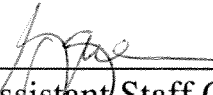


Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 5<sup>th</sup> day of Dec,  
2016, at 4:50 o'clock P.M.

  
Assistant Staff Officer  
*Maga'låhi's* Office

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: DEC 15 2016

Public Law No. 33-218

OFFICE OF THE GOVERNO  
CENTRAL FILES

RECEIVED BY  
TIME 2:50 PM DATE 12-15-16

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2015 (FIRST) Regular Session**

**Bill No. 168-33 (COR)**

As substituted by the Sponsor.

Introduced by:

FRANK B. AGUON, JR.  
Dennis G. Rodriguez, Jr.  
T. C. Ada  
V. Anthony Ada  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreadie  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD NEW ITEMS (5) THROUGH (11) TO SUBSECTION (a) OF § 3208 AND TO AMEND SUBSECTIONS (a), (c), (e), (k), AND (m) OF § 3218, ALL OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 55.65 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR ABORTION REPORTING NON-COMPLIANCE BY ADDING MECHANISMS TO BETTER ENSURE ENFORCEMENT.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that certain abortion providers have failed to file a complete individual abortion

1 report for each abortion with the Territorial Registrar of Vital Statistics pursuant to  
2 § 3218 of Article 2, Chapter 3, Title 10, Guam Code Annotated.

3 *I Liheslaturan Guåhan* further finds that this Act, which increases the penalty  
4 for those abortion providers who knowingly fail to file a complete individual  
5 abortion report for each abortion with the Territorial Registrar of Vital Statistics by  
6 adding a new § 55.65 to Chapter 55, Title 9, Guam Code Annotated, will increase  
7 compliance with 10 GCA § 3218.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to add new Items (5)  
9 through (11) to Subsection (a) of § 3208, and to amend Subsections (a), (c), (e), (k),  
10 and (m) of § 3218, all of Article 2 of Chapter 3, Title 10, Guam Code Annotated;  
11 and to add a new § 55.65 to Chapter 55 of Title 9, Guam Code Annotated, relative  
12 to increasing penalties for non-compliance by adding reporting mechanisms to better  
13 ensure enforcement.

14 **Section 2.** New Items (5) through (11) are *added* to § 3208 (a) of Article 2  
15 of Chapter 3, Title 10, Guam Code Annotated, to read:

16 “(5) Prepare, provide, and distribute forms to physicians as required  
17 by §§ 3218 and 3218.1 of this Article.

18 (6) Ensure the completeness of all forms filed with the Territorial  
19 Registrar of Vital Statistics pursuant to §§ 3218 and 3218.1 of this Article.

20 (7) Reject incomplete forms filed with the Territorial Registrar of  
21 Vital Statistics pursuant to §§ 3218 and 3218.1 of this Article.

22 (8) Give prompt notice to the filer of the rejection of an incomplete  
23 form filed with the Territorial Registrar of Vital Statistics pursuant to §§ 3218  
24 and 3218.1 of this Article that failure to file a completed form within seven  
25 (7) days will be deemed a failure to file. The notice *shall* advise the filer of  
26 the penalties for failure to file.

1 (9) Promptly report to the Attorney General of Guam any violations  
2 of §§ 3218 and 3218.1 of this Article.

3 (10) Promptly report to the Guam Board of Medical Examiners any  
4 violations of §§ 3218 and 3218.1 of this Article.

5 (11) On the first day of each month publish a report of the activities  
6 of § 3218 of this Article.”

7 **Section 3.** Subsection (a) of § 3218 of Article 2, Chapter 3, Title 10, Guam  
8 Code Annotated, is hereby *amended* to read as follows:

9 “(a) A complete individual abortion report for each abortion *shall* be  
10 completed under penalty of perjury on a form provided by the Territorial  
11 Registrar of Vital Statistics by the mother's attending physician, and *shall* be  
12 filed forthwith with the Territorial Registrar of Vital Statistics. The report  
13 *shall* be confidential and it *shall not* contain the name of the mother involved.

14 This report *shall* include:

- 15 (1) patient number;
- 16 (2) name and address of the abortion facility or hospital;
- 17 (3) date of the abortion;
- 18 (4) zip code or other residential identification of the pregnant  
19 woman;
- 20 (5) age of the pregnant woman;
- 21 (6) ethnic origin of the pregnant woman;
- 22 (7) marital status of the pregnant woman;
- 23 (8) number of previous pregnancies;
- 24 (9) number of years of education of the pregnant woman;
- 25 (10) number of living children;
- 26 (11) number of previous induced abortions;
- 27 (12) date of the last induced abortion;

- 1 (13) date of the last live birth;
- 2 (14) method of contraception used, if any, at the time of
- 3 conception;
- 4 (15) date of the beginning of the last menstrual period;
- 5 (16) medical condition of the pregnant woman at the time of
- 6 abortion;
- 7 (17) RH type of the pregnant woman;
- 8 (18) type of abortion procedure used;
- 9 (19) complications, if any;
- 10 (20) type of procedure done after the abortion;
- 11 (21) type of family planning recommended;
- 12 (22) type of additional counseling given, if any;
- 13 (23) signature of attending physician;
- 14 (24) certification provided for in this Section; and
- 15 (25) gestational age, as measured in weeks, of the unborn child
- 16 terminated by the abortion.”

17 **Section 4.** Subsection (c) of § 3218 of Article 2, Chapter 3, Title 10, Guam  
18 Code Annotated, is hereby *amended* to read as follows:

19 “(c) All abortion reports *shall* be signed by the attending physician  
20 under penalty of perjury and *shall* be filed with the Territorial Registrar of  
21 Vital Statistics within seven (7) days from the date of the abortion. All  
22 complication reports *shall* be signed by the physician providing the post-  
23 abortion care under penalty of perjury and filed with the Territorial Registrar  
24 of Vital Statistics within seven (7) days from the date of the post-abortion  
25 care.”

26 **Section 5.** Subsection (e) of § 3218 of Article 2, Chapter 3, Title 10, Guam  
27 Code Annotated, is hereby *amended* to read as follows:

1           “(e) The Territorial Registrar of Vital Statistics *shall* collect and  
2 annually publish a statistical report based on such data from abortions  
3 performed in the previous calendar year.”

4           **Section 6.** Subsection (k) of § 3218 of Article 2, Chapter 3, Title 10, Guam  
5 Code Annotated, is hereby *amended* to read as follows:

6           “(k) Failure to file a complete individual abortion report for each  
7 abortion with the Territorial Registrar of Vital Statistics within seven (7) days  
8 from the date of the abortion is a misdemeanor, pursuant to § 55.65 of Chapter  
9 55, Title 9, Guam Code Annotated.”

10          **Section 7.** Subsection (m) of § 3218 of Article 2, Chapter 3, Title 10, Guam  
11 Code Annotated, is hereby *amended* to read as follows:

12          “(m) The Territorial Registrar of Vital Statistics *shall* receive,  
13 ascertain the completeness of, compile, and retain all partial-birth abortion  
14 reports filed with her under this Section, and collate and evaluate all data  
15 gathered therefrom, and *shall* annually publish a statistical report based on  
16 such data from partial-birth abortions performed in the previous calendar year  
17 *no later than* January 31st of the following calendar year.”

18          **Section 8.** A new § 55.65 is *added* to Chapter 55 of Title 9, Guam Code  
19 Annotated, to read:

20           “**§ 55.65. Failure to File a Complete Partial-Birth Abortion and**  
21 **Abortion Report.** A person commits a misdemeanor who knowingly fails to  
22 file a complete individual abortion report for each abortion with the Territorial  
23 Registrar of Vital Statistics within seven (7) days from the date of the  
24 abortion.”