
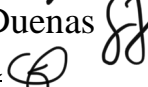






***I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 181-36 (LS)**

Introduced by:

Frank F. Blas Jr.   
James C. Moylan   
Christopher C. Duenas   
V. Anthony Ada 

**AN ACT TO ADD A NEW ARTICLE 8 CHAPTER 3,  
DIVISION 1, TITLE 22, GUAM CODE ANNOTATED,  
RELATIVE TO ESTABLISHING POLICY AND  
PROVISIONS TO ENSURE INFORMED CONSENT AND  
TO PROHIBIT EMPLOYERS FROM DISCRIMINATING  
AGAINST AN INDIVIDUAL BECAUSE THE  
INDIVIDUAL HAS NOT RECEIVED OR DECLINES TO  
RECEIVE CERTAIN VACCINATIONS; TO PROHIBIT  
RETALIATION; AND TO PROVIDE REMEDIES**

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

2 **Section 1. Short Title.** This Act shall be known and may be cited as the  
3 **"Informed Consent in the Workplace Act."**

4 **Section 2.** A new Article 8 is hereby added to Chapter 3, Division 1, Title 22,  
5 Guam Code Annotated, to read as follow

6 **"ARTICLE 8**

7 **Informed Consent in the Workplace**

8 § 3801. Title.

9 § 3802. Definitions.

10 § 3803. Prohibition.

11 § 3804. Informed Consent

1 § 3805. Judicial Remedies

2 § 3806. Establishing Safety Policies

3 **§ 3801. Title.**

4 This Article *shall* be known, and *may* be cited, as the "Informed Consent in  
5 the Workplace Act."

6 **§ 3802. Definitions.**

7 For purposes of this Article, the following terms *shall* have the following  
8 meanings:

9 a) "Employer" means a person that allows 1 or more qualified individuals to  
10 work for the employer, accepts applications for employment, or is an agent of an  
11 employer.

12 (b) "Person" means an individual, corporation, limited liability company,  
13 partnership, firm, organization, association, governmental entity, or other legal  
14 entity.

15 (c) "Qualified individual" means an individual who performs services, with or  
16 without compensation, for an employer.

17 (d) "Specified vaccination" means any of the following:

18 (i) An influenza vaccination.

19 (ii) A Tdap vaccination.

20 (iii) A COVID-19 vaccination.

21 (e) "Tdap" means tetanus, diphtheria, and pertussis.

22 **§ 3803. Prohibitions.**

23 It shall be unlawful for any employer to:

24 (a) Discharge, fail or refuse to hire or recruit, or otherwise discriminate against a  
25 qualified individual with respect to employment, compensation, or a term, condition,  
26 or privilege of employment, or threaten to do any of these things, because the

1 individual has not received or declines to receive, for any reason, a specified  
2 vaccination.

3 (b) Require a qualified individual who has not received or declines to receive a  
4 specified vaccination to do either of the following:

5 (i) display on the qualified individual's person a mark that distinguishes the  
6 qualified individual from qualified individuals who have received or not  
7 declined to receive a specified vaccination.

8 (ii) to wear additional PPE (personal protective equipment) as a consequence  
9 of not receiving or declining to receive specified vaccination, which is not  
10 required of other employees.

11 (c) Disclose to the public that the qualified individual has not received or declines to  
12 receive a specified vaccination.

13 (d) Retaliate or discriminate against a person because the person has done or is about  
14 to do any of the following:

15 (i) File a complaint under this Act.

16 (ii) Testify, assist, or participate in an investigation, proceeding, or action  
17 concerning a violation of this Act.

18 (iii) Oppose a violation of this act.

19 **§ 3804. Informed Consent**

20 (a) An employer that requires a specified vaccination to its qualified individuals must  
21 inform its qualified individuals, in writing, of their rights under this Act. A qualified  
22 individual may decline a specified vaccination offered by his or her employer by  
23 providing his or her employer with a written statement. A qualified individual is not  
24 required to state, in his or her written statement or otherwise, the reason he or she  
25 declines to receive the specified vaccination. An employer shall not inquire about  
26 the reason a qualified individual declines to receive a specified vaccination.

1 (b) An employer shall not require an applicant or qualified individual to waive any  
2 right under this Act. An agreement by an applicant or qualified individual to waive  
3 any right under this Act is invalid and unenforceable.

4 **§ 3805. Judicial Remedies**

5 A person who is aggrieved by a violation of this Act may bring a civil suit in a court  
6 of competent jurisdiction to obtain injunctive relief and damages. A court shall  
7 award costs and reasonable attorney fees and may award treble damages to a person  
8 who prevails as a plaintiff in a suit authorized under this Act.

9 **§ 3806. Establishing Safety Policies**

10 Notwithstanding any other provisions of the law, rule, or regulation to the contrary,  
11 when the Governor of Guam declares an emergency, pursuant to Chapter 19, of Title  
12 10, Guam Code Annotated, a business shall establish safety policies for their  
13 employees and patrons.

14 **Section 3. Effective Date.** The Act shall be effective immediately upon  
15 enactment.