

*I Mina'trentai Siette Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
242-37 (COR) As amended by the Committee on Health, Land, Justice, and Culture.	Therese M. Terlaje	AN ACT TO AMEND §§21101, 21102, 21104, 21107, AND 21115, ALL OF CHAPTER 21, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO SANITARY PERMIT REQUIREMENTS.	2/13/24 12:30 p.m.	2/14/24	Committee on Health, Land, Justice, and Culture	Request: 2/14/24 Waiver: 2/19/24	2/27/24 10:00 a.m.	3/7/24 8:26 a.m.	As amended by the Committee on Health, Land, Justice, and Culture
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>NOTES</b>			
	3/18/24	AN ACT TO AMEND §§ 21101, 21102, 21104, 21107, AND 21115 OF CHAPTER 21, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO SANITARY PERMIT REQUIREMENTS.	3/22/24	3/22/24	4/3/24				

**COPY**



*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
Thirty-Seventh Guam Legislature

March 22, 2024

The Honorable Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*  
*Ufisinan I Maga'håga*  
*Hagåtña, Guam 96910*

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 105-37 (LS), 176-37 (COR), 213-37 (COR), 214-37 (COR), 215-37 (COR), 216-37 (COR), 242-37 (COR), and Substitute Bill Nos. 119-37 (COR), 133-37 (COR), and 194-37 (LS)**, which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on March 22, 2024.

Sincerely,

AMANDA L. SHELTON  
Legislative Secretary

Enclosure (10)

PD3 CEREMES #736  
J. P. 3/22/24  
8:22pm

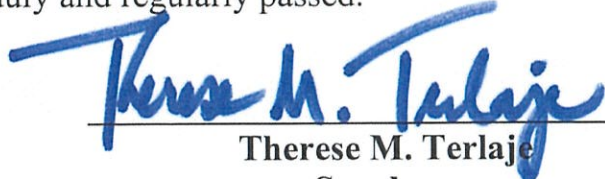


**COPY**

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
2024 (SECOND) Regular Session

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

This is to certify that **Bill No. 242-37 (COR)**, “AN ACT TO AMEND §§ 21101, 21102, 21104, 21107, AND 21115 OF CHAPTER 21, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO SANITARY PERMIT REQUIREMENTS,” was on the 22<sup>nd</sup> day of March 2024, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

Attested:

  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 22<sup>ND</sup> day of MARCH,  
2024, at 8:22 o'clock P.M.

  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

\_\_\_\_\_  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
**2024 (SECOND) Regular Session**

**Bill No. 242-37(COR)**

As amended by the Committee  
on Health, Land, Justice, and Culture.

Introduced by:

Therese M. Terlaje  
Chris Barnett  
Frank Blas, Jr.  
Joanne M. Brown  
Christopher M. Dueñas  
Thomas J. Fisher  
Jesse A. Lujan  
Tina Rose Muña Barnes  
William A. Parkinson  
Sabina Flores Perez  
Roy A. B. Quinata  
Joe S. San Agustin  
Dwayne T.D. San Nicolas  
Amanda L. Shelton  
Telo T. Taitague

**AN ACT TO AMEND §§ 21101, 21102, 21104, 21107, AND  
21115 OF CHAPTER 21, TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO SANITARY PERMIT  
REQUIREMENTS.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the current laws regarding inspections of permitted health-regulated  
4 establishments are outdated, using a time period-based requirement versus a risk-  
5 based requirement. Most state public health agencies have adopted risk-based  
6 monitoring programs which have been found to be an effective and efficient method

1 to conduct compliance inspections of health-regulated establishments. A risk-based  
2 approach allows for a variable frequency of inspections that will enable inspectors  
3 to efficiently spend more time in establishments that pose the greatest potential  
4 health risk to the public, thereby ensuring the safety of the people.

5 *I Liheslatura* further finds that certain provisions of Chapter 21, Title 10 GCA  
6 need to be updated, and these include amending § 21107 to allow for a designee in  
7 place of the Director to perform inspections and issue notices of violations, and  
8 amends the number of days to correct violations. Lastly, amending § 21115 of  
9 Chapter 21, Title 10 GCA ensures that alcoholic beverage licenses are issued and  
10 enforced by Department of Revenue and Taxation instead of the Department of  
11 Public Health and Social Services.

12 **Section 2.** § 21101 of Chapter 21, Title 10, Guam Code Annotated, is  
13 hereby *amended* to read as follows:

14 **“§ 21101. Sanitary Permit.**

15 It shall be unlawful for any person to operate or open for  
16 business:

17 (a) any establishment or activity as defined in Chapter  
18 23 or Chapter 24;

19 (b) any institutional facility as defined in Chapter 25;

20 (c) any hotel as defined in Chapter 26;

21 (d) any cosmetic establishment as defined in Chapter  
22 27;

23 (e) any public laundry or dry-cleaning establishment as  
24 defined in Chapter 28;

25 (f) any public swimming as defined in Chapter 29; or

26 (g) any mortuary as defined in Chapter 30, without a  
27 valid sanitary permit for such establishment or activity (permit)

1 issued by the Director. Such permit shall be displayed at all times  
2 in a conspicuous place in the premises for public view. Only  
3 persons who comply with the pertinent provisions of this Part  
4 shall be entitled to receive and retain such permit.

5 This Chapter shall not apply to the operation of any  
6 establishment, including any market, wayside stand, or roadside stand  
7 used exclusively for the sale of (1) fresh, unprocessed fruits, vegetables,  
8 and nuts; (2) eggs; (3) live poultry; (4) live pigs; (5) other live animals,  
9 except dogs and cats and other such animals as stipulated by the  
10 Director, by the original producer thereof in his own property; or (6)  
11 liquor or canned or bottled soft drinks.”

12 **Section 3.** § 21102 of Chapter 21, Title 10, Guam Code Annotated, is  
13 hereby *amended* to read as follows:

14 **“§ 21102. Regulations.**

15 (a) The Director shall promulgate regulations as required  
16 relative to the physical structure required for sanitary operations of:

17 (1) establishments as defined in Chapter 23 or Chapter  
18 24;

19 (2) institutional facilities as defined in Chapter 25;

20 (3) hotels as defined in Chapter 26;

21 (4) cosmetic establishments as defined in Chapter 27;

22 (5) laundry and dry-cleaning establishments as  
23 defined in Chapter 28;

24 (6) public swimming pools as defined in Chapter 29;

25 and

26 (7) mortuaries as defined in Chapter 30.

1           (b) The regulations adopted by the Director shall include  
2 requirements for sanitation, plumbing, or drainage.

3           (c) Plans and specifications shall be submitted to the Director  
4 in accordance with the requirements established in regulations, which  
5 shall include at least the following:

6                   (1) the total area to be used for the regulated  
7 establishment;

8                   (2) the rooms in which the regulated activities are to be  
9 conducted;

10                   (3) the location, number and types of plumbing fixtures  
11 including all water supply facility and toilet rooms; and

12                   (4) the general layout of fixtures and other equipment.

13           (d) No person shall construct, reconstruct or alter any  
14 regulated establishments without first obtaining a sanitary permit from  
15 the Department. To apply for a permit, the applicant must submit  
16 complete, detailed plans of the regulated establishment, site plans, and  
17 any other information as required by the Director. Construction,  
18 reconstruction or alteration shall not be started until the plans for the  
19 establishment are approved by the Director or his/her designee. The  
20 requirements of this Subsection are in addition to the building permit  
21 program administered by the Department of Public Works. Permit  
22 issuance and approval by the Director of Public Health and Social  
23 Services does not relieve the applicant from the obligation and  
24 responsibility of obtaining all necessary and required Public Works  
25 building permits.

26           (e) Before any person shall commence to operate or open for  
27 business any establishment or activity listed in Subsection (a) of this

1 Section, he/she shall notify the Director in writing of his/her intent to  
2 operate. The Director or his/her designee shall review the plans and  
3 specifications and inspect the location to determine whether plans have  
4 been in compliance with the regulations promulgated and other  
5 provisions of this Part.

6 (f) If the application is for a temporary food service  
7 establishment, then it shall also include the inclusive dates of the  
8 proposed operation which shall not exceed six (6) months.”

9 **Section 4.** § 21104 of Chapter 21, Title 10, Guam Code Annotated, is  
10 hereby *amended* to read as follows:

11 **“§ 21104. Inspection.**

12 Notwithstanding any other provision of law, the Director or  
13 his/her designee shall inspect an establishment or activity subject to this  
14 Chapter at a frequency based upon the policy adopted by him or her  
15 that takes into consideration its existing resources and the health risk  
16 the establishments pose to the public, such as the number and type of  
17 people served, potential for disease transmission and injuries, and  
18 history of non-compliance. The date of each inspection shall be noted  
19 on the permit. The person in charge shall upon request permit access to  
20 all parts of the establishment and shall permit examination and copying  
21 of any or all records and persons employed.”

22 **Section 5.** § 21107 of Chapter 21, Title 10, Guam Code Annotated, is  
23 hereby *amended* to read as follows:

24 **“§ 21107. Issuance of Notices.**

25 Whenever the Director or his/her designee makes an inspection  
26 and discovers that any of the applicable law or rule has been violated,  
27 he/she shall notify the permit holder or operator of such violations by



1 means of an inspection report form or other written notice. In such  
2 notification, the Director or his/her designee shall:

3 (a) set forth the specific violations found, together with  
4 the demerit score of the establishment;

5 (b) establish a specific and reasonable period of time  
6 for correction of the violations found, in accordance with the  
7 following provisions:

8 (1) when the demerit score of the establishment  
9 is twenty (20) or less, all violations of one (1) to four (4)  
10 demerits must be corrected within a period of time not to  
11 exceed thirty (30) calendar days;

12 (2) when the demerit score of the establishment  
13 is more than twenty (20) but not more than forty (40), all  
14 items of one (1) to four (4) demerit points must be  
15 corrected within a period of time not to exceed fifteen (15)  
16 calendar days;

17 (3) when any six (6) demerit point item is cited,  
18 regardless of the final demerit score, such items must be  
19 corrected within a period of time not to exceed ten (10)  
20 calendar days;

21 (4) when the demerit score of the establishment  
22 is more than forty (40), the sanitary permit shall be  
23 immediately suspended; and

24 (5) in the case of temporary food service  
25 establishments, violations must be corrected within a  
26 specified period of time not to exceed twenty-four (24)

1                    hours. Failure to comply with such notice shall result in  
2                    the immediate suspension of the permit;

3                    (c)    state that failure to comply with any notice issued in  
4                    accordance with the provisions of any applicable laws, rules or  
5                    regulations may result in immediate suspension of the permit or  
6                    the establishment downgraded; and

7                    (d)    state that an opportunity for appeal from any notice  
8                    or inspection findings will be provided if a written request for a  
9                    hearing is filed with the Director within the period of time  
10                   established in the notice for corrections.”

11                   **Section 6.** § 21115 of Chapter 21, Title 10, Guam Code Annotated is hereby  
12 *amended* to read as follows:

13                   **“§ 21115.    Automatic Suspension of Alcoholic Beverage License**  
14 **and Business License.**

15                                      Upon the suspension or revocation of a permit, the Director is to  
16                                      notify the Department of Revenue and Taxation of the name and  
17                                      location of that business.”

18                   **Section 7.    Severability.** If any provision of this Act or its application to any  
19 person or circumstance is found to be invalid or inorganic, such invalidity shall not  
20 affect other provisions or applications of this Act that can be given effect without  
21 the invalid provision or application, and to this end the provisions of this Act are  
22 severable.

23                   **Section 8.    Effective Date.** This Act shall be effective upon enactment.