

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

Bill No. 335-35 (COR)

As substituted on the Floor.

Introduced by:

Amanda L. Shelton
Telena Cruz Nelson
Tina Rose Muna Barnes
Jose “Pedo” Terlaje
Joe S. San Agustin

**AN ACT TO ADD NEW ITEMS (7) AND (8) TO § 19403(a)
AND TO ADD A NEW ITEM (6) TO § 19403(b) OF
ARTICLE 4, CHAPTER 19, TITLE 10 GUAM CODE
ANNOTATED RELATIVE TO THE EMERGENCY
POWERS OF THE GOVERNOR AND PUBLIC HEALTH
AUTHORITY DURING THE COVID-19 PUBLIC
HEALTH EMERGENCY.**

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

2 **Section 1.** New items (7) and (8) are *added* to § 19403 of Article 4, Chapter
3 19, Title 10, Guam Code Annotated, to read:

4 “The declaration of a state of public health emergency shall activate the
5 disaster response and recovery aspects of the government of Guam. Such declaration
6 authorizes the deployment and use of any forces to which the plans apply and the
7 use or distribution of any supplies, equipment, and materials and facilities
8 assembled, stockpiled or available pursuant to this Chapter.

9 (a) Emergency Powers. During a state of public health emergency, I
10 Magalåhen Guåhan [The Governor] may: (1) through an executive order
11 suspend, the provisions of any regulatory statute prescribing procedures

1 for conducting local business, or the orders, rules and regulations of any
2 government of Guam agency, to the extent that strict compliance with the
3 same would prevent, hinder or delay necessary action (including
4 emergency purchases) by the public health authority to respond to the
5 public health emergency, or increase the health threat to the population;
6 (2) utilize all available resources of the government of Guam, as
7 reasonably necessary to respond to the public health emergency; (3)
8 transfer the direction, personnel or functions of the government of Guam
9 departments and agencies in order to perform or facilitate response and
10 recovery programs regarding the public health emergency; (4) mobilize
11 all or any part of the organized militia into service; an executive order
12 directing the organized militia to report for active duty shall state the
13 purpose for which it is mobilized and the objectives to be accomplished;
14 (5) provide aid to and seek aid from the Federal Government in
15 accordance with any emergency compact made with the government of
16 Guam; and (6) seek aid from the Federal Government in accordance with
17 Federal programs or requirements-; (7) through an executive order may,
18 upon consultation with the public health authority, order a curfew that
19 shall not extend beyond fifteen (15) calendar days in response to the
20 COVID-19 public health emergency to prevent the spread of the disease
21 and protect the public's health, safety, and welfare; provided, that such
22 curfew is implemented by the least restrictive means necessary; and (8)
23 through an executive order, may upon consultation with the public health
24 authority, issue a shelter-in-place directive in response to the COVID-19
25 public health emergency to prevent the spread of the disease and protect
26 the public's health, safety, and welfare; provided, that such shelter-in-

1 place directive is implemented by the least restrictive means necessary,
2 and shall be subject to § 19403(b)(6).”

3 **Section 2.** A new § 19403(b)(6) is *added* to Chapter 19 of Title 10,
4 Guam Code Annotated, to read:

5 “(6) planning, implementing, and promulgating rules and regulations relative
6 to a shelter-in-place directive issued by the Governor pursuant to § 19403(a)(8) to
7 respond to the COVID-19 public health emergency. Said rules and regulations shall
8 allow reasonable movement deemed essential by the public health authority, which
9 shall be clearly defined in the directive or guidance thereto.”

10 **Section 3. Severability.** If any provision of this Act or its application to any
11 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
12 *not* affect other provisions or applications of this Act that can be given effect without
13 the invalid provision or application, and to this end the provisions of this Act are
14 severable.