



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

SEP 30 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>Fernando Mataste</i>
Time	<i>3 p.m.</i>
Date	<i>9-30-97</i>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 230 (COR), "AN ACT TO ADD A NEW §127114 TO CHAPTER 127 OF TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE DISPOSITION OF DORMANT AND INACTIVE ACCOUNTS AND UNCLAIMED FUNDS HELD BY SAVINGS AND LOAN ASSOCIATIONS.", which I have signed into law today as Public Law No. 24-72.

This legislation matches the current law which has been in effect since the enactment of Public Law No. 18-37 on May, 1986 for inactive and dormant accounts held by banks. The provisions required of banks for notifying customers both by mail and in the newspaper that their accounts are dormant or inactive and subject to forfeiture is extended to Savings and Loan Associations. If an account is inactive or dormant for 5 years, the customer is notified. If the customer cannot be found, then the funds are transferred to the Treasurer of Guam. If a customer, or owner, of the funds is found within 1 year after this transfer, the funds will be returned to the owner. If no one claims the funds after 1 year, then the title to the funds is transferred to the government.


Without this type of legislation, unclaimed funds sit literally for years within banking and savings and loan institutions. The institutions must maintain records on the accounts, which frequently have very small amounts in them. Transferring the funds to the government after a reasonable time and attempt to notice the owners results in lifting an

Office of the Speaker
ANTONIO R. UNPINGCO
Date: *09/30/97*
Time: *1:30 p.m.*
Rec'd by: *[Signature]*
Print Name: *Charlene Duenas*

Speaker/SB230/PL2-72
inactive and dormant accounts
September, 1997 - Page 2

administrative burden from the institutions and benefiting the public from
lost and unclaimed funds.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00447

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 230 (COR) "AN ACT TO ADD A NEW §127114 TO CHAPTER 127 OF TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR THE DISPOSITION OF DORMANT AND INACTIVE ACCOUNTS AND UNCLAIMED FUNDS HELD BY SAVINGS AND LOAN ASSOCIATIONS," was on the 15th day of September, 1997, duly and regularly passed.



ANTHONY C. BLAZ
Acting Speaker

Attested:



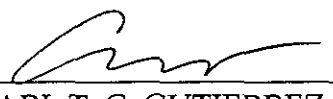
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 25th day of September, 1997, at
4:30 o'clock PM.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 9-30-97

Public Law No. 24-72

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 230 (COR)

As substituted by the Committee on
Finance & Taxation and as further
substituted on the Floor.

Introduced by:

A. C. Blaz
Mark Forbes
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO ADD A NEW §127114 TO CHAPTER 127
OF TITLE 11 OF THE GUAM CODE ANNOTATED,
RELATIVE TO PROVIDING FOR THE
DISPOSITION OF DORMANT AND INACTIVE
ACCOUNTS AND UNCLAIMED FUNDS HELD BY
SAVINGS AND LOAN ASSOCIATIONS.**

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

2 **Section 1. Legislative Findings and Intent.** The Guam Legislature
3 finds that the law is silent regarding the treatment and disposition of dormant
4 and inactive accounts and unclaimed funds held by savings and loan
5 associations. This silence effectively removes resources from our economy
6 and keeps them in legal and economic limbo.

7 Therefore, it is the intent of this Legislature to address this silence and
8 return these resources to our economy.

9 **Section 2.** Notwithstanding any provision of the law, a new §127114 is
10 hereby added to Chapter 27 of Title 11 of the Guam Code Annotated to read
11 as follows:

12 **"Section 127114. Dormant and Inactive Accounts and**
13 **Unclaimed Funds. (a) Shares or Savings Account.** In the event there
14 has been no activity of deposits or withdrawals, and no contact has been
15 made by the holder of a share or savings account with the association
16 for five (5) years, the association shall transfer the balance of such
17 account to the Treasurer of Guam.

18 (b) In the event an account subject to a negotiable order of
19 withdrawal or a check account is inactive for two (2) years and the
20 depositor cannot be located, an association shall transfer the balance of
21 such account to the Treasurer of Guam for the account of the depositor.

22 (c) In transferring the balance of any account to the Treasurer of
23 Guam as provided in Subsections (a) and (b) of this Section:

1 (1) An association shall first send written notice to the
2 depositor at the depositor's last known address informing the
3 depositor that the depositor's account is subject to this Section if:

4 (i) an association has in its records an address for
5 the depositor which the association's records do not disclose
6 to be inaccurate; and

7 (ii) the account contains Twenty-five Dollars
8 (\$25.00) or more.

9 (2) The notification required in Subsection (c)(1) of this
10 Section shall be performed before October 1 of each year for
11 accounts that are inactive as of June 30 of the next preceding year.

12 (3) On November 1 and on December 1, an association
13 shall publish a notice of inactive accounts in a newspaper of
14 general circulation. The published notice shall be entitled, "Notice
15 of Inactive Accounts," and shall contain:

16 (i) the names, in alphabetical order, and last known
17 address, if any, of depositors of inactive accounts; and

18 (ii) a statement that such funds shall be transferred to
19 the Treasurer of Guam during the month of January of the
20 following year.

21 (4) During the month of January of the year immediately
22 following the publication required by Subsection (c)(3) of this
23 Section, an association shall transfer to the Treasurer of Guam all
24 balances of accounts as provided in Subsections (a) and (b) of this
25 Section.

1 (d) In the event an association holds unidentified deposits or
2 other fund for three (3) years, the owner of which cannot be determined
3 by the association, the association shall transfer the balance of such
4 account to the Treasurer of Guam for the account of the depositor, in the
5 event such depositor is determined at a later date.

6 (e) In the event an association holds unidentified loan payments
7 for three (3) years, the association shall transfer the balances of such
8 accounts to the Treasurer of Guam for the account of the payor, in the
9 event such payor is later determined.

10 (f) Prior to transferring funds to the Treasurer of Guam
11 pursuant to the provisions of this Section, the transferring association
12 may deduct all reasonable sums or costs due the association, including
13 cost of publication or other notice required by this Section. Receipt by
14 the Treasurer of Guam for such deposits shall be a full discharge to the
15 transferring association of all liabilities to the depositor or owner of
16 such funds.

17 (g) The Treasurer of Guam upon receiving sums of money
18 pursuant to this Section shall furnish the transferring association with a
19 receipt for such sums transferred, and shall deposit such sums in the
20 General Fund of the government of Guam.

21 (h) The Treasurer of Guam shall maintain accurate records of
22 such sums in accordance with regulations adopted by the Board. Such
23 sums may be claimed at any time by the rightful owner or owners of
24 such sums upon furnishing proof satisfactory to the Treasurer of Guam
25 of their right to such funds. Funds deposited with the Treasurer of

1 Guam pursuant to this Section shall not accrue interest. The Treasurer
2 of Guam shall not be liable for damages or penalties for any payment to
3 a claimant of funds deposited pursuant to this Section.

4 (i) The Board may adopt such rules and regulations as may be
5 necessary to implement the provisions of this Section.

6 (j) All funds transferred to the Treasurer of Guam pursuant to
7 the provisions of this Section escheat to the Territory of Guam one (1)
8 year subsequent to the date of such transfer.

9 (k) All funds transferred to the Treasurer of Guam pursuant to
10 the provisions of this Section shall be transferred during the month of
11 January for those accounts deemed inactive and dormant as of June 30
12 of the preceding year.

13 (l) The Treasurer of Guam shall directly deposit all balances of
14 accounts transferred pursuant to this Subsection to a custodial interest
15 bearing account separate and apart from the General Fund. No interest
16 shall be paid by the government of Guam to the depositor from the date
17 of transfer of the balance of account to the Treasurer of Guam.

18 (m) When an association transfers the balance of any account to
19 the Treasurer of Guam pursuant to this Section, the association shall
20 hold the government of Guam harmless for any liability incurred by the
21 association because of any handling of an account on the part of the
22 association. The government of Guam shall not be liable for any
23 transaction on an account made by any association, including transfer of
24 the balance of the account to the Treasurer of Guam pursuant to this
25 Section.

1 (n) There shall be no statute of limitations as to claiming
2 dormant accounts. All claims against the government of Guam for
3 balances of accounts which have been transferred as inactive or
4 dormant accounts to the government of Guam by any association must
5 be initiated by a claim against the government of Guam under the
6 Claims Act, within one (1) year of the date of transfer."

PL 24-72

Committee on Health and Human Services
24th Guam Legislature

155 Hesler Street
Agana, Guam 96910
Tel: (671) 472-3581 * Fax: (671) 472-3582

March 24, 1998

Honorable Antonio R. Unpingco
Speaker
Twenty Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairperson, Committee on Rules, Government Reform, and Federal Affairs

Dear Mr. Speaker:

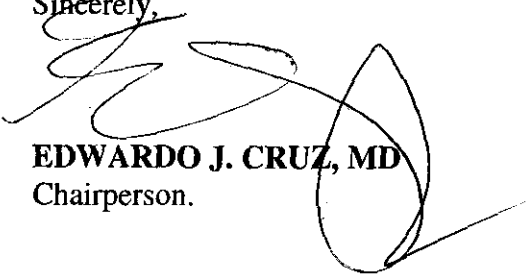
The Committee on Health and Human Services, to which was referred Bill No. 72, "AN ACT TO REPEAL AND REENACT §§2415, ARTICLE 4, CHAPTER 2 AND 3322, ARTICLE 3, CHAPTER 3, BOTH OF DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CHILDREN'S CERTIFICATE OF HEALTH AND VACCINATION AND IMMUNIZATION," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass as substituted.

The Committee votes are as follows:

8 To Pass
 Not to Pass
 Abstain
 Inactive File

A copy of the Committee Report and other pertinent documents are enclosed for your immediate reference and information.

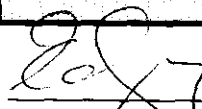
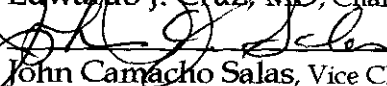
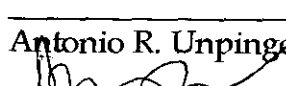
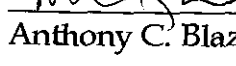

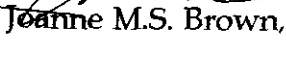
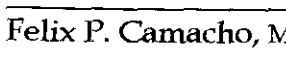
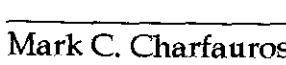
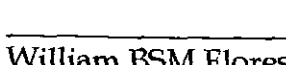
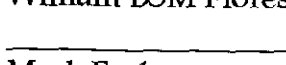
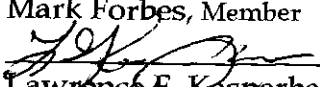
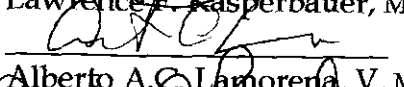
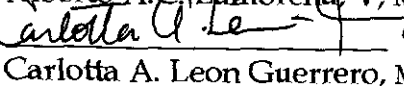
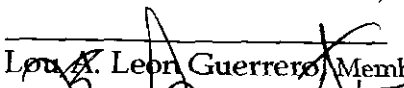

Sincerely,


EDUARDO J. CRUZ, MD
Chairperson.

Enclosure:

Committee Health and Human Services
Vote Sheet on
Substitute Bill No. 72

AN ACT TO REPEAL AND REENACT §§2415, ARTICLE 4, CHAPTER 2 AND 3322, ARTICLE 3, CHAPTER 3, BOTH OF DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CHILDREN'S CERTIFICATE OF HEALTH AND VACCINATION AND IMMUNIZATION.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Edwardo J. Cruz, MD, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 John Camacho Salas, Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Antonio R. Unpingco, Speaker & Ex-Officio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Anthony C. Blaz, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Elizabeth Barrett-Anderson, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joanne M.S. Brown, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Felix P. Camacho, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark C. Charfauros, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 William BSM Flores, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark Forbes, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lawrence E. Kasperbauer, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Alberto A. Lamorena, V, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Carlotta A. Leon Guerrero, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lou A. Leon Guerrero, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Francis E. Santos, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Committee on Health and Human Services
Report on
Substitute Bill No. 72

AN ACT TO REPEAL AND REENACT §§2415, ARTICLE 4, CHAPTER 2 AND 3322, ARTICLE 3, CHAPTER 3, BOTH OF DIVISION I OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CHILDREN'S CERTIFICATE OF HEALTH AND VACCINATION AND IMMUNIZATION.

Introduced by
Senator L. Leon Guerrero

PUBLIC HEARING:

The Committee on Health and Human Services conducted a public hearing on Tuesday, February 25, 1997 at 9:00 a.m. to hear testimonies on Bill No. 72, "AN ACT TO REPEAL AND REENACT §§2415, ARTICLE 4, CHAPTER 2 AND 3322, ARTICLE 3, CHAPTER 3, BOTH OF DIVISION I OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CHILDREN'S CERTIFICATE OF HEALTH AND VACCINATION AND IMMUNIZATION," The public hearing was held in the Guam Legislature Public Hearing Room.

MEMBERS PRESENT:

The hearing was called to order by the Chairperson of the Committee on Health and Human Services, Senator Edwardo J. Cruz. Committee members present were: John Camacho Salas, Vice Chairperson, Lou. A. Leon Guerrero, Francis E. Santos, Felix P. Camacho, Carlotta Leon Guerrero, William B.S.M. Flores, Elizabeth Barrett-Anderson, Lawrence F. Kasperbauer and Alberto C. Lamorena, V. Also in attendance were: Frank B. Aguon Jr. and Vicente C. Pangelinan.

TESTIMONY:

Mr. Ronald Balajadia, Immunization Supervisor, Bureau of Communicable Disease Control, Department of Public Health and Social Services, presented testimony on behalf of the Director and the Department. Additional testimonies were also received by the Committee after the scheduled hearing.

FINDINGS:

The Committee finds that:

- Guam's current statute currently provides no child shall be admitted to any child care facility without a certificate of health signed by a qualified physician indicating the child is free from any communicable disease, and has current inoculations or vaccinations against the following contagious diseases:
 - (a) Smallpox;
 - (b) Diphtheria, pertussis and tetanus;
 - (c) Typhoid fever;
 - (d) Poliomyelitis.
- No student shall be permitted to attend any public or private school, college, or university within Guam unless evidence is presented to the enrolling officer of such school, college or university that the student has had all required vaccinations or immunizations.
- Required vaccinations and immunizations include but are not limited to Diphtheria, Pertussis, Tetanus, Polio, Measles (Rubella), Mumps and Rubella (German Measles) or against any other communicable disease as the Director shall, by regulation, require, except that exemption may be granted to a student in a case when the vaccination or immunization would be against his or her religious beliefs, or upon certification by a parent or guardian of a student who is a minor that such vaccination or immunization would be against their religious belief, or to a student who has been certified by a licensed medical doctor that said student should be exempt from this section where medical contraindication to his or her receiving a specific vaccine exists.
- The Director may require vaccination and immunization of any person or persons suspected as carriers of a communicable disease upon entering or leaving Guam which the Director believes may present a risk to the public health of Guam. The Director, in case of an epidemic or to control a possible epidemic of a communicable disease, may direct that the general population be vaccinated and immunized against said disease. A child may not be enrolled in kindergarten or first grade unless that child has been administered the measles, mumps, and rubella (MMR) vaccine twice or that child is exempt on religious grounds or that the administration to such child is medically contraindicated.
- Concerns expressed that Bill No. 72 proposes to inundate privately operated child care facility(s) with tremendous amount of paper work documenting the present vaccine requirements. It might, in some cases, require child care facility(s) to employ the services of a full time nurse like the public school

system to track the forms to be prescribed by and received from the Department of Public Health and Social Services.

RECOMMENDATION:

The Committee, having reviewed the testimonies presented at the public hearing, does hereby recommend to the Legislature the following: that Bill No. 72, "AN ACT TO REPEAL AND REENACT §§2415, ARTICLE 4, CHAPTER 2 AND 3322, ARTICLE 3, CHAPTER 3, BOTH OF DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO CHILDREN'S CERTIFICATE OF HEALTH AND VACCINATION AND IMMUNIZATION," be passed as substituted.

Title 10, Guam Code Annotated
Part 1, Division 1, Chapter 2, Article 4.

Current through P.L. 23-35 (1995)

§2415. Children's Certificate of Health.

No child shall be admitted to any child care facility without a certificate of health signed by a qualified physician indicating the child is free from any communicable disease, and has current inoculations or vaccinations against the following contagious diseases:

- (a) Smallpox;
- (b) Diphtheria, pertussis and tetanus;
- (c) Typhoid fever;
- (d) Poliomyelitis.

Title 10, Guam Code Annotated
Part 1, Division 1, Chapter 3, Article 3.

§3322. Vaccination and immunization.

No student shall be permitted to attend any public or private school, college, or university within Guam unless evidence is presented to the enrolling officer of such school, college or university that the student has had all required vaccinations or immunizations. Required vaccinations and immunizations include but are not limited to Diphtheria, Pertussis, Tetanus, Polio, Measles (Rubeola), Mumps and Rubella (German Measles) or against any other communicable disease as the Director shall, by regulation, require, except that exemption may be granted to a student in a case when the vaccination or immunization would be against his or her religious beliefs, or upon certification by a parent or guardian of a student who is a minor that such vaccination or immunization would be against their religious belief, or to a student who has been certified by a licensed medical doctor that said student should be exempt from this section where medical contraindication to his or her receiving a specific vaccine exists. The Director may require

vaccination and immunization of any person or persons suspected as carriers of a communicable disease upon entering or leaving Guam which the Director believes may present a risk to the public health of Guam. The Director, in case of an epidemic or to control a possible epidemic of a communicable disease, may direct that the general population be vaccinated and immunized against said disease. A child may not be enrolled in kindergarten or first grade unless that child has been administered the measles, mumps, and rubella (MMR) vaccine twice or that child is exempt on religious grounds or that the administration to such child is medically contraindicated.

Title 10, Guam Code Annotated
Part 1, Division 1, Chapter 3, Article 3.

§ 3301. Definitions.

As used in this article:

(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) 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 under such conditions as will prevent the transmission of the causative agent; and

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

<<CHAPTER 3. PUBLIC HEALTH AND SOCIAL SERVICES>>

<<AUTHORITY AND SOURCE>>

NOTE: The former Chapter 3 was repealed by P.L. 22-130:1 and a new Chapter 3 was added by P.L. 22-130:2.



*Rec'd
Com Health
2/25/99/mss*

GOVERNMENT OF GUAM
AGANA, GUAM 96910

TESTIMONY ON BILL NO. 72

My name is Ronald Balajadia, Immunization Supervisor for the Bureau of Communicable Disease Control with the Department of Public Health and Social Services. I am here to present testimony on behalf of our Director, Mr. Dennis G. Rodriguez and the Department.

The Department supports the intention of Bill 72 which would allow any changes to be made in the recommended immunizations by the Advisory Committee on Immunization Practices (ACIP) and the American Academy of Pediatrics (AAP).

There are several recommendations that we are submitting for your consideration for incorporation into this bill.

On Section 2415 of Title 10, Chapter 2, Article 2 Guam Code annotated, we have a concern with the language "free from any communicable disease." We would like to recommend to the committee to clarify this portion or to come up with a definition for "communicable disease." Our concern stems from those children who may be HIV+, Hepatitis B or other diseases. Should these children be excluded from a child care facility? Should there be language added for exclusion of certain communicable diseases due to the routes of transmission?

In section 2415, there are two topics which are being discussed. They are talking about 1) certification of clearance of communicable disease, and 2) having current immunization shots. By deleting "and has current inoculations or vaccinations against the following contagious diseases:" and adding "as the Director of Public Health and Social Services shall, ..." the two topics are being made into one subject which does not flow. There needs to be a separation of the two topic areas.

We would also like to include "Immunization recommendations of the Advisory Committee on Immunization Practices (ACIP) of the United States Department of Health and Human Services and the American Academy of Pediatrics (AAP); provided that in the event that the recommendations of the ACIP and the AAP differ, the Department of Public Health and Social Services shall determine which recommendations shall apply." The reason is to identify the groups involved in determining the Immunization schedule.

We agree in the deletion of the listed diseases.



Commonwealth Now!

Concerning P.L. 22-130 Section 3322, we would again like to include the language "Immunization recommendations of the Advisory Committee on Immunization Practices ..." where new language has been added into the law.

We again agree with the deletion of listed immunizations since immunization schedules change frequently.

We would like to thank you for your time in hearing our concerns and recommendations and if you have any questions or need clarification, please do not hesitate in contacting us. Thank you again for the opportunity to present testimony on Bill 72 and we respectfully request that this Committee recommend passage of this to the Legislature.

MACK N. EZZELL

Management Consultant

PO Box 21863

MPO GUAM, GU 96921

TELEPHONE 671-632-1208

FACSIMILE 671-632-1209

E-MAIL mack@kuentos.guam.net

Date: February 25, 1997

Senator Edwardo J. Cruz, M.D.
Chairperson, Committee on Health & Human Services
Twenty-Fourth Guam Legislature

Subject: Testimony on Bill 72
Children's Certificate of Health
Vaccination & Immunization (Poliomyelitis)

Dear Senator Cruz:

In 1955 I contracted Poliomyelitis in Hawaii as the vaccine was being distributed throughout the United States. I spent nine months in the hospital and the rest of my life trying to recover. I strongly support immunizations against communicable diseases.

I joined the Rotary Club of Northern Guam in part because it has adopted the goal, in conjunction with the World Health Organization, of eliminating Poliomyelitis from the world by 2005. Small pox has been exterminated throughout the world through the aggressive use of vaccination. Wild Poliomyelitis has been eliminated throughout North & South America and in most other countries. However, it still exists in China, India and a few other countries. Because of air travel a person can catch poliomyelitis one day and be in Guam the next and still not show symptoms for ten days to two weeks meanwhile spreading the disease to any non-immunized person contacted. In Europe and some other areas the main reservoir of wild Poliomyelitis is in religious communities who do not believe in vaccination.

I am a person who deeply believes in God and hesitates to force someone to do something in contradiction to their beliefs; however, I consider the greater public welfare to be worth overriding their objections and mandating that all children be vaccinated (I certainly wish I had been).

Perhaps a public health professional can confirm this but my understanding is that more people have been saved from death and disease by immunizations, vector control, and improved sanitation than by all other factors (doctors, hospitals, operations, medical procedures, etc.) combined.

I do encourage the extension of greater power to the Director of the Department of Public Health and Social Services (DPHSS), my friend Dennis Rodriguez, and the Advisory Committee on

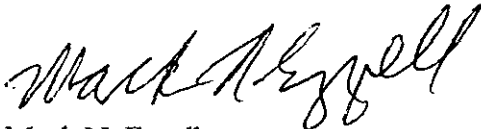
mezz/rs

Immunization Practice (ACIP) to take immediate action to immunize the general population against a new or resurgent disease. However, I feel that after the emergency is dealt with, that the Administrative Adjudication Act with its public hearings should be made mandatory, so both the general body of health professionals and the public can have input into these critical matters.

To summarize:

- 1 I do not support dropping the immunization requirement from the law (except for small pox which is extinct in the wild) and making them discretionary on the part of the DPHSS Director and the ACIP.
- 2 I support giving the DPHSS Director and the ACIP greater power to take immediate action.
- 3 I support making the Administrative Adjudication Act requirements mandatory in regards to extension of immunization requirements to additional types of diseases.
- 4 I do not support religious exemptions to immunization requirements.

Thank you and your dedicated colleagues for your hard work in presenting this Bill.



Mack N. Ezzell

Pacific Life Chiropractic
761 S. Marine Drive, Ste. A5-B
Cen-Tam Bldg.
Tamuning, GU 96911
649-9355

Robert W. Gregory, D.C.

Barbara Onedera-Gregory, D.C.

Senator Ed Cruz, M.D.
Chairperson, Committee on Health and Human Services
Twenty-Fourth Guam Legislature
297-C W. O'Brien Drive Agana, GU 96910.

Dear Senator Cruz:

I would like voice my support in favor of Bill 72 which amends Section 2415 of Title 10 Chapter 2, Article 4 of the Guam Code annotated and P.L. 22-130 Section 3322. The current code does not provide exemptions for religious or medical reasons of children of child care facility age. The current law does however, provide these exemptions for children of the ages from kindergarten and up. Therefore, the current law was protecting the rights of children from kindergarten age and up, and disregarding the rights of the children of child care age. I'm sure this was just an oversight on the part of the lawmakers who originally passed this law, but Bill 72 would amend this oversight correctly.

The current code is also outdated because it requires children in a child care facility to be immunized against diseases that have been eradicate or are no longer a threat to the island (Small pox and Typhoid fever). Bill 72 would change this by empowering the appropriate authorities to advise the appropriate vaccines at the correct times.

It is my position that our elected officials, which includes you as the Chairperson of the Committee on Health & Human Services, support the United States Constitution, and should have no problem with passing this amendment. If you have any questions, please do not hesitate to call me at my office or home.

Thank you for your time.



Robert W. Gregory, D.C.

**Pacific Life Chiropractic
761 S. Marine Drive, Ste. A5-B
Cen-Tam Bldg.
Tamuning, GU 96911
649-9355**

Robert W. Gregory, D.C.

Barbara Onedera-Gregory, D.C.

February 28, 1997

Senator Edwardo J. Cruz, M.D.
Chairperson, Committee on Health and Human Services
Twenty-Fourth Guam Legislature
297-C W. O'Brien Drive
Agana, GU 96910

Dear Senator Cruz:

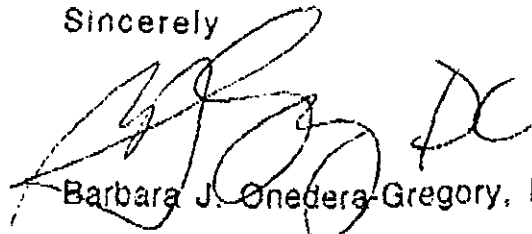
I would like to voice my support in favor of Bill 72 which amends Section 2415 of Title 10 Chapter 2, Article 4 of the Guam Code annotated and P.L. 22-130 Section 3322. The current code is outdated and requires children enrolled in a child care facility to be immunized against diseases that have been eradicated or are no longer a threat to the island (ie. Small pox and Typhoid fever). This code also does not provide exemptions for religious beliefs or medical reasons.

Bill 72 updates the immunization requirements and also provides for religious or medical exemptions. I strongly feel that these exemptions are necessary. First of all, a religious exemption is necessary because this exemption would allow for freedom of religious beliefs which is guaranteed by the Constitution of The United States of America. Secondly, a medical exemption is necessary in order to minimize damage to the child who has already had an adverse reaction to an inoculation.

We want to protect the health of our most valued possessions, our children, and we also want protection of our rights guaranteed by the Constitution.

Thank you for your time and we greatly appreciate your help.

Sincerely



Barbara J. Onedera-Gregory, D.C.

*file in 2/25/97
Public Hearing
Testimony*

THE CHILD CENTER, 136 Mamis St, Tumon Heights, Guam 96911
649 6505 646 1183

March 5, 1997

Senator Edwardo J. Cruz, MD.,
Chairperson, Committee on Health and Human Services
Twenty Fourth Guam Legislature

RECEIVED
24TH GUAM LEGISLATURE
COM. HEALTH & HUMAN SVCS.
DATE 3/10 By 77

Dear Senator Cruz,

RE: TESTIMONY ON BILL #72

On retiring from the Department of Education in June of 1995, I opened and direct, The Child Center, a twenty-four hour facility located in Tumon Heights. I am using this opportunity to express concerns, recommendations and support of various sections contained in Bill #72.

I am concerned that If the present list of vaccinations is deleted and required vaccinations left to the discretion of the Director of Public Health (whose listings could arbitrarily change at any time), I foresee record keeping activity becoming a full time position in the school setting, child care facilities and other institutions to the neglect of their primary function, which is the development and care of the child.

There is already a tremendous amount of paper work documenting the present vaccination requirements. In our public schools, the Government of Guam funds the employment of nurses who are already overburdened with paperwork to the exclusion of their primary duties. Let me remind the listener here that the nurse receives an expensive education certifying her as a practitioner not as a record keeping clerk.

The private sector faces a similar situation with the added burden of hiring a person for an unproductive position. Child centers operate on a small profit margin and the maintenance of such a position is an additional expense making costs exorbitant to the point, in the near future, of closing down the centers.

I recommend that vaccinations remain listed within the law and or it should be the Department of Public Health's responsibility to review the records and determine whether student's have met the criteria or not. We should receive a clearance form from Public Health to admit a student.

*MS 3/11/97
per 3/10/97*

They would also provide the notification to parents, child care directors and schools of vaccinations due. I would willingly assist in setting up the process.

Parents would receive a verification certificate with a public health stamp with the due date for the next vaccination. A small fee could be charged by Public Health for those eligible to pay.

I support exempting from vaccination children whose parent's or guardian's object for either religious or medical contraindication reasons.

I recommend defining 'communicable diseases.' My concern is for a child who may be HIV+ or children with other communicable diseases. Will they be denied enrollment in a child care facility?

If this law succeeds in deleting the required immunizations from the law I believe at the very least the public should have the opportunity to comment through the administrative adjudication act system when new schedules of immunizations are proposed.

I am glad to have this opportunity to present this important point of view. Child care directors should be freed from the burden of repetitive paper work so they can devote their energies, in the context of their training, to the development of programs which will benefit the nurturing, growth and care of the children of Guam, our Island's most precious resource.

A handwritten signature in black ink, reading "Gillian Hardman", with a long horizontal flourish extending to the right.

GILLIAN HARDMAN
DIRECTOR
THE CHILD CENTER

Committee on Health and Human Services

Public Hearing
February 25, 1997
9:00 am to 12:00 noon

Agenda

Bill No. 21 by Senator Felix Camacho, AN ACT TO REPEAL AND RE-ENACT SECTION 2303, ARTICLE 3, CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED, TO REQUIRE THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DIRECTOR TO PROVIDE FREE DENTAL CARE FOR ECONOMICALLY INDIGENT CHILDREN UNDER THE AGE OF SIXTEEN

Bill No. 72 by Sen. Lou Leon Guerrero, AN ACT TO AMEND SECTION 2415 SECTION 10 CHAPTER 2 ARTICLE 4, OF THE GUAM CODE ANNOTATED; AND P. L. 22-130 SECTION 3322.

Bill No. 127 by Sen. Edwardo J. Cruz, M.D. , AN ACT TO ADD A NEW SECTION (D) TO CHAPTER 4 ARTICLE 3 §4302 REQUIRING ALL HEALTH INSURANCE COMPANIES PROVIDING SERVICES TO GOVERNMENT OF GUAM EMPLOYEES TO HAVE CONTRACTS WITH ALL GOVERNMENT ENTITIES PROVIDING MEDICAL SERVICES TO THEIR SUBSCRIBERS.

Bill No. 137 by Sen. Edwardo J. Cruz, M.D. , AN ACT TO AUTHORIZE GUAM MEMORIAL HOSPITAL AUTHORITY TO SET ROOM RATE ADJUSTMENTS THROUGH THE ADMINISTRATIVE ADJUDICATION LAW.

Bill No. 138 by Sen. Edwardo J. Cruz, M.D. , AN ACT TO ADD A NEW SECTION (H) TO CHAPTER 4 GCA ARTICLE 3 §4302 TO INCLUDE ALL GOVERNMENT OF GUAM RETIREES THE OPTION OF HEALTH INSURANCE COVERAGE.

Office of
Senator Edwardo J. Cruz, M. D.
Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208

Memorandum

To: Elena Scragg
Mental Health

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

Date: February 19, 1997

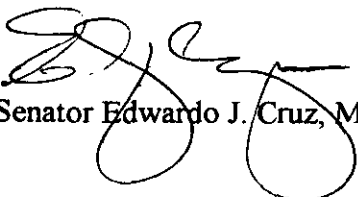
Subject: Public Hearing on February 25, 1997

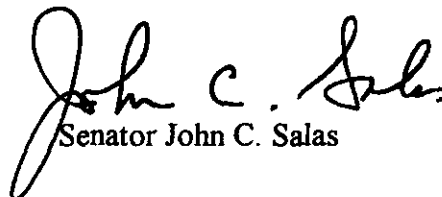
The committee on Health and Human Services is scheduled to conduct a Public Hearing on Tuesday February 25, 1997 at the Public Hearing Room from 9:00 am to 12:00 noon. The Agenda and copies of the Bills to be heard are enclosed for your review and information.

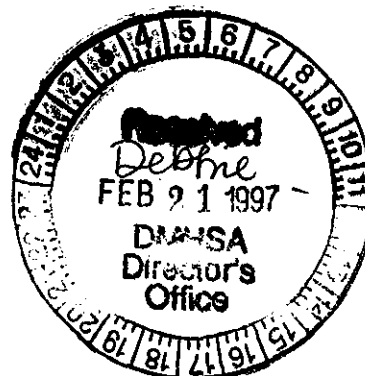
Each Agency Director/Administrator and/or their respective representative(s) are encouraged to participate and discuss the bill that may have impact on their agency.

We consider your testimony, either written or oral, to be invaluable in this process.

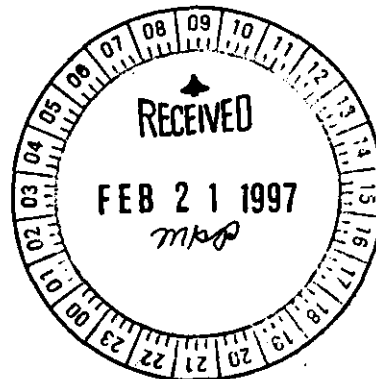
Thank You,


Senator Edwardo J. Cruz, M. D.


Senator John C. Salas



Office of
Senator Edwardo J. Cruz, M. D.
Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208



Memorandum

To: Tyrone Taitano
Guam Memorial Hospital

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

Date: February 19, 1997

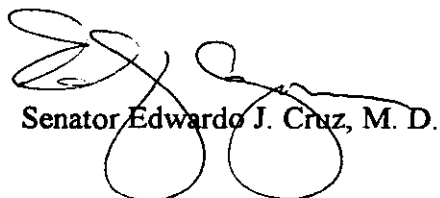
Subject: Public Hearing on February 25, 1997

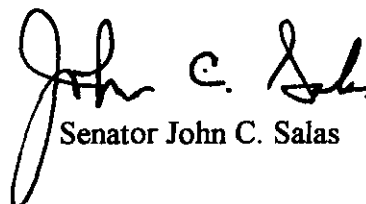
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Thank You,


Senator Edwardo J. Cruz, M. D.


Senator John C. Salas

attn: Dan Astorja
Fax: 477-7100

received

2/21/97

Office of
Senator Edwardo J. Cruz, M. D.
Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208

Memorandum

To: John S. Salas
Department of Administration

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

Date: February 19, 1997

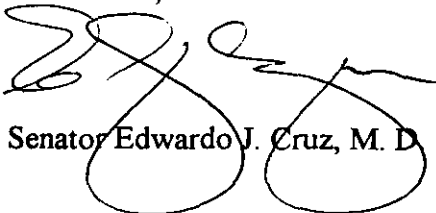
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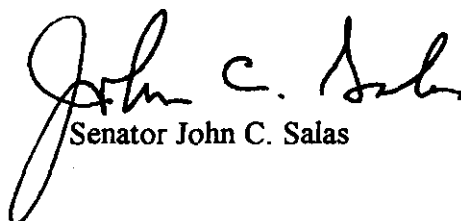
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Thank You,


Senator Edwardo J. Cruz, M. D.


Senator John C. Salas

Office of
Senator Eduardo J. Cruz, M. D.
Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208

Memorandum

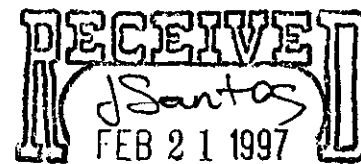
To: FHP Calvo Life & Health Division
GMHP
StayWell
Mulit-Cover

Attention: Director of Communications

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

Date: February 19, 1997

Subject: Public Hearing on February 25, 1997



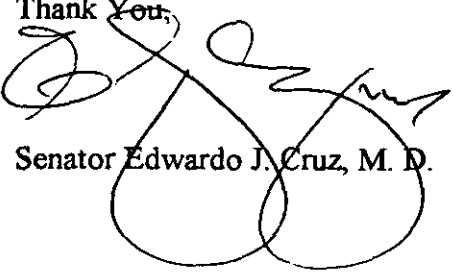
Calvo's Insurance
Underwriters, Inc.

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Senator Eduardo J. Cruz, M. D.


Senator John C. Salas

Office of
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Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208

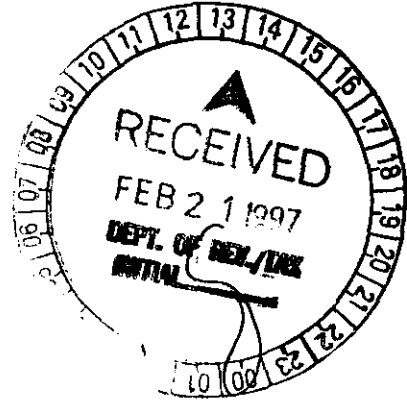
Memorandum

To: Joey Duenas
Revenue & Taxation

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

Date: February 19, 1997

Subject: Public Hearing on February 25, 1997

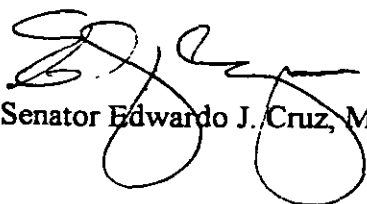


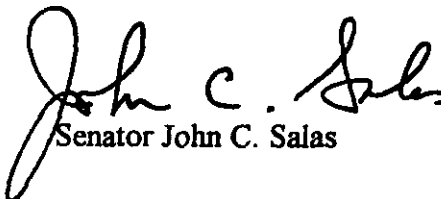
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Thank You,


Senator Edwardo J. Cruz, M. D.


Senator John C. Salas

Office of
Senator Edwardo J. Cruz, M. D.
Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208

*Rec'd
2/21/97
Agenda
Cruz*

Memorandum

To: Dennis Rodriguez, *Peter John Camacho*
Public Health & Social Services

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

Date: February 19, 1997

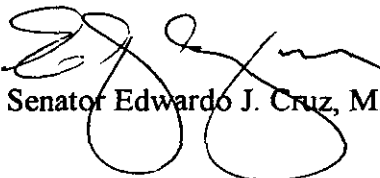
Subject: Public Hearing on February 25, 1997

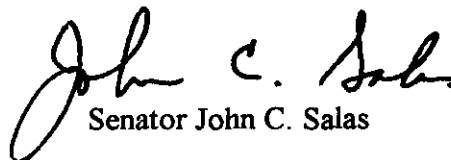
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Thank You,


Senator Edwardo J. Cruz, M. D.


Senator John C. Salas

hcs
OFFICE COPY

Office of
Senator Eduardo J. Cruz, M. D.
Chairperson
Committee on Health and Human Services
T.S. Tanaka Building
Tel: 472-3581 Fax: 477-1208

Memorandum

To: Members of the Committee on Health and Human Services
Ex-Officio Speaker Antonio R. Unpingco
Vice Speaker Anthony C. Blaz
Senator Elizabeth Barrett-Anderson Senator Joanne M. S. Brown
Senator Felix P. Camacho Senator William B.S.M. Flores
Senator Mark Forbes Senator Lawrence F. Kasperbauer
Senator Alberto A.C. Lamorena, V Senator Carlotta M. Leon Guerrero
Senator Lou A. Leon Guerrero Senator Francis E. Santos

From: Chairperson and Vice Chairperson
Committee on Health and Human Services

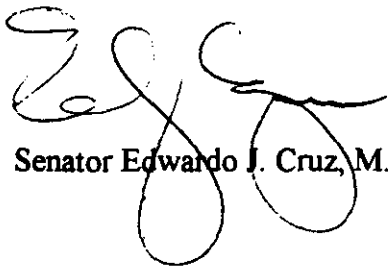
Date: February 19, 1997

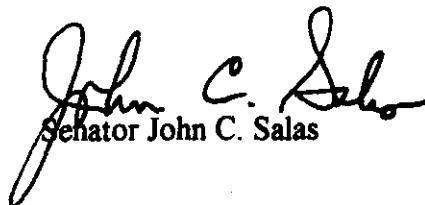
Subject: Public Hearing on February 25, 1997

The Committee on Health and Human Services is scheduled to conduct a Public Hearing on Tuesday, February 25, 1997 at The Public Hearing Room from 9:00 am to 12:00 noon. The Agenda and the Bills to be heard are enclosed for your review.

You are requested to be present at this hearing.

Thank You,


Senator Eduardo J. Cruz, M. D.


Senator John C. Salas

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 72
 Amendatory Bill: Yes

Date Received: 3/26/97
 Date Reviewed: 4/22/97

Department/Agency Affected: Public Health and Social Services
 Department/Agency Head: Dennis Rodriguez
 Total FY Appropriation to Date: \$74,620,483

Bill Title (preamble): AN ACT TO AMEND SECTION 2415 OF TITLE 10 CHAPTER 2 ARTICLE 4, OF THE GUAM CODE ANNOTATED; AND P.L. 22-130 SECTION 3322.

Change in Law: AMENDS SECTION 2415 OF TITLE 10, CHAPTER 2, ARTICLE 4, GCA.

Bill's Impact on Present Program Funding:

Increase _____ Decrease _____ Reallocation _____ No Change XX

Bill is for:

Operations _____ Capital Improvement _____ Other XX

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Public Health	See Comments		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	See	Comments				
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A -- IF NO, ADD'L AMOUNT REQUIRED \$
 AGENCY/PERSON/DATE CONTACTED: PHSS / Peter John Camacho / 4/22/97

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST Stephen Guerrero DATE 4/22/97 DIRECTOR James Gallegos DATE 4/22/97
Joseph E. Rivera, Acting

FOOTNOTES: Bill No. 37 is administrative in nature and has no fiscal impact on the General Fund.