

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
153-32 (COR), P.L. 32-098	Aline A. Yamashita, Ph.D., Dennis G. Rodriguez, Jr.	AN ACT RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND CHILDREN RELATIVE TO BREASTFEEDING TO BE KNOWN AS THE "NANA YAN PATGON ACT," BY ADDING A NEW CHAPTER 4B, DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; BY AMENDING SECTION 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; BY ADDING A NEW SECTION 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND, BY ADDING A NEW SECTION 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED.	07/16/13 2:42 p.m.	07/16/13	Committee on Education, Public Library and Women's Affairs	07/25/13 2:00 p.m.	10/28/13 10:43 a.m.	Fiscal Note Requested 07/24/13 Fiscal Note Received 11/22/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD A NEW CHAPTER 4B TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; TO AMEND § 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; TO ADD A NEW § 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW § 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND THEIR CHILDREN IN REGARDS TO BREASTFEEDING, AND TO BE KNOWN AS THE "NANA YAN PATGON ACT."	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-098	As amended by the Committee on Education, Public Library and Women's Affairs; and further amended on the Floor.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

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

32-13-1015
Office of the Speaker
Judith T. Won Pat, Ed.D.
Date 11-29-13
Time 10:02am
Received by: [Signature]

2013 NOV 29 AM 11:10

Dear Madame Speaker:

Transmitted herewith is Bill No. 153-32 (COR) "AN ACT TO ADD A NEW CHAPTER 4B TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; TO AMEND §22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; TO ADD A NEW § 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW § 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND THEIR CHILDREN IN REGARDS TO BREASTFEEDING, AND TO BE KNOWN AS THE "NANA YAN PATGON ACT" I signed into law on November 27, 2013 as Public Law 32-098.

Senseramente,

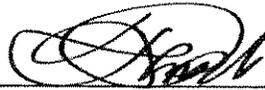
EDDIE BAZA CALVO



I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

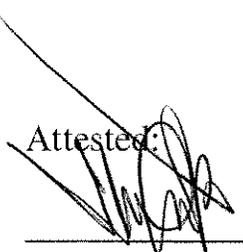
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 153-32 (COR)**, "AN ACT TO ADD A NEW CHAPTER 4B TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; TO AMEND § 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; TO ADD A NEW § 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW § 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND THEIR CHILDREN IN REGARDS TO BREASTFEEDING, AND TO BE KNOWN AS THE "NANA YAN PATGON ACT", was on the 12th day of November 2013, duly and regularly passed.

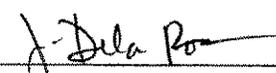


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 15th day of Nov,
2013, at 11:28 o'clock A.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: NOV 27 2013

Public Law No. 32-098

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 153-32 (COR)

As amended by the Committee on Education,
Public Library and Women's Affairs; and
further amended on the Floor.

Introduced by:

Aline A. Yamashita, Ph.D.

Dennis G. Rodriguez, Jr.

Judith T. Won Pat, Ed.D.

T. R. Muña Barnes

T. C. Ada

V. Anthony Ada

FRANK B. AGUON, JR.

B. J.F. Cruz

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

Vicente (ben) C. Pangelinan

R. J. Respicio

Michael F. Q. San Nicolas

AN ACT TO *ADD* A NEW CHAPTER 4B TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; TO *AMEND* § 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; TO *ADD* A NEW § 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND THEIR CHILDREN IN REGARDS TO BREASTFEEDING, AND TO BE KNOWN AS THE "NANA YAN PATGON ACT."

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

2 **Section 1.** A new Chapter 4B is hereby *added* to Division 1 of Title 19,

3 Guam Code Annotated, to read:

1 "CHAPTER 4B

2 NANA YAN PATGON ACT

3 § 4B101. Title.

4 § 4B102. Legislative Findings.

5 § 4B103. Purpose and Declaration of Policy.

6 § 4B104. Right to Breastfeed.

7 § 4B105. Breastfeeding-Prohibition Against Discrimination.

8 § 4B106. Nursing Mothers-Workplace Accommodations.

9 § 4B107. Nursing Rooms-Government of Guam.

10 § 4B108. Nursing Mothers-Educational Institutions
11 Accommodations.

12 § 4B109. Discrimination - Responsible Agencies.

13 § 4B110. Rules and Regulations.

14 § 4B111. Breastfeeding Promotion and Education-Department of
15 Public Health and Social Services.

16 § 4B112. Breastfeeding Promotion and Education-Guam Memorial
17 Hospital, Maternal Health Care Providers and Maternal
18 Health Care Facilities.

19 § 4B113. Effective Date.

20 § 4B101. **Title.** This Chapter *shall* be known, and may be cited, as
21 "*The Nana yan Patgon Act*" or "*The Mother and Child Act.*"

22 § 4B102. **Legislative Findings.**

23 *I Liheslaturan Guåhan* finds that throughout the United States, laws
24 have been enacted to ensure that women have the right to breastfeed children
25 in recognition of the health and economic benefits of breastfeeding.
26 Currently, Guam lacks any laws relative to breastfeeding to address potential
27 obstacles a woman may face when wanting to breastfeed a child.

1 *I Liheslatura* finds that the Patient Protection and Affordable Care Act
2 (Affordable Care Act) amended Section 7 of the Fair Labor Standards Act
3 (FLSA) to require employers to provide reasonable break time for an
4 employee to express breast milk for her nursing child for one year after the
5 child’s birth each time such employee has need to express the milk.
6 Employers are also required to provide a place, other than a bathroom, that is
7 shielded from view and free from intrusion from co-workers and the public,
8 which may be used by an employee to express breast milk.

9 *I Liheslatura* also finds that in 2011, Surgeon General of the United
10 States Regina M. Benjamin, MD, MBA, released the “*Call to Action to*
11 *Support Breastfeeding*” citing health benefits and outlining steps to be taken
12 to remove obstacles that women face when wanting to breastfeed their
13 children.

14 The Centers for Disease Control (CDC) Breastfeeding Report Card
15 for the U.S. in 2012, showed that breastfeeding increased from 74.6 percent
16 in the 2008 births to 76.9 percent in the 2009 births. However, the CDC also
17 reported that of the 2008 figure only 23.4 percent met the recommended
18 breastfeeding duration of twelve (12) months, and only 13 percent of infants
19 were exclusively breastfed at the end of six (6) months, which indicated that
20 women may need more support to continue breastfeeding.

21 Dr. Benjamin’s “Call to Action” identified ways that families,
22 communities, employers and health care professionals can improve
23 breastfeeding rates and increase support for breastfeeding.
24 Recommendations included communities expanding and improving
25 programs that provide mother-to-mother support and peer counseling;
26 healthcare systems ensuring that maternity care practices provide education
27 and counseling on breastfeeding; hospitals becoming more “baby-friendly,”

1 by taking steps like those recommended by the UNICEF/WHO's Baby-
2 Friendly Hospital Initiative; clinicians ensuring that they are trained to
3 properly care for nursing mothers and babies: the promotion of breastfeeding
4 to pregnant patients and ensuring that mothers receive the best advice on
5 how to breastfeed; employers working toward establishing paid maternity
6 leave and high-quality lactation support programs; employers expanding the
7 use of programs that allow nursing mothers to have their babies close by so
8 they can feed them during the day, providing women with break time and
9 private space to express breast milk; and families providing mothers the
10 support and encouragement they need to breastfeed.

11 *I Liheslatura* further finds that breastfeeding protects babies from
12 infections and illnesses that include diarrhea, ear infections, and pneumonia.
13 Breastfed babies are also less likely to develop asthma, and those who are
14 breastfed for six (6) months are less likely to become obese. Nursing
15 mothers also have a decreased risk of breast and ovarian cancers and
16 postpartum depression.

17 A study published in the journal *Pediatrics* estimated that the U.S.
18 would save \$13 billion dollars per year in healthcare and other costs if 90
19 percent of U.S. babies were exclusively breastfed for six (6) months. Dr.
20 Benjamin also added that, by providing accommodations for nursing
21 women, employers would be able to reduce their company's healthcare costs
22 and lower their absenteeism and turnover rates.

23 **§ 4B103. Purpose and Declaration of Policy.**

24 The purpose and policy of this Chapter is to ensure that women have a
25 right to breastfeed children or express breast milk in a safe and clean
26 environment or private designated area without the fear of social constraints,
27 discrimination, embarrassment, or even prosecution. It is nationally

1 recommended that babies from birth to *at least* one (1) year of age be
2 breastfed *unless* medically contraindicated, in order for babies to attain an
3 optimal healthy start in life. Breastfeeding can also be considered a low-cost
4 means of improving health for both mothers and babies, and education,
5 awareness, encouragement, promotion and acceptance of breastfeeding is
6 vital as it will provide maternal and infant health benefits and economic
7 benefits.

8 **§ 4B104. Right to Breastfeed.**

9 (a) Notwithstanding any other provision of the law, a woman
10 *may* breastfeed a baby or express breast milk in any location, public or
11 private, *except* the private home or residence of another, where the
12 woman is otherwise authorized to be.

13 (b) Breastfeeding a child or expressing breast milk as part of
14 breastfeeding *shall not* under any circumstance violate Article 2,
15 Chapter 28 of Title 9, Guam Code Annotated.

16 (c) No entity, public or private, in Guam shall enact a policy
17 that prohibits or restricts a woman breastfeeding a child or expressing
18 breast milk in a public or private location, *except* the private home or
19 residence of another, where the woman and child are otherwise
20 authorized to be.

21 (d) No person shall interfere with a woman breastfeeding a
22 child in any location, public or private, *except* the private home or
23 residence of another, where the woman and child is otherwise
24 authorized to be.

25 **§ 4B105. Breastfeeding – Prohibition Against Discrimination.**

26 It is a discriminatory practice to deny, or attempt to deny, the full and
27 equal enjoyment of the goods, services, facilities, privileges, advantages, and

1 accommodations of a place of public accommodations to a woman because
2 she is breastfeeding a child.

3 **§ 4B106. Nursing Mothers-Workplace Accommodations.**

4 For the purposes of this Section, *employer* means a person or entity
5 that employs one (1) or more employees.

6 (a) An employer must provide reasonable paid break time
7 each day to an employee who needs to express breast milk for an
8 infant child up to the age of two (2). The break time must, if possible,
9 run concurrently with any break time already provided to the
10 employee. An employer is required to provide reasonable break time
11 under this Chapter.

12 (b) An employer must make reasonable efforts to provide a
13 room or other location, in close proximity to the work area, other than
14 a toilet stall, where the employee can express her milk in privacy.

15 (c) An employer may *not* discriminate – meaning to restrict,
16 harass or penalize – against an employee who chooses to express
17 breast milk in the workplace.

18 **§ 4B107. Nursing Rooms-Government of Guam.**

19 The executive, legislative and judiciary branches, and all autonomous
20 and semiautonomous agencies, public corporations and other public
21 instrumentalities of the government of Guam, *shall* provide a safe and clean
22 room or private designated area, in close proximity to the work area, other
23 than a toilet stall, where a nursing mother, who is an employee of the
24 government of Guam, can express her milk in privacy.

25 Additionally, the A.B. Won Pat International Airport Authority, Guam
26 will identify an area, other than a restroom, within its facilities as a “Family
27 Room” where traveling families may nurse young children in privacy and

1 safety.

2 **§ 4B108. Nursing Mothers - Educational Institutions**
3 **Accommodations.**

4 For the purposes of this Section, *educational institution* means any
5 public school, university or college with enrolled students.

6 (a) Educational institutions must make reasonable efforts to
7 provide a safe and clean room or private designated area, other than a
8 toilet stall, where a nursing mother can express her milk in privacy.

9 (b) Educational institutions *shall not* discriminate – meaning
10 to restrict, harass or penalize – against a woman who chooses to
11 express breast milk.

12 **§ 4B109. Discrimination — Responsible Agencies.**

13 The Guam Department of Labor Director (GDOL) *shall* be
14 responsible for recording data and addressing allegations of discrimination
15 against nursing women in the workplace of both the government and non-
16 government of Guam entities, and to ensure that women are aware of
17 breastfeeding rights in statute. Information *may* be made available through
18 informational pamphlets and/or published on the Department's website. The
19 Department of Administration *shall* investigate allegations of workplace
20 discrimination and/or grievances by nursing women employed within the
21 executive branch of the government of Guam pursuant to Chapter 4 of Title
22 4 of the Guam Code Annotated. The legislative and judicial branches and
23 all autonomous and semiautonomous agencies, public corporations and other
24 public instrumentalities of the government of Guam *shall* investigate
25 allegations of workplace discrimination and/or grievances by nursing
26 women employed within the respective entities pursuant to established rules
27 and regulations and procedures.

1 **§ 4B110. Rules and Regulations.**

2 If deemed necessary, the Directors of the Department of Labor and
3 Department of Administration *shall* promulgate joint rules and regulations,
4 pursuant to the provisions of the Administrative Adjudication Act,
5 governing the procedures whereby a person can make a claim of
6 discrimination and how the allegations will be processed and resolved.

7 The Department of Labor *shall* also coordinate with government of
8 Guam agency directors and private business employers' organizations in an
9 effort to ensure that informational/educational sessions are conducted with
10 employers and human resources managers and/or administrators to increase
11 awareness and education of breastfeeding rights and statutes.

12 **§ 4B111. Breastfeeding Promotion and Education-Department**
13 **of Public Health and Social Services.**

14 The Director of the Department of Public Health and Social Services
15 *shall* develop and implement a community-wide public education program
16 promoting breastfeeding and its benefits. The education campaign *shall*
17 include a component that strongly encourages pregnant women and mothers
18 of newborn infants who receive any form of public assistance from the
19 Department of Public Health and Social Services to attend prenatal
20 educational courses on the promotion and benefits of breastfeeding. The
21 Department of Public Health and Social Services *shall* coordinate with the
22 Guam Memorial Hospital to develop and implement prenatal educational
23 courses, in accordance with this Chapter. Breastfeeding information *shall* be
24 published in pamphlets for distribution at the Department of Public Health
25 and Social Services facilities and posted on the Department's website.
26 Additionally, the Department of Public Health and Social Services *shall*
27 distribute such information to maternal health care providers, maternal

1 health care facilities as described, *infra*, and to other entities upon request.

2 **§ 4B112. Breastfeeding Promotion and Education-Maternal**
3 **Health Care Providers and Maternal Health Care Facilities.**

4 For purposes of this Section, *maternal health care providers* means a
5 physician, midwife, or other authorized practitioner attending a pregnant
6 woman; and *maternal health care facility* includes hospitals and freestanding
7 birthing centers providing perinatal services. Every maternal health care
8 provider and maternal health care facility *shall*:

9 (a) provide pregnant women and new mothers, where
10 appropriate as determined by the attending physician, with
11 information on breastfeeding and the benefits to the child;

12 (b) provide pregnant women and new mothers, where
13 appropriate as determined by the attending physician, with
14 information on local breastfeeding support groups and Department of
15 Public Health and Social Services programs; and

16 (c) every licensed physician who provides obstetrical or
17 gynecological consultation *shall*, where appropriate as determined by
18 such physician, inform patients as to the prenatal preparation for and
19 postnatal benefits of breastfeeding a child.

20 **§ 4B113. Effective Date.**

21 This Act *shall* take effect ninety (90) days after its enactment.”

22 **Section 2.** §22107, Division 2, Chapter 22 of Title 7, Guam Code
23 Annotated, is hereby *amended* to read:

24 “§ 22107. **Exempt When.**

25 A person may claim exemption from service as a juror if he or she is:

26 (1) a member in the active service of the armed forces of the
27 United States;

1 (2) an elected official, or a judge, of the United States or the
2 Territory of Guam;

3 (3) an actively engaged member of the clergy;

4 (4) an actively practicing attorney, physician, dentist, or
5 registered nurse;

6 (5) a member of the Fire or Police Department, or an
7 employee of a government contractor engaged in providing internal
8 security or fire protection for such contractors;

9 (6) a person who has served as a juror, either in the Superior
10 Court or the United States District Court of Guam, within two (2)
11 years preceding the time of filling out the juror qualification form;

12 (7) over sixty-five years old; or

13 (8) any woman who is breastfeeding, but only if the child
14 receives nourishment exclusively from breastfeeding and the woman
15 is able to present a medical attestation from a physician, a Certified
16 Lactation Counselor (CLC), or an International Board Certified
17 Lactation Consultant (IBCLC) to such fact.”

18 **Section 3.** A new § 80.49.1 of Chapter 80, Article 2 of Title 9, Guam Code
19 Annotated, is *added* to read:

20 **“§ 80.49.1. Nursing Mothers-Accommodations.**

21 (a) The Director of the Department of Corrections must make
22 reasonable efforts to provide a breast pump and a sanitary room, other than a
23 toilet stall, or a private area where a nursing mother confined at the
24 Department of Corrections facilities can express her milk.

25 (b) A nursing mother confined at the Department of Corrections
26 facilities may be allowed to breastfeed her child in a sanitary room, other
27 than a toilet stall, or a private area as long as safeguards are in place, as

1 determined by the Director, to prevent her escape and as long as it is *not* a
2 threat to the infant's and the public's safety and welfare."

3 **Section 4.** A new §1036 is *added* to Chapter 10 of Title 1, Guam Code
4 Annotated, to read:

5 **"§ 1036. Breastfeeding Awareness Month.**

6 (a) August of each year is hereby designated as "*Breastfeeding*
7 *Awareness Month*," to educate our community and promote the benefits of
8 breastfeeding to infants and mothers.

9 (b) *I Maga'lahaen Guåhan* shall issue annually a proclamation
10 calling on all interested parties to hold activities on behalf of the practice of
11 breastfeeding and to develop ways to support collective awareness of such
12 activity."

13 **Section 5. Severability.** *If* any provision of this Law or its application to
14 any person or circumstances is found to be invalid or contrary to law, such
15 invalidity *shall not* affect other provisions or applications of this Law which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this Law are severable.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 22, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**

Subject: **Fiscal Notes & Waivers**

Hafa Adai!

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Si Yu'os Ma'ase'!

2013 NOV 22 PM 4:46

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

OCT 30 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 98-32(LS), 153-32(COR), 195-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 165-32(COR), 189-32(COR), and 193-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 153-32(COR)**

AN ACT RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND CHILDREN RELATIVE TO BREASTFEEDING TO BE KNOWN AS THE "NANA YAN PATGON ACT", BY ADDING A NEW CHAPTER 4B, DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; BY AMENDING SECTION 22107, DIVISION 2, CHAPER 22 OF TITLE 7, GUAM CODE ANNOTATED; BY ADDING A NEW SECTION 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND, BY ADDING A NEW SECTION 1036 TO CHAPER 10 OF TITLE 1, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Public Health & Social Services	Dept./Agency Head: James W. Gillan
Department's General Fund (GF) appropriation(s) to date:	53,618,080
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund, Environmental Health Fund, Sanitary Inspection Revolving Fund and Unappropriated Fund Balance of the Sanitary Inspection Revolving Fund	5,980,209
Total Department/Agency Appropriation(s) to date:	\$59,598,289

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment // Yes /x/ No
2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ /x/ N/A // Yes // No
3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies? // Yes /x/ No
Is there a federal mandate to establish the program/agency? // N/A // Yes // No
4. Will the enactment of this Bill require new physical facilities? // Yes /x/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
// Requested agency comments not received by due date /x/ Yes // No
// Other: // Other:

Analyst: Orilda Guerrero Date: 10/26/13 Director: John A. Rios Date: OCT 30 2013

Footnotes:
1/ See attached comments.

Comments to Bill No. 153-32(COR)

The proposed legislation is an act to add a new Chapter to be known as the "*Nana yan Patgon Act*" or the "Mother and Child Act". Per the Bill, *I Liheslatura Guahan* finds that there are laws in effect in the United States that ensure women have the right to breastfeed children due to its health and economic benefits of breastfeeding. The breastmilk provides all the nutrients the baby needs for growth and development, it contains antibodies which can help the baby's immune system and it assists the emotional well-being of both mother and baby. However, Guam lacks laws relative to allowing a woman to breastfeed in any location, public or private, where the woman is otherwise authorized to be and without fear of social constraints, discrimination, embarrassment or even prosecution.

Per information received from the Department of Public Health & Social Services (DPHSS), currently the Guam Women, Infants and Children (WIC) Program already provides client education which promotes breastfeeding via classes and one-to-one breastfeeding assistance in its Breastfeeding Peer Counselors Program. Although the proposed law facilitates access for infants to be breastfed in public, at the workplace and in various types of penal or confinement facilities, DPHSS provided in their testimony however, their concern on Lines 7 to 10 of Page 8, Section 4B110 which states, "The education campaign *shall* include a component that requires mothers of newborn infants who receive any form of public assistance from the Department of Public Health & Social Services to undergo prenatal educational courses on the promotion and benefits of breastfeeding." The federal regulation (7 CFR 246.7.c.1) specifically bases WIC participation criteria for its women, infant and child applicants *exclusively* on residency, income and nutritional risk. Therefore Guam statute cannot require any WIC client to undergo prenatal education as an additional condition for receiving WIC benefits and services and therefore recommends that this portion of the Bill be edited out of the legislation.

There are associated costs of furnishing a workplace room for breastfeeding moms which can range anywhere from \$500 to \$2,000. The nominal cost is usually a one-time expenditure other than costs involved with standard maintenance. Such costs for accommodations may include but is not limited to a private space which usually can be created out of little used areas within existing building space, a door that can be locked from the inside, electrical outlet, chair, small table, wastebasket, nearby sink with cold/hot water, sanitizer for spills, towel/soap dispensers, refrigerator storage for milk, breast pump attachments, milk collection containers and etc.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED BY
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

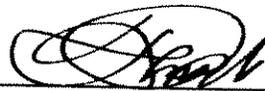
Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session**

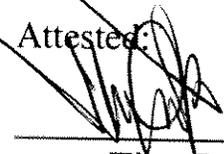
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 153-32 (COR)**, "AN ACT TO ADD A NEW CHAPTER 4B TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; TO AMEND § 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; TO ADD A NEW § 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW § 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND THEIR CHILDREN IN REGARDS TO BREASTFEEDING, AND TO BE KNOWN AS THE "NANA YAN PATGON ACT", was on the 12th day of November 2013, 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'lahaen Guåhan* this 15th day of Nov., 2013, at 11:28 o'clock A.M.



**Assistant Staff Officer
Maga'laha's Office**

APPROVED:

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

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 153-32 (COR)

As amended by the Committee on Education,
Public Library and Women's Affairs; and
further amended on the Floor.

Introduced by:

Aline A. Yamashita, Ph.D.
Dennis G. Rodriguez, Jr.
Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Lintiaco
Brant T. McCreddie
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas

AN ACT TO ADD A NEW CHAPTER 4B TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; TO AMEND § 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; TO ADD A NEW § 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD A NEW § 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND THEIR CHILDREN IN REGARDS TO BREASTFEEDING, AND TO BE KNOWN AS THE "NANA YAN PATGON ACT."

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

2 **Section 1.** A new Chapter 4B is hereby *added* to Division 1 of Title 19,

3 Guam Code Annotated, to read:

1 *I Liheslatura* finds that the Patient Protection and Affordable Care Act
2 (Affordable Care Act) amended Section 7 of the Fair Labor Standards Act
3 (FLSA) to require employers to provide reasonable break time for an
4 employee to express breast milk for her nursing child for one year after the
5 child’s birth each time such employee has need to express the milk.
6 Employers are also required to provide a place, other than a bathroom, that is
7 shielded from view and free from intrusion from co-workers and the public,
8 which may be used by an employee to express breast milk.

9 *I Liheslatura* also finds that in 2011, Surgeon General of the United
10 States Regina M. Benjamin, MD, MBA, released the “*Call to Action to*
11 *Support Breastfeeding*” citing health benefits and outlining steps to be taken
12 to remove obstacles that women face when wanting to breastfeed their
13 children.

14 The Centers for Disease Control (CDC) Breastfeeding Report Card
15 for the U.S. in 2012, showed that breastfeeding increased from 74.6 percent
16 in the 2008 births to 76.9 percent in the 2009 births. However, the CDC also
17 reported that of the 2008 figure only 23.4 percent met the recommended
18 breastfeeding duration of twelve (12) months, and only 13 percent of infants
19 were exclusively breastfed at the end of six (6) months, which indicated that
20 women may need more support to continue breastfeeding.

21 Dr. Benjamin’s “Call to Action” identified ways that families,
22 communities, employers and health care professionals can improve
23 breastfeeding rates and increase support for breastfeeding.
24 Recommendations included communities expanding and improving
25 programs that provide mother-to-mother support and peer counseling;
26 healthcare systems ensuring that maternity care practices provide education
27 and counseling on breastfeeding; hospitals becoming more “baby-friendly,”

1 by taking steps like those recommended by the UNICEF/WHO's Baby-
2 Friendly Hospital Initiative; clinicians ensuring that they are trained to
3 properly care for nursing mothers and babies: the promotion of breastfeeding
4 to pregnant patients and ensuring that mothers receive the best advice on
5 how to breastfeed; employers working toward establishing paid maternity
6 leave and high-quality lactation support programs; employers expanding the
7 use of programs that allow nursing mothers to have their babies close by so
8 they can feed them during the day, providing women with break time and
9 private space to express breast milk; and families providing mothers the
10 support and encouragement they need to breastfeed.

11 *I Liheslatura* further finds that breastfeeding protects babies from
12 infections and illnesses that include diarrhea, ear infections, and pneumonia.
13 Breastfed babies are also less likely to develop asthma, and those who are
14 breastfed for six (6) months are less likely to become obese. Nursing
15 mothers also have a decreased risk of breast and ovarian cancers and
16 postpartum depression.

17 A study published in the journal *Pediatrics* estimated that the U.S.
18 would save \$13 billion dollars per year in healthcare and other costs if 90
19 percent of U.S. babies were exclusively breastfed for six (6) months. Dr.
20 Benjamin also added that, by providing accommodations for nursing
21 women, employers would be able to reduce their company's healthcare costs
22 and lower their absenteeism and turnover rates.

23 **§ 4B103. Purpose and Declaration of Policy.**

24 The purpose and policy of this Chapter is to ensure that women have a
25 right to breastfeed children or express breast milk in a safe and clean
26 environment or private designated area without the fear of social constraints,
27 discrimination, embarrassment, or even prosecution. It is nationally

1 recommended that babies from birth to *at least* one (1) year of age be
2 breastfed *unless* medically contraindicated, in order for babies to attain an
3 optimal healthy start in life. Breastfeeding can also be considered a low-cost
4 means of improving health for both mothers and babies, and education,
5 awareness, encouragement, promotion and acceptance of breastfeeding is
6 vital as it will provide maternal and infant health benefits and economic
7 benefits.

8 **§ 4B104. Right to Breastfeed.**

9 (a) Notwithstanding any other provision of the law, a woman
10 *may* breastfeed a baby or express breast milk in any location, public or
11 private, *except* the private home or residence of another, where the
12 woman is otherwise authorized to be.

13 (b) Breastfeeding a child or expressing breast milk as part of
14 breastfeeding *shall not* under any circumstance violate Article 2,
15 Chapter 28 of Title 9, Guam Code Annotated.

16 (c) No entity, public or private, in Guam shall enact a policy
17 that prohibits or restricts a woman breastfeeding a child or expressing
18 breast milk in a public or private location, *except* the private home or
19 residence of another, where the woman and child are otherwise
20 authorized to be.

21 (d) No person shall interfere with a woman breastfeeding a
22 child in any location, public or private, *except* the private home or
23 residence of another, where the woman and child is otherwise
24 authorized to be.

25 **§ 4B105. Breastfeeding – Prohibition Against Discrimination.**

26 It is a discriminatory practice to deny, or attempt to deny, the full and
27 equal enjoyment of the goods, services, facilities, privileges, advantages, and

1 accommodations of a place of public accommodations to a woman because
2 she is breastfeeding a child.

3 **§ 4B106. Nursing Mothers-Workplace Accommodations.**

4 For the purposes of this Section, *employer* means a person or entity
5 that employs one (1) or more employees.

6 (a) An employer must provide reasonable paid break time
7 each day to an employee who needs to express breast milk for an
8 infant child up to the age of two (2). The break time must, if possible,
9 run concurrently with any break time already provided to the
10 employee. An employer is required to provide reasonable break time
11 under this Chapter.

12 (b) An employer must make reasonable efforts to provide a
13 room or other location, in close proximity to the work area, other than
14 a toilet stall, where the employee can express her milk in privacy.

15 (c) An employer may *not* discriminate – meaning to restrict,
16 harass or penalize – against an employee who chooses to express
17 breast milk in the workplace.

18 **§ 4B107. Nursing Rooms-Government of Guam.**

19 The executive, legislative and judiciary branches, and all autonomous
20 and semiautonomous agencies, public corporations and other public
21 instrumentalities of the government of Guam, *shall* provide a safe and clean
22 room or private designated area, in close proximity to the work area, other
23 than a toilet stall, where a nursing mother, who is an employee of the
24 government of Guam, can express her milk in privacy.

25 Additionally, the A.B. Won Pat International Airport Authority, Guam
26 will identify an area, other than a restroom, within its facilities as a “Family
27 Room” where traveling families may nurse young children in privacy and

1 safety.

2 **§ 4B108. Nursing Mothers - Educational Institutions**
3 **Accommodations.**

4 For the purposes of this Section, *educational institution* means any
5 public school, university or college with enrolled students.

6 (a) Educational institutions must make reasonable efforts to
7 provide a safe and clean room or-private designated area, other than a
8 toilet stall, where a nursing mother can express her milk in privacy.

9 (b) Educational institutions *shall not* discriminate – meaning
10 to restrict, harass or penalize – against a woman who chooses to
11 express breast milk.

12 **§ 4B109. Discrimination — Responsible Agencies.**

13 The Guam Department of Labor Director (GDOL) *shall* be
14 responsible for recording data and addressing allegations of discrimination
15 against nursing women in the workplace of both the government and non-
16 government of Guam entities, and to ensure that women are aware of
17 breastfeeding rights in statute. Information *may* be made available through
18 informational pamphlets and/or published on the Department’s website. The
19 Department of Administration *shall* investigate allegations of workplace
20 discrimination and/or grievances by nursing women employed within the
21 executive branch of the government of Guam pursuant to Chapter 4 of Title
22 4 of the Guam Code Annotated. The legislative and judicial branches and
23 all autonomous and semiautonomous agencies, public corporations and other
24 public instrumentalities of the government of Guam *shall* investigate
25 allegations of workplace discrimination and/or grievances by nursing
26 women employed within the respective entities pursuant to established rules
27 and regulations and procedures.

1 **§ 4B110. Rules and Regulations.**

2 If deemed necessary, the Directors of the Department of Labor and
3 Department of Administration *shall* promulgate joint rules and regulations,
4 pursuant to the provisions of the Administrative Adjudication Act,
5 governing the procedures whereby a person can make a claim of
6 discrimination and how the allegations will be processed and resolved.

7 The Department of Labor *shall* also coordinate with government of
8 Guam agency directors and private business employers' organizations in an
9 effort to ensure that informational/educational sessions are conducted with
10 employers and human resources managers and/or administrators to increase
11 awareness and education of breastfeeding rights and statutes.

12 **§ 4B111. Breastfeeding Promotion and Education-Department**
13 **of Public Health and Social Services.**

14 The Director of the Department of Public Health and Social Services
15 *shall* develop and implement a community-wide public education program
16 promoting breastfeeding and its benefits. The education campaign *shall*
17 include a component that strongly encourages pregnant women and mothers
18 of newborn infants who receive any form of public assistance from the
19 Department of Public Health and Social Services to attend prenatal
20 educational courses on the promotion and benefits of breastfeeding. The
21 Department of Public Health and Social Services *shall* coordinate with the
22 Guam Memorial Hospital to develop and implement prenatal educational
23 courses, in accordance with this Chapter. Breastfeeding information *shall* be
24 published in pamphlets for distribution at the Department of Public Health
25 and Social Services facilities and posted on the Department's website.
26 Additionally, the Department of Public Health and Social Services *shall*
27 distribute such information to maternal health care providers, maternal

1 health care facilities as described, *infra*, and to other entities upon request.

2 **§ 4B112. Breastfeeding Promotion and Education-Maternal**
3 **Health Care Providers and Maternal Health Care Facilities.**

4 For purposes of this Section, *maternal health care providers* means a
5 physician, midwife, or other authorized practitioner attending a pregnant
6 woman; and *maternal health care facility* includes hospitals and freestanding
7 birthing centers providing perinatal services. Every maternal health care
8 provider and maternal health care facility *shall*:

9 (a) provide pregnant women and new mothers, where
10 appropriate as determined by the attending physician, with
11 information on breastfeeding and the benefits to the child;

12 (b) provide pregnant women and new mothers, where
13 appropriate as determined by the attending physician, with
14 information on local breastfeeding support groups and Department of
15 Public Health and Social Services programs; and

16 (c) every licensed physician who provides obstetrical or
17 gynecological consultation *shall*, where appropriate as determined by
18 such physician, inform patients as to the prenatal preparation for and
19 postnatal benefits of breastfeeding a child.

20 **§ 4B113. Effective Date.**

21 This Act *shall* take effect ninety (90) days after its enactment.”

22 **Section 2.** §22107, Division 2, Chapter 22 of Title 7, Guam Code
23 Annotated, is hereby *amended* to read:

24 “§ 22107. **Exempt When.**

25 A person may claim exemption from service as a juror if he or she is:

26 (1) a member in the active service of the armed forces of the
27 United States;

1 (2) an elected official, or a judge, of the United States or the
2 Territory of Guam;

3 (3) an actively engaged member of the clergy;

4 (4) an actively practicing attorney, physician, dentist, or
5 registered nurse;

6 (5) a member of the Fire or Police Department, or an
7 employee of a government contractor engaged in providing internal
8 security or fire protection for such contractors;

9 (6) a person who has served as a juror, either in the Superior
10 Court or the United States District Court of Guam, within two (2)
11 years preceding the time of filling out the juror qualification form;

12 (7) over sixty-five years old; or

13 (8) any woman who is breastfeeding, but only if the child
14 receives nourishment exclusively from breastfeeding and the woman
15 is able to present a medical attestation from a physician, a Certified
16 Lactation Counselor (CLC), or an International Board Certified
17 Lactation Consultant (IBCLC) to such fact.”

18 **Section 3.** A new § 80.49.1 of Chapter 80, Article 2 of Title 9, Guam Code
19 Annotated, is *added* to read:

20 **“§ 80.49.1. Nursing Mothers-Accommodations.**

21 (a) The Director of the Department of Corrections must make
22 reasonable efforts to provide a breast pump and a sanitary room, other than a
23 toilet stall, or a private area where a nursing mother confined at the
24 Department of Corrections facilities can express her milk.

25 (b) A nursing mother confined at the Department of Corrections
26 facilities may be allowed to breastfeed her child in a sanitary room, other
27 than a toilet stall, or a private area as long as safeguards are in place, as

1 determined by the Director, to prevent her escape and as long as it is *not* a
2 threat to the infant's and the public's safety and welfare."

3 **Section 4.** A new §1036 is *added* to Chapter 10 of Title 1, Guam Code
4 Annotated, to read:

5 **"§ 1036. Breastfeeding Awareness Month.**

6 (a) August of each year is hereby designated as "*Breastfeeding*
7 *Awareness Month*," to educate our community and promote the benefits of
8 breastfeeding to infants and mothers.

9 (b) *I Maga'lahaen Guåhan shall* issue annually a proclamation
10 calling on all interested parties to hold activities on behalf of the practice of
11 breastfeeding and to develop ways to support collective awareness of such
12 activity."

13 **Section 5. Severability.** *If* any provision of this Law or its application to
14 any person or circumstances is found to be invalid or contrary to law, such
15 invalidity *shall not* affect other provisions or applications of this Law which can be
16 given effect without the invalid provisions or application, and to this end the
17 provisions of this Law are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 153-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

As amended by the Committee on Education, Public Library and Women's Affairs; and further amended on the Floor.

November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

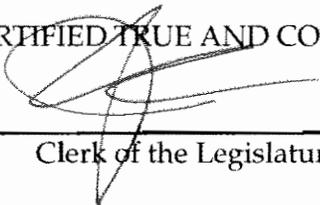
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 24, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes- Bill Nos. 152-157(COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Thomas C. Ada
Acting Chairperson of the Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 JUL 24 AM 11:15
JMB

Bill Nos.	Sponsor	Title
152-32 (COR)	T. R. Muña Barnes	AN ACT TO REZONE LOT NOS. 146-4, 146-5, 146- 6, 146-7 AND 146-R7, IN THE MUNICIPALITY OF MERIZO FROM SINGLE-FAMILY DWELLING ZONE (R-1) TOCOMMERCIAL ZONE (C).
153-32 (COR)	Aline A. Yamashita, Ph.D.,Dennis G. Rodriguez,Jr.	AN ACT RELATIVE TO THE RIGHTS OF NURSING MOTHERS AND CHILDREN RELATIVE TO BREASTFEEDING TO BE KNOWN AS THE "NANA YAN PATGON ACT," BY ADDING A NEW CHAPTER 4B, DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED; BY AMENDING SECTION 22107, DIVISION 2, CHAPTER 22 OF TITLE 7, GUAM CODE ANNOTATED; BY ADDING A NEW SECTION 80.49.1 OF CHAPTER 80, ARTICLE 2 OF TITLE 9, GUAM CODE ANNOTATED; AND, BY ADDING A NEW SECTION 1036 TO CHAPTER 10 OF TITLE 1, GUAM CODE ANNOTATED.
154-32 (COR)	T.R. Muna Barnes, B.T. Mc Credie	AN ACT TO ADD NEW §7103(g) OF CHAPTER 7, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING FROM VEHICLE REGISTRATION REQUIREMENTS CERTAIN MOTORIZED UTILITY VEHICLES OPERATED BY GUAM MAYORS IN ACCORDANCE WITH, AND IN FURTHERANCE OF, THEIR STATUTORILY PRESCRIBED DUTY TO OVERSEE, COORDINATE AND OTHERWISE UNDERTAKE THE BEAUTIFICATION AND MAINTENANCE OF THEIR VILLAGES.
155-32 (COR)	R.J. RESPICIO, T.C. ADA, B.J. CRUZ, T.R. MUÑA BARNES, D.G. RODRIGUEZ,A.A.Y AMASHITA, Ph.D. V.A. ADA	AN ACT TO ACCEPT AND APPROVE THE TERMS AND CONDITIONS OF THE APPENDED AGREEMENT BETWEEN THE BANK OF GUAM AND I LIHESLATURAN GUÅHAN, WITH THE ASSISTANCE AND ADVICE OF THE GUAM ECONOMIC DEVELOPMENT AUTHORITY (GEDA), RELATIVE TO FINANCING THE RECONSTRUCTION OF THE HISTORIC GUAM LEGISLATURE BUILDING IN HAGÁTÑA, IN CONJUNCTION WITH THE GUAM PRESERVATION TRUST, TO INCLUDE MODERNIZING, REFURBISHING AND RESTORING THE EXISTING STRUCTURE, WHICH IS AN IMPORTANT COMPONENT OF THE REVITALIZATION OF HÅGATÑA.
156-32 (COR)	Judith T. Won Pat, Ed.D. B.J.F. Cruz Tina R. Muna Barnes C. M.Duenas	ANACT TOCREATE THEGUAM TRADEMARK COMMISSIONFOR THE DEVELOPMENT OF A CULTURAL TRADEMARK STATUTE FOR THE PROTECTION AND PRESERVATION OF GUAM'S CHAMORRO CULTURAL ARTS
157-32 (COR)	T.C. Ada R.J. Respicio B.J. Cruz	AN ACT TO ADD A NEW §5404 TO 5 GCA CHAPTER5 RELATIVE TO THE PROCEEDS DERIVED FROM THE DISPOSAL OF EXCESS OR SURPLUS SUPPLIES AND EQUIPMENT.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

July 16, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 153-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 153-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

1 **§4B107. Nursing Mothers — Educational InstitutionsAccommodations.**

2 **§4B108. Discrimination — Responsible Agencies.**

3 **§4B109. Rules and Regulations.**

4 **§4B110. Breastfeeding Promotion and Education — Department of**
5 **Public Health and Social Services.**

6 **§4B111. Breastfeeding Promotion and Education — Guam Memorial**
7 **Hospital, Maternal Health Care Providers and Maternal**
8 **Health Care Facilities.**

9 **§4B112. Effective Date.**

10

11 **§4B100. Title.**

12 This Chapter *shall* be known, and may be cited, as the “*Nana yan Patgon Act*” or
13 the “Mother and Child Act.”

14 **§4B101. Legislative Findings.**

15 *I Liheslaturan Guahan* finds that throughout the United States, laws have been
16 enacted to ensure that women have the right to breastfeed children in recognition of the
17 health and economic benefits of breastfeeding. Currently, Guam lacks any laws relative
18 to breastfeeding to address potential obstacles a woman may face when wanting to
19 breastfeed a child.

20 *I Liheslatura* finds that the Patient Protection and Affordable Care Act
21 (“Affordable Care Act”) amended Section 7 of the Fair Labor Standards Act (“FLSA”) to
22 require employers to provide reasonable break time for an employee to express breast
23 milk for her nursing child for one year after the child’s birth each time such employee has

1 need to express the milk. Employers are also required to provide a place, other than a
2 bathroom, that is shielded from view and free from intrusion from coworkers and the
3 public, which may be used by an employee to express breast milk.

4 *Liheslatura* also finds that in 2011, Surgeon General of the United States Regina
5 M. Benjamin, MD, MBA, released the “*Call to Action to Support Breastfeeding*” citing
6 health benefits and outlining steps to be taken to remove obstacles that women face when
7 wanting to breastfeed their children.

8 The Centers for Disease Control (hereafter “*CDC*”) Breastfeeding Report Card
9 for the US, 2012, showed that breastfeeding increased from 74.6 percent in 2008 births to
10 76.9 percent in 2009 births. However, the CDC also reported that of the 2008 figure only
11 23.4 percent met the recommended breastfeeding duration of twelve (12) months, and
12 only 13 percent of infants were exclusively breastfed at the end of six (6) months, which
13 indicated that women may need more support to continue breastfeeding.

14 Dr. Benjamin’s “Call to Action” identified ways that families, communities,
15 employers and health care professionals can improve breastfeeding rates and increase
16 support for breastfeeding. Recommendations included communities expanding and
17 improving programs that provide mother-to-mother support and peer counseling;
18 healthcare systems ensuring that maternity care practices provide education and
19 counseling on breastfeeding; hospitals becoming more “baby-friendly,” by taking steps
20 like those recommended by the UNICEF/WHO’s Baby-Friendly Hospital Initiative;
21 clinicians ensuring that they are trained to properly care for nursing mothers and babies;
22 the promotion of breastfeeding to pregnant patients and ensuring that mothers receive the
23 best advice on how to breastfeed, employers working toward establishing paid maternity

1 leave and high-quality lactation support programs, employersexpanding the use of
2 programs that allow nursing mothers to have their babies close by so they can feed them
3 during the day, providing women with break time and private space to express breast
4 milk; and, families providing mothers the support and encouragement they need to
5 breastfeed.

6 *I Liheslatura* further finds thatbreastfeeding protects babies from infections and
7 illnesses that include diarrhea, ear infections, and pneumonia. Breastfed babies are also
8 less likely to develop asthma, and those who are breastfed for six (6) months are less
9 likely to become obese. Nursing mothers also have a decreased risk of breast and ovarian
10 cancers and postpartum depression.

11 A study published in the journal *Pediatrics* estimated that the US would save \$13
12 billion per year in healthcare and other costs if 90 percent of US babies were exclusively
13 breastfed for six (60) months. Dr. Benjamin also added that, by providing
14 accommodations for nursing women, employers would be able to reduce their company's
15 healthcare costs and lower their absenteeism and turnover rates.

16 **§4B102. Purpose and Declaration of Policy.**

17 The purpose and policy of this Chapter is to ensure that women have a right to
18 breastfeed children or express breast milk in a safe and clean environment without the
19 fear of social constraints, discrimination, embarrassment or even prosecution. It is
20 nationally recommended that babies from birth to at least one (1) year of age be breastfed
21 unless medically contraindicated, in order for babies to attain an optimal healthy start in
22 life. Breastfeeding can also be considered a low-cost means of improving health for both
23 mothers and babies, and education, awareness, encouragement, promotion and

1 acceptance of breastfeeding is vital as it will provide maternal and infant health benefits
2 and economic benefits.

3 **§4B103. Right to Breastfeed.**

4 1) Notwithstanding any other provision of the law, a woman may breastfeed a baby
5 or express breast milk in any location, public or private, where the woman is
6 otherwise authorized to be.

7 2) Breastfeeding a child or expressing breast milk as part of breastfeeding shall not
8 be considered an act of public indecency and shall not be considered indecent
9 exposure, sexual conduct, lewd touching, or obscenity as prescribed in Chapter 28
10 of Title 9, Guam Code Annotated.

11 3) No entity, public or private, in Guam may enact a policy that prohibits or restricts
12 a woman breastfeeding a child or expressing breast milk in a public or private
13 location where the woman and child are otherwise authorized to be.

14 4) No person shall interfere with a woman breastfeeding a child in any location,
15 public or private, where the woman and child is otherwise authorized to be.

16 **§4B104. Breastfeeding – Prohibition Against Discrimination.**

17 It is a discriminatory practice to deny, or attempt to deny, the full and equal
18 enjoyment of the goods, services, facilities, privileges, advantages, and accommodations
19 of a place of public accommodations to a woman because she is breastfeeding a child.

20 **§4B105. Nursing Mothers – Workplace Accommodations.**

21 For the purposes of this section, "employer" is defined as a person or entity that
22 employs one or more employees.

23 (A) An employer must provide reasonable unpaid break time each day to an employee

1 who needs to express breast milk for an infant child up to the age of two (2). The
2 break time must, if possible, run concurrently with any break time already
3 provided to the employee. An employer is not required to provide break time
4 under this section if to do so would unduly disrupt the operations of the employer.

5 (B) An employer must make reasonable efforts to provide a room or other location, in
6 close proximity to the work area, other than a toilet stall, where the employee can
7 express her milk in privacy.

8 (C) An employer may not discriminate – meaning to restrict, harass or penalize–
9 against an employee who chooses to express breast milk in the workplace.

10 **§4B106. Nursing Rooms — Government of Guam Agencies.**

11 Government of Guam agencies, departments and instrumentalities shall provide a
12 safe and clean room, in close proximity to the work area, other than a toilet stall, where a
13 nursing mother, who is an employee of the government of Guam, can express her milk in
14 privacy.

15 Additionally, the AB Won Pat Guam International Airport will identify an area,
16 other than a toilet stall, within its facilities as a “Family Room” where traveling families
17 may nurse young children in privacy and safety.

18 **§4B107. Nursing Mothers — Educational Institutions Accommodations.**

19 For the purposes of this section, "Educational Institution" is defined as any public school,
20 university or college with enrolled students.

21 (A) Educational institutions must make reasonable efforts to provide a safe and clean
22 room or other location, in close proximity to the work area, other than a toilet
23 stall, where a nursing mother can express her milk in privacy.

1 (B) Educational institutions may not discriminate – meaning to restrict, harass or
2 penalize – against a woman who chooses to express breast milk.

3 **§4B108. Discrimination — Responsible Agencies.**

4 The Guam Department of Labor Director (hereafter “GDOL”) *shall* be responsible
5 for recording data and addressing allegations of discrimination against nursing women in
6 the workplace of both government and non-government of Guam entities, and to ensure
7 that women are aware of breastfeeding rights in statute. Information may be made
8 available through informational pamphlets and/or published in the department’s website.

9 Allegations of discrimination reported to the GDOL shall undergo due process
10 pursuant to Title VII of the Civil Rights Act of 1964, Guam laws and other
11 applicable statutes and regulations and may also be forwarded to the US Department of
12 Labor, Guam Office when determined appropriate.

13 Pursuant to Chapter 4 of Title 4, Guam Code Annotated, the Civil Service
14 Commission *shall* investigate allegations of workplace discrimination and/or grievances
15 by nursing women employed by the government of Guam.

16 **§4B109. Rules and Regulations.**

17 The Directors of the Department of Labor and the Civil Service Commission shall
18 issue joint rules and regulations, pursuant to the provisions of the Administrative
19 Adjudication Act, governing the procedures whereby a person can make a claim of
20 discrimination and how the allegations will be processed and resolved.

21 The Department of Labor shall also coordinate with government of Guam agency
22 directors and private business employers’ organizations in an effort to ensure that
23 informational/educational sessions are conducted with employers and human resources

1 managers and/or administrators to increase awareness and education of breastfeeding
2 rights and statutes.

3 **§4B110. Breastfeeding Promotion and Education – Department of Public**
4 **Health.**

5 The Director of the Department of Public Health and Social Services shall develop
6 and implement a community-wide public education program promoting breastfeeding
7 and its benefits. The education campaign *shall* include a component that requires
8 mothers of newborn infants who receive any form of public assistance from the
9 Department of Public Health and Social Services to undergo prenatal educational courses
10 on the promotion and benefits of breastfeeding. The Department of Public Health and
11 Social Services may coordinate with the Guam Memorial Hospital to develop and
12 determine the curriculum and/or requirements, and other related details, to fulfill the
13 requirement of prenatal educational courses, in accordance with this Chapter.

14 Breastfeeding information may be published in pamphlets for distribution at
15 public health central offices and its satellite facilities and published on the department's
16 website. Additionally, the Department of Public Health and Social Services may produce
17 written information on breastfeeding and the health benefits to the child and mother, and
18 distribute such information to Maternal Health Care Providers and Maternal Health Care
19 Facilities as described, *infra*, upon request.

20 The Department of Public Health and Social Services may promulgate rules and
21 regulations to carry out the provisions of this section.

22 **§4B111. Breastfeeding Promotion and Education — Maternal Health Care**
23 **Providers and Maternal Health Care Facilities.**

1 For purposes of this section, "Maternal Health Care Providers" means a physician,
2 midwife, or other authorized practitioner attending a pregnant woman; and "Maternal
3 Health Care Facility" includes hospitals and freestanding birthing centers providing
4 perinatal services.

5 Every hospital, that provides obstetrical care shall:

- 6 1) Provide new mothers, where appropriate as determined by the attending
7 physician, with information on breastfeeding and the benefits to the child;
8 and
- 9 2) Provide new mothers, where appropriate as determined by the attending
10 physician, with information on local breastfeeding support groups and
11 Department of Public Health and Social Services programs; or
- 12 3) Every licensed physician who provides obstetrical or gynecological
13 consultation shall, where appropriate as determined by such physician,
14 inform patients as to the prenatal preparation for and postnatal benefits of
15 breastfeeding a child.

16 **§4B112. Effective Date.**

17 This Act *shall* take effect ninety (90) days after its enactment.

18 **Section 2.** Section 22107, Division 2, Chapter 22 of Title 7, Guam Code
19 Annotated, is hereby *amended* to read:

20 **§ 22107. Exempt When.**

21 A person may claim exemption from service as a juror if he or she is:

- 22 (1) a member in the active service of the armed forces of the United States;
- 23 (2) an elected official, or a judge, of the United States or the Territory of Guam;

- 1 (3) an actively engaged member of the clergy;
- 2 (4) an actively practicing attorney, physician, dentist, or registered nurse;
- 3 (5) a member of the Fire or Police Department of an employee of a government
- 4 contractor engaged in providing internal security or fire protection for such
- 5 contractors;
- 6 (6) a person who has served as a juror, either in the Superior Court or the United
- 7 States District Court of Guam, within two (2) years preceding the time of
- 8 filling out the juror qualification form; or
- 9 (7) over sixty-five years old; or
- 10 (8) any woman who is breastfeeding, but only if the child receives nourishment
- 11 exclusively from breastfeeding and the woman is able to present a medical
- 12 attestation from a physician, a Certified Lactation Counselor (CLC), or an
- 13 International Board Certified Lactation Consultant (IBCLC) to such fact.

14 **Section 3.** A new Section 80.49.1 of Chapter 80, Article 2 of Title 9, Guam Code

15 Annotated, is *added* to read:

16 **§ 80.49.1. Nursing Mothers — Penal Institutions Accommodations.**

17 For purposes of this Section, “Penal Institutions” means:

18 (A) Prison: any confinement facility under the direct or indirect supervision or control

19 of the Department of Corrections (“DOC”) any portion of which is designed to

20 incarcerate sentenced offenders.

21 (B) Detention Facility:

22 (1) any place used for confinement, pursuant to an order of a court, of:

23 (a) persons charged with or convicted of an offense;

1 (b) persons against whom judicial proceedings leading to
2 involuntary confinement have begun, are pending or have been
3 concluded; or

4 (c) persons against whom extradition orders are sought or have
5 been obtained.

6 (2) any place to which a person ordered to be confined to a detention
7 facility pursuant to Paragraph (1) has been or is being lawfully taken for
8 purposes of labor, court appearance, recreation, medical or hospital care,
9 transit or similar purpose.

10 The Director of the Penal Institution must make reasonable efforts to provide a
11 sanitary room, other than a toilet stall, where a nursing mother can express her milk in
12 privacy and to provide a breast pump.

13 Nursing mothers may also be allowed to breastfeed their babies during their
14 incarceration or detention as long as safeguards are in place, as determined by the
15 Director, to prevent her escape and as long as it is not a threat to the infant's and the
16 public's safety and welfare.

17 **Section 4.** A new Section 1036 is *added* to Chapter 10 of Title 1, Guam Code
18 Annotated, to read:

19 **§ 1036. Breastfeeding Awareness Month.**

20 (A) August of each year is hereby designated as "*Breastfeeding Awareness Month*," to
21 educate our community and promote the benefits of breastfeeding to infants and
22 mothers.

1 (B) *I Maga'lahen Guahan* shall issue annually a proclamation calling on all interested
2 parties to hold activities on behalf of the practice of breastfeeding and to develop
3 ways to support collective awareness of such activity.”