

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session
VOTING RECORD

Bill No. 291-36 (LS) As amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building December 16, 2022					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes		✓				
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez		✓				
Senator Clynton E. Ridgell		✓				
Senator Joe S. San Agustin		✓				
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje		III ✓				
Speaker Therese M. Terlaje		✓				
Senator Mary Camacho Torres		✓				

TOTAL

8

7

Aye

Nay

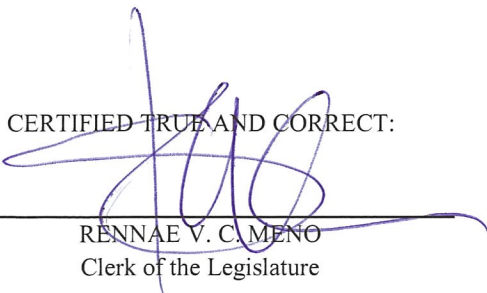
Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



RENNAE V. C. MENO
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 291-36 (LS)

As amended on the Floor.

*

Introduced by:

Telena Cruz Nelson
Christopher M. Duenas
Amanda L. Shelton
V. Anthony Ada
Frank Blas Jr.

**AN ACT TO *ADD* A NEW CHAPTER 91B TO DIVISION 4
OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE
TO ABORTION, INCLUDING ABORTIONS AFTER
DETECTION OF AN UNBORN CHILD'S HEARTBEAT;
AND AUTHORIZING A PRIVATE CIVIL RIGHT OF
ACTION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that contemporary medical science, not available decades ago, demonstrates that early infants in the womb are a class of living, distinct human beings that, among other individual human traits, have their own distinct blood types, distinct organ systems, distinct central nervous systems, unique fingerprints, unique genetic characteristics, and at approximately six (6) weeks gestational age, detectable human heartbeats. From earliest development, unborn children need only nourishment and a safe environment to grow to full adulthood and that a fetal heartbeat has become a key medical predictor that an unborn child will reach live birth.

1 This Chapter may be cited and referred to as “*The Guam Heartbeat Act of*
2 *2022.*”

3 **§ 91B102. Definitions.**

4 For the purposes of this Chapter, the following words and phrases are defined
5 to mean:

6 (a) “Act” means all or any provisions or parts thereof of the Guam
7 Heartbeat Act of 2022, including without limitation, any Sections or
8 Subsections.

9 (b) “Fetal Heartbeat” means cardiac activity or the steady and
10 repetitive rhythmic contraction of the fetal heart between the gestational sac.

11 (c) “Gestational Age” means the amount of the time that has elapsed
12 from the first day of the women’s last menstrual period.

13 (d) “Gestational Sac” means the structure comprising the
14 extraembryonic membranes that envelop the unborn child and that is typically
15 visible by ultrasound after the fourth week of pregnancy.

16 (e) “Physician” means an individual licensed to practice medicine
17 on Guam, including a medical doctor and a doctor of osteopathic medicine.

18 (f) “Pregnancy” means the human female reproductive condition
19 that:

20 (1) begins with fertilization;

21 (2) occurs when the woman is carrying the developing human
22 offspring; and

23 (3) is calculated from the first day of the woman’s last
24 menstrual period.

25 (g) “Standard Medical Practice” means the degree of the skill, care,
26 and diligence that any physician or obstetrician of ordinary judgement,
27 learning, and skill would employ in like circumstances.

1 (h) “Unborn Child” means a human fetus or embryo in any stage of
2 gestation from fertilization until birth.

3 **§ 91B103. Determination of the Presence of Fetal Heartbeat Required;**
4 **Record.**

5 (a) For the purposes of determining the presence of a fetal heartbeat under
6 this Section, “standard medical practice” includes employing the appropriate means
7 of detecting the heartbeat on the estimated gestational age of the unborn child and
8 the condition of the woman and her pregnancy.

9 (b) A physician may not knowingly perform or induce an abortion on a
10 pregnant woman unless the physician has determined, in accordance with this
11 Section, whether the woman’s unborn child has a detectable fetal heartbeat.

12 (c) In making a determination under this Section, the physician must use a
13 test that is:

14 (1) consistent with the physician’s good faith and reasonable
15 understanding of standard medical practice; and

16 (2) appropriate for the estimated gestational age of the unborn child
17 and the condition of the pregnant woman and her pregnancy.

18 (d) A physician making a determination under this Section shall record in
19 the pregnant woman’s medical record:

20 (1) the estimated gestational age of the unborn child;

21 (2) the method used to estimate the gestational age; and

22 (3) the test used for detecting a fetal heartbeat including the date,
23 time, and results of the test.

24 **§ 91B104. Prohibited Abortion of Unborn Child with Detectable Fetal**
25 **Heartbeat; Effect.**

26 (a) Except as provided in § 91B105 relative to a medical emergency, a
27 physician may not knowingly perform or induce an abortion on a pregnant woman

1 if the physician detected a fetal heartbeat for the unborn child as required in §91B103
2 as required by this Chapter or failed to perform a test to detect a fetal heartbeat.

3 (b) A physician does not violate this Section if the physician performed a
4 test for a fetal heartbeat required by § 91B103 and did not detect a fetal heartbeat.

5 **§ 91B105. Exception for Medical Emergency; Records.**

6 (a) Section 91B104 does not apply if a physician believes a medical
7 emergency exists, whereby the physician believes that absent performing or
8 inducing an abortion, a pregnant woman may lose her life or her health would be
9 severely impaired.

10 (b) For purposes of Subsection (a) of this Section, “severely impaired”
11 shall mean an impairment or combination of impairments that significantly limit the
12 pregnant woman’s physical or mental abilities.

13 (c) A physician who performs or induces an abortion under circumstances
14 described in Subsection (a) of this Section shall make detailed written notations in
15 the pregnant woman’s medical record of:

16 (1) the physician’s belief that a medical emergency necessitated the
17 abortion; and

18 (2) the medical condition of the pregnant woman that prevented
19 compliance with this Section.

20 (d) A physician performing or inducing an abortion under this Section shall
21 maintain in the physician’s records a copy of the written notations made under
22 Subsection (c).

23 **§ 91B106. Construction of Chapter.**

24 (a) This Chapter does not create or recognize a right to abortion before a
25 fetal heartbeat is detected.

26 (b) This Chapter may not be construed to:

1 (1) authorize the initiation of a cause, civil or otherwise, against or
2 the prosecution of a woman on whom an abortion is performed or induced or
3 attempted to be performed or induced in violation of this Chapter; or

4 (2) wholly or partially repeal, either expressly or by implication, any
5 other statute that regulates or prohibits abortion.

6 **§ 91B107. Limitations on Government Enforcement.**

7 (a) The requirements of this Section shall be enforced exclusively through
8 private civil actions described in § 91B108. No enforcement of any provision of this
9 Chapter in response to violations of this Chapter may be taken or threatened by the
10 island of Guam, the Government of Guam, the Governor of Guam, the Lieutenant
11 Governor of Guam, any Guam Senator collectively or individually, the Attorney
12 General of Guam, any Guam Mayor or Vice Mayor collectively or individually, the
13 Mayors Council of Guam, any agency of the Government of Guam, any political
14 subdivision of the Government of Guam, any municipality of Guam, or an executive
15 or administrative officer or employee of the Government of Guam.

16 (b) This Section may not be construed to:

17 (1) legalize the conduct prohibited by any provision of this Chapter;

18 (2) limit in any way or affect the availability of a remedy established
19 by any provision of this Chapter; or

20 (3) limit the enforceability of any other laws that regulate or prohibit
21 abortion.

22 **§ 91B108. Civil Liability for Violation, Aiding, or Abetting Violations.**

23 (a) Any person, other than the Government of Guam, the Governor of
24 Guam, the Lieutenant Governor of Guam, any Guam Senator collectively or
25 individually, the Attorney General of Guam, any Guam Mayor or Vice Mayor
26 collectively or individually, the Mayors Council of Guam, any agency of the
27 Government of Guam, any political subdivision of the Government of Guam, any

1 municipality of Guam, or an executive or administrative officer or employee of the
2 Government of Guam, may bring a civil action against any person who:

3 (1) performs or induces an abortion in violation of any provision of
4 this Chapter;

5 (2) knowingly engages in conduct that aids or abets the performance
6 or inducement of an abortion, including paying for or reimbursing the costs
7 of an abortion through insurance or otherwise, if the abortion is performed or
8 induced in violation of this Section regardless of whether the person knew or
9 should have known that the abortion would be performed or induced in
10 violation of this Section; or

11 (3) intends to engage in the conduct described in Subsection (a)(1)
12 of this Section or if a claimant prevails in an action brought under this Section,
13 the court shall award:

14 (A) injunctive relief sufficient to prevent the defendant from
15 violating this Chapter or any provision of this Section that aids or abets
16 violations of this Section; statutory damages in an amount of not less
17 than Ten Thousand Dollars (\$10,000) for each abortion that the
18 defendant performed or induced in violation of this Section, and for
19 each abortion performed or induced in violation of this Section, that the
20 defendant aided or abetted; and

21 (B) costs and attorney's fees.

22 (C) Notwithstanding Subsection (B), a court may not award
23 relief under this Section in response to a violation of Subsection (a)(1)
24 or (2) if the defendant demonstrates that the defendant previously paid
25 the full amount of statutory damages under Subsection (b)(2) in a
26 previous action for that particular abortion performed or induced in a

1 violation of this Section, or for the particular conduct that aided or
2 abetted an abortion performed or induced in violation of this Section.

3 (D) Notwithstanding this Section or any other provision of
4 law, a person may bring an action under this Section no later than the
5 sixth anniversary of the date the cause of action accrues.

6 (E) Notwithstanding any other provision of law, the following
7 are not a defense to an action brought under this Section:

8 (i) ignorance or mistake of law;

9 (ii) a defendant's belief that the requirements of this
10 Section are unconstitutional or were unconditional;

11 (iii) a defendant's reliance on any court decision that has
12 been overruled on appeal or by a subsequent court, even if that
13 court decision had not been overruled when the defendant
14 engaged in conduct that violated this Section;

15 (iv) a defendant's reliance on any state, federal or
16 territorial court decision that is not binding on the court in which
17 the action has been brought;

18 (v) non-mutual issue preclusion or non-mutual claim
19 preclusion; or

20 (vi) the consent of the unborn child's mother to the
21 abortion.

22 **§ 91B109. Affirmative Defense.**

23 It is an affirmative defense if:

24 (a) a person sued under this Chapter or any provision of this Chapter,
25 reasonably believed after conducting a reasonable investigation, that the
26 physician performing or inducing the abortion had complied or would comply
27 with this Chapter or any provision of this Chapter; or

1 (b) a person sued under this Chapter or any provision of this Chapter
2 reasonably believed after conducting a reasonable investigation that the
3 physician performing or inducing the abortion will comply with this Chapter
4 or any provision of this Chapter.

5 (c) The defendant has the burden of proving any affirmative defense
6 by a preponderance of the evidence.

7 (d) This Chapter or any provision of this Chapter may not be
8 construed to impose liability on any speech or conduct protected by the First
9 Amendment of the United States Constitution, as made applicable to states
10 and the island of Guam through the United States Supreme Court
11 interpretation of the Fourteenth Amendment of the United States Constitution
12 or by any provision of the Organic Act of Guam related to freedom of speech.

13 (e) Notwithstanding any other provision of law, the island of Guam,
14 the Government of Guam, the Governor of Guam, the Lieutenant Governor of
15 Guam, any Guam Senator collectively or individually, the Attorney General
16 of Guam, any Guam Mayor or Vice Mayor collectively or individually, the
17 Mayors Council of Guam, any agency of the Government of Guam, any
18 political subdivision of the Government of Guam, any municipality of Guam,
19 or an executive or administrative officer or employee of the Government of
20 Guam, may not intervene in an action brought under this Chapter or any
21 provision of this Chapter.

22 **§ 91B110. Civil Liability; Undue Burden Defense Limitations.**

23 A defendant against whom an action is brought under this Chapter or any
24 provision of this Chapter does not have standing to assert the rights of women
25 seeking an abortion as a defense to unless: the United States Supreme Court holds
26 that the courts of Guam, federal or local, must confer standing for defendant to assert
27 the third-party rights of women seeking an abortion in court as a matter of

1 constitutional law; or the defendant has standing to assert the rights of women
2 seeking an abortion under the tests for third-party standing established by the United
3 States Supreme Court.

4 (a) A defendant in an action brought under this Chapter or any
5 provision of this Chapter may assert an affirmative defense to liability under
6 this Chapter or any provision of this Chapter if:

7 (1) the defendant has standing to assert the third-party rights
8 of a woman or group of women seeking an abortion in accordance with
9 this Chapter or any provision of this Chapter; and

10 (2) the defendant demonstrated that the relief sought by the
11 claimant will impose an undue burden on that woman or that group of
12 women seeking an abortion.

13 (b) A court may not find an undue burden under this Chapter or any
14 provision of this Chapter unless the defendant introduced evidence proving
15 that:

16 (1) an award of relief will prevent a substantial obstacle in the
17 path of a woman or a group of women who are seeking an abortion; or

18 (2) an award of relief will place a substantial obstacle in the
19 path of a woman or a group of women who are seeking an abortion.

20 (c) Any affirmative defense under this Chapter or any provision of
21 this Chapter is not available if the United States Supreme Court overrules *Roe*
22 *v. Wade*, 410 U.S. 113 (1973) or *Planned Parenthood v. Casey*, 505 U.S. 833
23 (1992), regardless of whether the conduct on which the cause of action is
24 based under this Chapter or any provision of this Chapter occurred before the
25 Supreme Court overruled either of those decisions.

26 (d) Nothing in this Chapter or any provision of this Chapter shall in
27 any way limit or preclude a defendant from asserting the defendant's personal

1 constitutional rights as a defense to liability under this Chapter or any
2 provision of this Chapter, and a court may not award relief under this Chapter
3 or any provision of this Chapter if the conduct for which the defendant has
4 been sued was an exercise of territorial or federal constitutional rights that
5 personally belong to the defendant.

6 **§ 91B111. Civil Liability Venue.**

7 (a) Notwithstanding any other provision of law, including this Chapter or
8 any provision of this Chapter, a civil action brought under this Chapter or any
9 provision of this Chapter shall be brought in either the United States District Court
10 of Guam or the Superior Court of Guam.

11 (b) If a civil action is brought under this Chapter or any provision of this
12 Chapter, in either the United States District Court of Guam or the Superior Court of
13 Guam, the action may not be transferred to a different venue without the written
14 consent of all parties.

15 **§ 91B112. Sovereign, Governmental, and Official Immunity Preserved.**

16 (a) This Section prevails over any conflicting law, including:

17 (1) the Uniform Declaratory Judgements Act; and

18 (2) any provision of the Guam Civil Procedure Code.

19 (b) Guam has sovereign immunity, the Government of Guam and its
20 agencies have sovereign immunity, the Governor of Guam has official immunity,
21 the Lieutenant Governor of Guam has official immunity, Guam Senators collectively
22 or individually have official immunity, the Attorney General of Guam has official
23 immunity, any Guam Mayor or Vice Mayor collectively or individually have official
24 immunity, the Mayors Council of Guam has official immunity, any political
25 subdivision of the Government of Guam shall have sovereign immunity, any
26 municipality of Guam shall have sovereign immunity, and an executive or
27 administrative officer or employee of the Government of Guam shall have official

1 immunity, in any action, claim, or counterclaim of any type of legal or equitable
2 action that challenges the availability of any provision or application of this Chapter
3 or any provision of this Chapter on constitutional grounds or otherwise.

4 (c) A provision of federal or territorial law may not be construed to waive
5 or abrogate an immunity described in Subsection (b) unless it expressly waives
6 immunity under this Section.

7 **§ 91B113. Severability.**

8 (a) In *Leavitt. v. Jane L.*, 518 U.S. 137, (1996), in which in the context of
9 determining the severability of a state statute regulating abortion, the United States
10 Supreme Court held that an explicit statement of legislative intent is controlling. It
11 is the intent of *I Liheslaturan Guåhan* by virtue of this Chapter that every provision,
12 section, subsection, sentence, clause, phrase or word in this Chapter and every
13 application of the provisions in this Chapter are severable from each other.

14 (b) Other persons and circumstances shall be severed and may not be
15 affected. All constitutionally valid applications of this Chapter shall be severed from
16 any applications that a court finds to be invalid, leaving the valid applications in full
17 force and effect, because it is *I Liheslaturan Guåhan's* intent and priority that the
18 valid applications be allowed to stand alone. Even if a reviewing court finds a
19 provision of this Chapter to impose an undue burden in a large or substantial fraction
20 of relevant cases, the applications that do not present an undue burden shall be
21 severed from the remaining applications and shall remain in full force and effect,
22 and shall be treated as if the legislature had enacted a statute limited to the persons,
23 group of persons, or circumstances for which the statute's application does not
24 present an undue burden.

25 (c) If any court declares or finds any provision of this Act facially
26 unconstitutional, when discrete applications of that provision can be enforced
27 against a person, group of persons, or circumstances without violating the United

1 States Constitution and/or the Organic Act of Guam, those applications shall be
2 severed from all remaining applications of the provision, and the provision shall be
3 interpreted as if the people had enacted a provision limited to the persons, group of
4 persons, or circumstances for which the provision's application will not violate the
5 United States Constitution and/or the Organic Act of Guam.

6 (d) If any provision of this Chapter is found by any court to be
7 unconstitutionally vague, then the applications of that provision that do not present
8 constitutional vagueness problems shall be severed and remain in full force and
9 effect.

10 (e) No court may decline to enforce the severability requirements of this
11 Chapter or any provision of this Chapter on the grounds that severance would rewrite
12 the statute or involve the court in legislative or lawmaking activity. A court that
13 declines to enforce or enjoin a state official from enforcing a statutory provision does
14 not rewrite a statute, as the statute continues to contain the same words as before the
15 court's decision.

16 **§ 91B114. Award of Attorney's Fees in Actions Challenging Abortion**
17 **Laws.**

18 (a) Notwithstanding any other law, any person, including an entity,
19 attorney, or law firm, who seeks declaratory or injunctive relief to prevent the island
20 of Guam, the Government of Guam, the Governor of Guam, the Lieutenant
21 Governor of Guam, any Guam Senator collectively or individually, the Attorney
22 General of Guam, any Guam Mayor or Vice Mayor collectively or individually, the
23 Mayors Council of Guam, any agency of the Government of Guam, any political
24 subdivision of the Government of Guam, any municipality of Guam, or an executive
25 or administrative officer or employee of the Government of Guam, from enforcing
26 any statute, ordinance, rule, regulation, or any other type of law that regulates or
27 restricts abortion or that limits taxpayer funding for individuals or entities that

1 perform or promote abortions, in the United States District Court of Guam or
2 Superior Court of Guam, or that represents any litigant seeking such relief in any
3 court, is jointly and severally liable to pay the costs and attorney's fees of the
4 prevailing party.

5 (b) For purposes of this Section, a party is considered a prevailing party if
6 the United States District Court of Guam or Superior Court of Guam:

7 (1) dismisses any claim or cause of action brought against the party
8 that seeks the declaration or injunctive relief described in Subsection (a),
9 regardless of the reason for the dismissal; or

10 (2) enters judgment in the party's favor on any such claim or cause
11 of action.

12 **§ 91B115. Required Documentation.**

13 (a) If an abortion is performed or induced on a pregnant woman because of
14 a medical emergency, the physician who performs or induces the abortion shall
15 execute a written document that certifies the abortion is necessary due to a medical
16 emergency and specifies the woman's medical condition requiring the abortion.

17 (b) A physician shall:

18 (1) place the document described in Subsection (a) in the pregnant
19 woman's medical records; and

20 (2) maintain a copy of the document described in Subsection (a) in
21 the physician's records.

22 (c) A physician who performs or induces an abortion on a pregnant woman
23 shall:

24 (1) if the abortion is performed or induced to preserve the health of
25 the pregnant woman, execute a written document that:

26 (A) specifies the medical condition of the pregnant woman the
27 abortion is asserted to address; and

1 (B) provides the medical rationale for the physician's
2 conclusion that the abortion is necessary to address the medical
3 condition; or

4 (2) for an abortion other than an abortion described in Subsection (a),
5 specify in a written document that maternal health is not a purpose of
6 the abortion.

7 (d) The physician shall maintain copies of all documents described in this
8 Section in the physician's practice records.

9 **§ 91B116. Limitations to Consenting to an Abortion.**

10 (a) Consent to an abortion is voluntary and informed only if:

11 (1) the physician who is to perform or induce the abortion informs
12 the pregnant woman on whom the abortion is to be performed or induced of:

13 (A) the physician's name;

14 (B) the particular medical risks associated with the particular
15 abortion to be induced or performed;

16 (C) the risks of infection and hemorrhage;

17 (D) the potential danger to a subsequent pregnancy and of
18 infertility;

19 (E) the possibility of increased risk of breast cancer following
20 an induced abortion and the natural protective effect of a completed
21 pregnancy in avoiding breast cancer;

22 (F) the probable gestational age of the unborn child at the time
23 the abortion is to be performed or induced; and

24 (G) the medical risks associated with carrying the child to
25 term.

26 (2) the physician who is to perform or induce the abortion or the
27 physician's agent informs the pregnant woman that:

1 (A) medical assistance benefits may be available for the
2 prenatal care, childbirth, and neonatal care;

3 (B) the father is liable for assistance in the support of the child
4 without regard to whether the father has offered to pay for the abortion;
5 and

6 (C) private agencies that provide assistance for the adoption of
7 children and/or the foster care of children;

8 (3) the physician who is to perform or induce the abortion, or the
9 physician's agent, before any sedative or anesthesia is administered to the
10 pregnant woman and at least twenty-four (24) hours before the abortions:

11 (A) the physician who is to perform or induce the abortion, or
12 an agent of the physician who is a licensed sonographer, shall display
13 the sonogram to the pregnant woman the abortion is to be performed or
14 induced;

15 (B) the physician who is to perform or induce the abortion
16 displays the sonogram images to the pregnant woman in a quality
17 consistent with current medical practices in a manner that the pregnant
18 woman may view them;

19 (C) the physician who is to perform or induce the abortion
20 provides, in a manner understandable to a layperson, a verbal
21 explanation of the results of the sonogram images, including a medical
22 description of the dimension of the embryo or fetus, the presence of
23 cardiac activity, and the presence of external membranes and internal
24 organs; and

25 (D) the physician who is to perform or induce the abortion, or
26 an agent of the physician who is a licensed sonographer, shall make
27 audible the heart auscultation for the pregnant woman to hear, if

1 present, in a quality consistent with current medical practice and
2 provides, in a manner understandable to a layperson, a simultaneous
3 verbal explanation of the heart auscultation;

4 (4) before receiving a sonogram under this Section and before the
5 abortion is performed or induced and before any sedative or anesthesia is
6 administered, the pregnant woman completes and certifies with her signature
7 an election form that states as follows:

8 "ABORTION AND SONOGRAM ELECTION"

9 (1) THE INFORMATION AND PRINTED MATERIALS DESCRIBED
10 IN § 91B117 HAVE BEEN PROVIDED AND EXPLAINED TO ME.

11 (2) I UNDERSTAND THE NATURE AND CONSEQUENCES OF AN
12 ABORTION.

13 (3) GUAM LAW REQUIRES THAT I RECEIVE A SONOGRAM
14 PRIOR TO RECEIVING AN ABORTION.

15 (4) I UNDERSTAND THAT I HAVE THE OPTION TO VIEW THE
16 SONOGRAM IMAGES.

17 (5) I UNDERSTAND THAT I HAVE THE OPTION TO HEAR THE
18 HEARTBEAT.

19 (6) I UNDERSTAND THAT I AM REQUIRED BY LAW TO HEAR AN
20 EXPLANATION OF THE SONOGRAM IMAGES UNLESS I CERTIFY IN
21 WRITING THE FOLLOWING:

22 _____ I AM PREGNANT AS A RESULT OF A SEXUAL ASSAULT
23 OR INCEST AS A RESULT OF A VIOLATION TO THE GUAM PENAL
24 CODE THAT HAS BEEN REPORTED TO LAW ENFORCEMENT
25 AUTHORITIES OR THAT HAS NOT BEEN REPORTED BECAUSE I
26 REASONABLY BELIEVE THAT DOING SO WOULD PUT ME AT RISK
27 OF RETALIATION RESULTING IN SERIOUS BODILY INJURY.

1 _____ MY UNBORN CHILD HAS AN IRREVERSIBLE MEDICAL
2 CODNITION OR ABNORMALITY, AS DIRECTED BY RELIABLE
3 DIAGNOTIC PROCEDURES AND DOCUMENTED IN MY MEDICAL
4 FILE.

5 (7) I AM MAKING THIS ELECTION OF MY OWN FREE WILL AND
6 WITHOUT COERCION.

7 _____
8 SIGNATURE

_____ DATE

9 (5) before the abortion is performed or induced, the physician who
10 is to perform or induce the abortion received a copy of the signed, written
11 certification required by this Section; and

12 (6) the pregnant woman is provided the name of each person who
13 provides or explains the information required under this Section.

14 **§ 91B117. Medicine Induced Abortions.**

15 (a) For purposes of this Section, no physician or person shall administer
16 any medication or provide a pregnant woman with any medication with the primary
17 intent of ending a pregnancy, after a fetal heartbeat has been detected in accordance
18 with § 91B103.

19 (b) Any physician or person in violation of this Section shall be subject to
20 civil liability as provided in § 91B108.

21 (c) For purposes of this Section, the exception for medical emergency
22 pursuant to § 91B105 shall apply.

23 (d) If any provision of this Section or its application to any person or
24 circumstance is found to be invalid or contrary to law, such invalidity shall not affect
25 other provisions of this Section or other provisions of this Chapter that can be given
26 effect without the invalid provision or application, and to this end the provisions of
27 this Section are severable.

1 **§ 91B118. Reporting.**

2 (a) Reports shall be compiled and maintained, and must include:

3 (1) the patient’s date of birth, race, marital status, and place of
4 residence;

5 (2) the type of abortion procedure;

6 (3) the date the abortion was performed;

7 (4) whether the patient survived the abortion; and if the patient
8 did not survive, the cause of death;

9 (5) the probable post-fertilization age of the unborn child
10 based on the best medical judgement of the attending physician at the
11 time of the procedure;

12 (6) the date, if known, of the patient’s last menstrual cycle;

13 (7) the number of previously induced abortions of the patient;

14 and

15 (8) whether the abortion was performed or induced because of
16 a medical emergency and any medical condition of the pregnant woman
17 that required the abortion.

18 **§ 91B119. Education.**

19 The Guam Department of Education and the Guam Charter Schools Council
20 shall implement a sexual abuse prevention program recognized by the U.S.
21 Department of Health and Human Services to provide schoolchildren and families
22 with the tools, programs, and training toward the understanding and prevention of
23 incest, rape, and other sexual assault, such as, but not limited to:

24 (a) Good Touch, Bad Touch;

25 (b) Circles of Training;

26 (c) Sexual Abuse of Children with Disabilities; or

27 (d) Talk To Your Child or Teen.”

1 **Section 3. Severability.** If any provision of this Act or its application to any
2 person or circumstance is found to be invalid or inorganic, such invalidity shall not
3 affect other provisions or applications of this Act that can be given effect without
4 the invalid provision or application, and to this end the provisions of this Act are
5 severable.

6 **Section 4. Effective Date.** This Act shall be effective thirty (30) days after
7 its enactment; and shall not affect, in the interim, any other improvements necessary
8 to be done in carrying out the purpose of this Act.