

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

NAME	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 22, 2024					
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.		✓				
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher		✓				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson		✓				
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

12

3

0

0

Aye

Nay

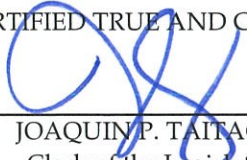
**Not
Voting/
Abstained**

**Out
During
Roll Call**

Absent

Excused

CERTIFIED TRUE AND CORRECT:


 JOAQUIN P. TAITAGUE
 Clerk of the Legislature

I = Pass

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

Bill No. 242-37(COR)

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

*

Introduced by:

Therese M. Terlaje

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the current laws regarding inspections of permitted health-regulated establishments are outdated, using a time period-based requirement versus a risk-based requirement. Most state public health agencies have adopted risk-based monitoring programs which have been found to be an effective and efficient method to conduct compliance inspections of health-regulated establishments. A risk-based approach allows for a variable frequency of inspections that will enable inspectors to efficiently spend more time in establishments that pose the greatest potential health risk to the public, thereby ensuring the safety of the people.

I Liheslatura further finds that certain provisions of Chapter 21, Title 10 GCA need to be updated, and these include amending § 21107 to allow for a designee in place of the Director to perform inspections and issue notices of violations, and amends the number of days to correct violations. Lastly, amending § 21115 of Chapter 21, Title 10 GCA ensures that alcoholic beverage licenses are issued and

1 enforced by Department of Revenue and Taxation instead of the Department of
2 Public Health and Social Services.

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

5 **“§ 21101. Sanitary Permit.**

6 It shall be unlawful for any person to operate or open for
7 business:

8 (a) any establishment or activity as defined in Chapter
9 23 or Chapter 24;

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

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

12 (d) any cosmetic establishment as defined in Chapter
13 27;

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

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

17 (g) any mortuary as defined in Chapter 30, without a
18 valid sanitary permit for such establishment or activity (permit)
19 issued by the Director. Such permit shall be displayed at all times
20 in a conspicuous place in the premises for public view. Only
21 persons who comply with the pertinent provisions of this Part
22 shall be entitled to receive and retain such permit.

23 This Chapter shall not apply to the operation of any
24 establishment, including any market, wayside stand, or roadside stand
25 used exclusively for the sale of (1) fresh, unprocessed fruits, vegetables,
26 and nuts; (2) eggs; (3) live poultry; (4) live pigs; (5) other live animals,
27 except dogs and cats and other such animals as stipulated by the

1 Director, by the original producer thereof in his own property; or (6)
2 liquor or canned or bottled soft drinks.”

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

5 **“§ 21102. Regulations.**

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

8 (1) establishments as defined in Chapter 23 or Chapter
9 24;

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

11 (3) hotels as defined in Chapter 26;

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

13 (5) laundry and dry-cleaning establishments as
14 defined in Chapter 28;

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

16 and

17 (7) mortuaries as defined in Chapter 30.

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

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

23 (1) the total area to be used for the regulated
24 establishment;

25 (2) the rooms in which the regulated activities are to be
26 conducted;

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

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

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

17 (e) Before any person shall commence to operate or open for
18 business any establishment or activity listed in Subsection (a) of this
19 Section, he/she shall notify the Director in writing of his/her intent to
20 operate. The Director or his/her designee shall review the plans and
21 specifications and inspect the location to determine whether plans have
22 been in compliance with the regulations promulgated and other
23 provisions of this Part.

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

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

3 **“§ 21104. Inspection.**

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

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

16 **“§ 21107. Issuance of Notices.**

17 Whenever the Director or his/her designee makes an inspection
18 and discovers that any of the applicable law or rule has been violated,
19 he/she shall notify the permit holder or operator of such violations by
20 means of an inspection report form or other written notice. In such
21 notification, the Director or his/her designee shall:

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

24 (b) establish a specific and reasonable period of time
25 for correction of the violations found, in accordance with the
26 following provisions:

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

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

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

14 (4) when the demerit score of the establishment
15 is more than forty (40), the sanitary permit shall be
16 immediately suspended; and

17 (5) in the case of temporary food service
18 establishments, violations must be corrected within a
19 specified period of time not to exceed twenty-four (24)
20 hours. Failure to comply with such notice shall result in
21 the immediate suspension of the permit;

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

26 (d) state that an opportunity for appeal from any notice
27 or inspection findings will be provided if a written request for a

1 hearing is filed with the Director within the period of time
2 established in the notice for corrections.”

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

5 **“§ 21115. Automatic Suspension of Alcoholic Beverage License**
6 **and Business License.**

7 Upon the suspension or revocation of a permit, the Director is to
8 notify the Department of Revenue and Taxation of the name and
9 location of that business.”

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

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