

Introduced  
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I MINA'BENTE NUEBE NA LIHESLATURAN GUÅHAN  
2007 (FIRST) Regular Session

Bill No. 6 (LS)

Introduced by:

J. A. Lujan 

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AN ACT TO AMEND CHAPTER 91 OF TITLE 10 GUAM CODE ANNOTATED, TO PROVIDE FOR PRIVACY AND FAMILY DIGNITY UPON ANTICIPATED DEATH OF A TERMINALLY-ILL PATIENT IN A HOME OR OTHER SETTING OUTSIDE OF A HOSPITAL, TO BE KNOWN AS THE "STANLEY EDWARD PALACIOS CRUZ FAMILY COMPASSION ACT", IN MEMORY OF HIS UNTIMELY PASSING.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent. Members of *I Mina'bente Nuebe***  
3 *Na Liheslaturan Guåhan* understand that the passing of a loved one is a difficult  
4 private moment, into which our government should intrude only to the minimum  
5 extent necessary to protect the public interest. On the occasion of the passing of the  
6 late Stanley Edward Palacios Cruz, a minor with a terminal illness who was  
7 permitted by his attending physician to enjoy his final days in the loving care of his  
8 family at home, law enforcement officials performed their duties in a manner  
9 according to law and established procedure which was nonetheless considered

1 unnecessarily intrusive at the time by family members and responsible medical  
2 authorities. Title 10, Guam Code Annotated, Chapter 91, known as the "Natural  
3 Death Act", recognizes a fundamental right to control decisions relating to one's  
4 own medical care, including the withholding or withdrawal of life-sustaining  
5 treatment in instances of terminal condition. Despite recent amendments to 10 GCA  
6 §3216, concerning Death Registration, and 10 GCA §12332, concerning  
7 Pronouncement of Death by a Registered Nurse, both of which anticipate death  
8 occurrences outside hospital settings, Guam law does not fully provide for the  
9 privacy of patients and their families wherever a patient chooses to enjoy his or her  
10 final days. This Act, to be known as the "Stanley Edward Palacios Cruz Family  
11 Compassion Act" seeks to afford our people protection from unwarranted  
12 governmental intrusion when anticipated death occurs at a place and under  
13 conditions permitted by law.

14 **Section 2.** 10 GCA §91101(a) is amended to read as follows:

15 "(a) The Legislature finds that an adult person has the fundamental right to  
16 control the decisions relating to the rendering of his or her own medical care,  
17 including the decision to have life-sustaining treatment withheld or withdrawn in  
18 instances of a terminal condition or permanent unconscious condition. The  
19 Legislature further finds that this fundamental right to control decisions regarding  
20 medical care should similarly extend to parents and other adults who are

1 responsible by law for the affairs of patients who are unmarried, unemancipated  
2 minor individuals."

3 **Section 3.** A new paragraph (h) is added to 10 GCA §91101 to read as  
4 follows:

5 "(h) The Legislature further recognizes and supports the choice of a patient to  
6 remove oneself from a hospital or other institutional setting upon certification of  
7 anticipated death by the patient's attending physician."

8 **Section 4.** A new term is added to 10 GCA §91102 "Definitions", to be  
9 inserted in alphabetic order with all other items reordered accordingly:

10 "'Anticipated Death' means a death caused by life-limiting illness, infirmity,  
11 or disease, following certification by the attending physician that the prognosis was  
12 discussed with the patient and the patient's family, and that the patient consented to  
13 a 'No Resuscitation' order or has executed an Advanced Directive indicating the  
14 same."

15 **Section 5.** A new subsection (d) is added 10 GCA §91103 to read as follows:

16 "(d) A declaration may be made by parents or other adults who are legally  
17 responsible for a patient who is a minor, and is neither married nor emancipated."

18 **Section 6.** 10 GCA §91108(a) is amended to read as follows:

1           “(a) A qualified patient may make decisions regarding life sustaining  
2 treatment, including stay in a hospital or other healthcare facility, as long as the  
3 patient is able to do so.”

4           **Section 7.** 10 GCA §91112(i) is amended as follows:

5           “(i) A person shall be considered dead if in the opinion of a physician, based  
6 on ordinary standards of current medical practice, the person has experienced  
7 irreversible cessation of spontaneous respiratory and circulatory function. Death  
8 will have occurred at the time when the irreversible cessation of the function first  
9 occurred. A pronouncement of death may also be made by a registered nurse upon  
10 anticipated death, as provided for in 10 GCA §12332. More specifically, death may  
11 be pronounced by a registered nurse when an attending physician has issued a  
12 certification of anticipated death. Such certification shall have been documented in  
13 the patient’s medical or clinical record, and shall be valid for no more than one  
14 hundred eighty (180) days from the date of the documentation and must be  
15 recertified every one hundred eighty (180) days to remain valid.”