

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

Bill No. 6 (LS)

As amended.

Introduced by:

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AN ACT TO AMEND §§91101, 91102, 91103, 91108 AND 91112, ALL OF 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 SETTING OUTSIDE OF A HOSPITAL, TO BE KNOWN AS THE “STANLEY EDWARD PALACIOS CRUZ FAMILY COMPASSION ACT”, IN MEMORY OF STANLEY’S UNTIMELY PASSING.

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
- 2 **Section 1. Legislative Findings and Intent.**
- 3 **Section 2. Short Title.**
- 4 **Section 3. Amends §91101(a) of Title 10 of the Guam Code Annotated.**
- 5 **Section 4. Adds a new Paragraph (h) to §91101 of Title 10 of the**
- 6 **Guam Code Annotated.**

1 **Section 5. Adds a new term to §91102 of Title 10 of the Guam Code**
2 **Annotated and amends Title 10 GCA §12332(f).**

3 **Section 6. Adds a new Subsection (d) to §91103 of Title 10 of the**
4 **Guam Code Annotated.**

5 **Section 7. Amends §91108(a) of Title 10 of the Guam Code Annotated.**

6 **Section 8. Amends §91112(i) of Title 10 of the Guam Code Annotated.**

7 **Section 9. Severability.**

8 **Section 1. Legislative Findings and Intent.** *I Mina’Bente Nuebi Na*
9 *Lihe slaturan Guåhan* understands that the passing of a loved one is a difficult
10 private moment, which our government should intrude into only to the extent
11 necessary to protect the public interest. On the occasion of the passing of the late
12 Stanley Edward Palacios Cruz, a minor with a terminal illness who was permitted
13 by his physician to enjoy his final days at home, law enforcement officials
14 performed their duties in a manner according to law and established procedure
15 which family members and responsible medical authorities nevertheless considered
16 unnecessarily intrusive.

17 Chapter 91 of Title 10 of the Guam Code Annotated, known as the “Natural
18 Death Act”, creates a fundamental right to control decisions related to one’s own
19 medical care, including the withholding or withdrawal of life-sustaining treatment
20 in instances of terminal condition. Despite recent amendments to 10 GCA §3216,
21 concerning Death Registration, and 10 GCA §12332, concerning Pronouncement
22 of Death by a Registered Nurse, both of which anticipate deaths outside hospital
23 settings, Guam law does not fully protect the privacy of patients and their families
24 regardless of where a patient chooses to spend his final days. This Act seeks to
25 protect Guam residents from unwarranted governmental intrusion when death
26 occurs outside hospitals under conditions permitted by law.

1 **Section 2. Short Title.** This Act shall be known as the “*Stanley Edward*
2 *Palacios Cruz Family Compassion Act of 2007.*”

3 **Section 3.** §91101(a) of Title 10 of the Guam Code Annotated is hereby
4 *amended* to read as follows:

5 “(a) The Legislature finds that an adult person has the fundamental
6 right to control the decisions relating to the rendering of his or her own
7 medical care, including the decision to have life-sustaining treatment
8 withheld or withdrawn in instances of a terminal condition or permanent
9 unconscious condition. This right extends to parents and other adults who
10 are legally responsible for the well-being of patients who are unmarried,
11 unemancipated minors.”

12 **Section 4.** A *new* Paragraph (h) is hereby *added* to §91101 of Title 10 of
13 the Guam Code Annotated to read as follows:

14 “(h) The Legislature creates, recognizes and supports a patient’s
15 right to remove himself from a hospital or other facility upon certification of
16 his anticipated death by his attending physician.”

17 **Section 5.** A *new* term is *added* to §91102 of Title 10 of the Guam Code
18 Annotated, entitled “Definitions”, to be inserted in alphabetical order with the
19 other items in said Section, and the definition of “Anticipated Death” in Title 10
20 GCA §12332(f), is also *amended* to read:

21 “*Anticipated Death* means a death caused by life-limiting illness,
22 infirmity, *or* disease, as certified by the attending physician that he discussed
23 a prognosis of terminal condition with the patient and the patient’s family,
24 and that the patient consented to a ‘No Resuscitation’ order *or* has executed
25 a Declaration *or* an Advanced Directive to that effect.”

26 **Section 6.** A *new* Subsection (d) is *added* to §91103 of Title 10 of the
27 Guam Code Annotated to read as follows:

1 “(d) A declaration may be made by parents or other adults who are
2 legally responsible for a minor patient who is neither married nor
3 emancipated.”

4 **Section 7.** §91108(a) of Title 10 of the Guam Code Annotated is hereby
5 *amended* to read as follows:

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

9 **Section 8.** §91112(i) of Title 10 of the Guam Code Annotated is hereby
10 *amended* to read as follows:

11 “(i) A person shall be considered dead if, in the opinion of a
12 physician, based on ordinary standards of current medical practice, the
13 person has experienced irreversible cessation of spontaneous respiratory and
14 circulatory function. Death occurs when the irreversible cessation of said
15 functions first occurs. A registered nurse may pronounce death if the
16 patient’s anticipated death has been certified pursuant to Title 10 GCA
17 §12332. Said certification *shall* be placed in the patient’s medical and
18 clinical records and *shall* remain valid for *no more than* one hundred eighty
19 (180) days after its execution and must be renewed every one hundred eighty
20 (180) days to remain valid.”

21 **Section 9. Severability.** *If* any provision of this Act or its application to
22 any person or circumstance is found to be invalid or contrary to law, such
23 invalidity shall *not* affect other provisions or applications of this Act which can be
24 given effect without the invalid provisions or application, and to this end the
25 provisions of this Act are severable.