

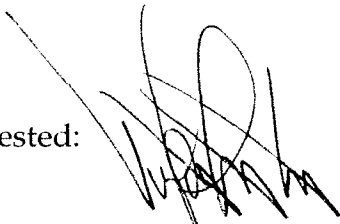
FILE COPY

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 405-30 (COR), "AN ACT TO AMEND §5270 OF ARTICLE 4, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE IN THE GOVERNMENT GROUP PURCHASE OF DRUGS FROM MANUFACTURERS", was on the 2nd day of July, 2010, duly and regularly passed.

Attested:




Tina Rose Muña Barnes
Legislative Secretary



Judith T. Won Pat, Ed. D.
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 6th day of July, 2010, at
5 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 405-30 (COR)

As substituted by the Committee on Economic Development,
Health & Human Services, and Judiciary,
and amended on the Floor.

Introduced by:

v. c. pangelinan
F. B. Aguon, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §5270 OF ARTICLE 4, CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCLUDING THE DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE IN THE GOVERNMENT GROUP PURCHASE OF DRUGS FROM MANUFACTURERS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan finds*
3 that the Department of Mental Health & Substance Abuse (DMHSA) is unable to
4 take advantage of wholesale purchase prices in the acquisition of pharmaceuticals,

1 as are the Department of Administration, the Department of Public Health & Social
2 Services, the Guam Memorial Hospital Authority, and the Department of
3 Education, because they are *not* included in §5270, of Article 4, Chapter 4, Title 5,
4 Guam Code Annotated – *Government to Purchase Drugs from Manufacturer*.
5 This has resulted in DMHSA paying higher prices for the same pharmaceuticals
6 being procured in group purchases by other government of Guam agencies.

7 Historically, the Department of Mental Health & Substance Abuse was once
8 a part of the Guam Memorial Hospital Authority. However, upon their separation
9 and establishment as an independent agency pursuant to statute, DMHSA
10 inadvertently became excluded from the group purchase of pharmaceuticals
11 pursuant to §5270 of Title 5 GCA.

12 Therefore, it is the *intent* of *I Liheslaturan Guåhan* to amend §5270 of
13 Article 4, Chapter 5, Title 5, Guam Code Annotated – *Government to Purchase*
14 *Drugs from Manufacturer*, to include the Department of Mental Health &
15 Substance Abuse.

16 **Section 2.** §5270 of Article 4, Chapter 5, Title 5, Guam Code Annotated,
17 is hereby *amended* to read:

18 **“§5270. Government to Purchase Drugs from Manufacturer.**
19 Whenever possible, the Department of Administration, the Department of
20 Public Health and Social Services, the Guam Memorial Hospital Authority,
21 the Department of Mental Health and Substance Abuse, and the Department
22 of Education *shall* purchase drugs, generic or otherwise, directly from the
23 manufacturer so as to ensure and maximize economy.”

24 **Section 3. Severability.** *If* any of the provisions of this Act or the
25 application thereof to any person or circumstance is held invalid, such invalidity
26 shall *not* affect any other provision or application of this Act which can be given

1 effect without the invalid provision or application, and to this end the provisions of
2 this Act are severable.