

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. 54-30 (COR), "AN ACT TO ADD A NEW §3218.1 TO CHAPTER 3, ARTICLE 2 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE INFORMED CONSENT REQUIREMENT FOR A WOMAN CONSIDERING AN ABORTION; AND TO CITE THE ACT AS 'THE WOMEN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2010' "**, was on the 30th day of November 2010, duly and regularly passed.

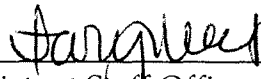


Judith T. Won Pat, Ed. D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1st day of Dec, 2010, at 1100 o'clock A.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
2009 (FIRST) Regular Session

Bill No. 54-30 (COR)

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

Introduced by:

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

**AN ACT TO *ADD* A NEW §3218.1 TO CHAPTER 3,
ARTICLE 2 OF TITLE 10, GUAM CODE ANNOTATED,
RELATIVE TO ESTABLISHING THE INFORMED
CONSENT REQUIREMENT FOR A WOMAN
CONSIDERING AN ABORTION; AND TO CITE THE
ACT AS “THE WOMEN’S REPRODUCTIVE HEALTH
INFORMATION ACT OF 2010”.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that it is
3 essential to the psychological and physical well-being of a woman considering an

1 abortion that she receives complete and accurate information on her alternatives. It
2 is the intent of *I Liheslatura* to ensure that every woman considering an abortion
3 receive complete information on her alternatives and that every woman submitting
4 to an abortion do so only after giving her voluntary and informed consent to the
5 abortion procedure.

6 **Section 2.** A new §3218.1 is hereby *added* to Chapter 3, Article 2 of Title
7 10, Guam Code Annotated, to read as follows:

8 **“§3218.1. The Women’s Reproductive Health Information Act**
9 **of 2010.**

10 (a) For purposes of this Act, the following words and
11 phrases are defined to mean:

12 *Abortion* means the act of using or prescribing any instrument,
13 medicine, drug, or any other substance, device, or means with
14 the intent to terminate the clinically diagnosable pregnancy of a
15 woman with knowledge that the termination by those means
16 will with reasonable likelihood cause the death to the fetus.
17 Such use, prescription, or means is *not* an abortion if done with
18 the intent to:

- 19 (1) save the life of the mother or the fetus;
- 20 (2) remove a dead fetus caused by spontaneous
21 abortion; or
- 22 (3) remove an ectopic pregnancy.

23 *Complication* means that condition which includes, but is *not*
24 limited to, hemorrhage, infection, uterine perforation, cervical
25 laceration, pelvic inflammatory disease, endometritis, and
26 retained products. The Department may further define
27 *complication*.

1 *Conception* means the fusion of a human spermatozoon with a
2 human ovum.

3 *Department* means the Department of Public Health and Social
4 Services Records Section.

5 *Facility, or medical facility,* means any public or private
6 hospital, clinic, center, medical school, medical training
7 institution, health care facility, physician's office, infirmary,
8 dispensary, ambulatory surgical treatment center, or other
9 institution or location wherein medical care is provided to any
10 person.

11 *First trimester* means the first twelve (12) weeks of gestation.

12 *Gestational age* means the time that has elapsed since the first
13 day of the woman's last menstrual period.

14 *Hospital* means an institution licensed pursuant to the laws of
15 Guam.

16 *Medical emergency* means that condition which, on the basis of
17 the physician's good faith clinical judgment, so complicates the
18 medical condition of a pregnant woman as to necessitate the
19 immediate termination of her pregnancy to avert her death or
20 for which a delay will create serious risk of substantial and
21 irreversible impairment of a major bodily function.

22 *Physician* means any person licensed to practice healing arts,
23 pursuant to the laws of Guam. The term includes medical
24 doctors and doctors of osteopathy.

25 *Pregnant or pregnancy* means that female reproductive
26 condition of having a fetus in the mother's uterus.

1 *Qualified person* means an agent of the physician who is a
2 psychologist, licensed social worker, licensed professional
3 counselor, registered nurse, or physician.

4 *Viability* means the state of fetal development when, in the
5 judgment of the physician based on the particular facts of the
6 case before him or her, and in light of the most advanced
7 medical technology and information available to him or her,
8 there is a reasonable likelihood of sustained survival of the
9 fetus outside the body of his or her mother, with or without
10 artificial support.

11 (b) **Informed Consent Requirement.** *No* abortion *shall* be
12 performed or induced without the voluntary and informed consent of
13 the woman upon whom the abortion is to be performed or induced.
14 *Except* in the case of a medical emergency, consent to an abortion is
15 voluntary and informed *if and only if*:

16 (1) *At least* twenty-four (24) hours before the abortion,
17 the physician who is to perform the abortion or the referring
18 physician has informed the woman, orally and in person, of the
19 following:

20 (A) the name of the physician who will perform
21 the abortion;

22 (B) the medical risks associated with carrying
23 the child to term; and

24 (C) any need for anti-Rh immune globulin
25 therapy if she is Rh negative, the likely consequences of
26 refusing such therapy, and the cost of the therapy.

1 (2) *At least* twenty-four (24) hours and *up to* thirty
2 (30) days before the abortion, the physician who is to perform
3 the abortion, the referring physician, or a qualified person has
4 informed the woman in person, that she is free to withhold or
5 withdraw her consent to the abortion at any time without
6 affecting her right to future care or treatment and without the
7 loss of any state or federally funded benefits to which she might
8 otherwise be entitled.

9 (3) The information in Subsection (b) (1) and (2) is
10 provided to the woman individually and in a private room to
11 protect her privacy and maintain the confidentiality of her
12 decision to ensure that the information focuses on her
13 individual circumstances and that she has an adequate
14 opportunity to ask questions.

15 (c) **Emergencies.** When a medical emergency compels the
16 performance of an abortion, the physician *shall* inform the woman,
17 before the abortion if possible, of the medical indications supporting
18 the physician’s judgment that an immediate abortion is necessary to
19 avert her death *or* that a twenty-four (24) hour delay will cause
20 substantial and irreversible impairment of a major bodily function.

21 (d) **Criminal Penalties.** Any person who intentionally,
22 knowingly, or recklessly violates this Act is guilty of a misdemeanor.”

23 **Section 3. Funding.** *I Maga’lahen Guåhan shall* identify the funds
24 necessary within the Executive Branch Budget, as required and necessary to fully
25 implement the purposes and intent set forth in this Act.

26 **Section 4. Severability.** *If* any provision of this Act held to be invalid *or*
27 unenforceable by its terms, *or* as applied to any person or circumstance, *shall* be

1 construed so as give it the maximum effect permitted by law unless such holding
2 shall be one of utter invalidity *or* unenforceability, in which even such provision
3 *shall* be deemed severable herefrom and *shall not* affect the remainder hereof *or*
4 the application of such provision to other persons *not* similarly situated *or* to other,
5 dissimilar circumstances.

6 **Section 5. Effective Date.** This Act *shall* take effect one hundred eighty
7 (180) days after enactment.