



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

March 17, 2011

Honorable Judith T. Won Pat

Speaker

I Mina'Trentai Una na Liheslaturan Guåhan

155 Hesler Place

Hagatña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report - Bill No. 52-31 (COR), as Substituted.

Dear Speaker Won Pat:

Transmitted herewith for your consideration is the Committee Report on **SUBSTITUTE Bill No. 52-31 (COR); AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WOMAN'S INFORMED CONSENT FOR ABORTION AND TO CITE THE ACT AS "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2010"**; By request of *I Maga'lahren Guahan* in accordance with the Organic Act of Guam; and introduced by the Committee on Rules, Federal, Foreign, & Micronesian Affairs and Human & Natural Resources; and referred to the Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform;. Bill No. 52-31 (COR) was publicly heard on February 11, 2011.

Committee votes are as follows:

<u>6</u>	TO PASS
<u> </u>	NOT TO PASS
<u> </u>	ABSTAIN
<u>2</u>	TO REPORT OUT ONLY
<u> </u>	TO PLACE IN INACTIVE FILE

Respectfully,


SENATOR DENNIS G. RODRIGUEZ, JR.

Attachment



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SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT

ON

BILL NO. 52-31 (COR), as Substituted

Introduced by: Committee on Rules, Federal, Foreign, & Micronesian Affairs and Human & Natural Resources; By request of *I Maga'lahaen Guåhan* in accordance with the Organic Act of Guam.

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



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SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan


CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

March 17, 2011

MEMORANDUM

To: ALL MEMBERS

Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform.

From: SENATOR DENNIS G. RODRIGUEZ, JR. 
Committee Chairperson

Subject: Committee Report on Bill No. 52-31 (COR), as Substituted.

Transmitted herewith for your consideration is the **Committee Report** on **SUBSTITUTE Bill No. 52-31 (COR); AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WOMAN'S INFORMED CONSENT FOR ABORTION AND TO CITE THE ACT AS "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2010";** Committee on Rules, Federal, Foreign, & Micronesian Affairs and Human & Natural Resources; By request of *I Magsa'lahen Guåhan* in accordance with the Organic Act Of Guam.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative / Digest
- Copy of Bill No. 52-31 (COR), as Substituted
- Copy of Bill No. 52-31 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 52-31 (COR)
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Attachment



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guahan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE VOTING SHEET

BILL NO. 52-31 (COR), as Substituted

“AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WOMAN’S INFORMED CONSENT FOR ABORTION AND TO CITE THE ACT AS “THE WOMAN’S REPRODUCTIVE HEALTH INFORMATION ACT OF 2010”; Introduced by Committee on Rules, Federal, Foreign, & Micronesian Affairs and Human & Natural Resources; By request of *I Maga’lahen Guahan* in accordance with the Organic Act of Guam.

	SIGNATURE	TO PASS	NOT TO PASS	REPORT OUT ONLY	ABSTAIN	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, JR. Chairman		✓ 3/16/11				
ADOLPHO B. PALACIOS, SR. Vice Chairman		✓ 3/17				
JUDITH T. WON PAT Speaker						
BENJAMIN J.F. CRUZ Vice Speaker						
TINA ROSE MUÑA BARNES Legislative Secretary						
THOMAS C. ADA						
JUDITH P. GUTHERTZ						
VICENTE C. PANGELINAN						
RORY J. RESPICIO						
V. ANTHONY ADA		3/17/11 ✓				
FRANK F. BLAS, JR.		3/17/11				
CHRISTOPHER M. DUENAS		3/17/11				
SAM MABINI				3/17/11		
MANA SILVA TAIJERON		3/16/11				
ALINE A. YAMASHITA				3/16/11		



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CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

COMMITTEE REPORT DIGEST

Bill No. 52-31 (COR), as Substituted

I. OVERVIEW: The Committee on Health & Human Services, Economic Development, Senior Citizens, and Election Reform conducted a public hearing on **February 11, 2011**. The Hearing convened at 08:30 A.M. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **SUBSTITUTE Bill No. 52-31 (COR); AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WOMAN'S INFORMED CONSENT FOR ABORTION AND TO CITE THE ACT AS "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2010"**; Introduced by the Committee on Rules, Federal, Foreign, & Micronesian Affairs and Human & Natural Resources; By request of *I Maga'lahaen Guahan* in accordance with the Organic Act Of Guam.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets on February 04, 2011 (5-Day Notice), and again on February 08, 2011 (48-Hour Notice). Notices were published in the Village Voice on February 03, 2011 (5 Day Notice), in the Guam PDN.com on February 06, 2011 (5 Day Notice), and in the Village Voice on February 09, 2011.

Senators Present

Senator Dennis G. Rodriguez, Jr.	Chairperson
Senator Adolpho B. Palacios, Sr.	Vice-Chairperson
Senator Rory J. Respicio	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator Mana Silva Taijeron	Committee Member

The public hearing on Bill No. 52-31 (COR) was Called-to-Order at 4:00 P.M.

II. SUMMARY OF TESTIMONY & DISCUSSION.

CHAIRMAN DENNIS G. RODRIGUEZ, JR., CHAIRMAN DENNIS G. RODRIGUEZ, JR., convened the Public Hearing on Bill No. 52-31 (COR). Chairman invited Telo Taitague, the Governor's representative, to present the Governor's statement on Bill No. 52-31 (COR), Senator Rodriguez explained the intent of the bill.

Ms. Telo Taitague, Governor's representative: Submitted written testimony (attached) by Governor Eddie Baza Calvo, **IN SUPPORT** of Bill No. 52-31 (COR). Read written testimony from Governor Calvo.

I would like to also put my testimony in for supporting both bills. As you know in the past legislature I was an advocated for the bills that were authored back then and I continue to be an advocate for the unborn. Thank you.

Chairman: Just for the record as well, on Feb 7th. The committee sent a letter to the Attorney General for him to give his legal opinion on both measures, bill 51 and 52. We have a copy of that here if anyone would like to have a copy. We will proceed with this after the hearing and when we put the committee report together we are going to wait for the legal opinion of the Attorney General.

Chairman: Called the first panel to testify.

Dr. Margie DeBenedictis: Submitted written testimony (attached), and provided oral testimony **IN SUPPORT** of Bill No. 52-31 (COR). Read written testimony.

Senator Rory J. Respicio: Thank you, Mr. Chair and Dr. DeBenidictus. First of all, I want to say that this bill was introduced at the request of the governor and as Chairman of the Committee on Rules, Foreign and Micronesia Affairs so you are going to know me as someone who is about procedure. While I don't want to talk too much about Bill 54 it kind of gives us the opportunity so that we don't go down the same road when he submitted two bills to the legislature and immediately without hesitation I introduced it on his behalf, it is an Organic Act power that he has and respect that. I could have asked the Chairman on health to introduce that bill, but I felt that it was my responsibility. You're going to see that kind of display here in the legislature, particularly in those areas that I am involved in. This is certainly a very passionate issue and the struggle that I have, personally, is the constitution. I am glad you recognize that Bill 51 has some constitutional challenges that offering an alternative form or an amendment that will provide anesthesia for the unborn or for the fetus and you would be okay with that?

Dr. Marjorie DeBenedictis, MD: If such an amendment were required, yes I would be okay with an amendment requiring fetal anesthesia.

Senator Respicio: Why wasn't this bill run through the Attorney General's office even before it was submitted to the legislature?

Dr. DeBenedictis: Senator, I am just a doctor. I do not know about legislature procedure. I am here to testify on behalf of this bill and I don't know why you're asking me questions about legislative things. I really don't know.

Senator Respicio: My fear, Mr. Chairman is that if we submit this to the Attorney General for his review, we are going to be criticized for doing some kind of delay tactic.

Dr DeBenedictis: So you're worried about criticism instead of fetal pain?

Senator Respicio: I am not worried, if I were worried about criticism I would not be here today and I want you to know that. I also want you to be very fair and just when we debate this issue in the public or in the media. Fetal pain, is obviously, who is going to be in favor of killing a baby? Who is going to be in favor of an abortion, on the very surface of it? So there are certain constitutional requirements that we have to act in conjunction with. Because I will tell you, I will never forget a law passed by former Senator Bell Arriola that was an anti-abortion statute. It was passed - a law that prohibited abortion on Guam. It cost the tax payers one million dollars to have that issue litigated.

Dr DeBenedictis: That's a real shame. I don't know what to say with regards to that. I am here to give testimony on fetal pain and I really hope the bill passes.

Senator Respicio: I think that is a real shame, your inability to also be sensitive to the complexity of how the legislature has to address these issues.

Dr DeBenedictis: I understand what you are saying and I would like to defer to my lawyer if that is okay. He is here to give testimony.

Senator Respicio: That is just how it is going to be, Mr. Chairman.

Rose Taitano: Bill 52 and 51, I am in favor. Request by governor Calvo, dos esta na bill, has been requested, request by the governor of Guam. First heart beat, you are pregnant. There is no such thing as half pregnant. It is still life. You are still pregnant. You still respect it. It was given to you as a gift. Even if you are giving birth to a child. It is your responsibility from the Lord, and guess what, you are just borrowing that individual. You are just borrowing your kids from the Lord, so he can take it away any time. So if you have a gift, with that kind of a blessing, a huge one, so treasure it. Life is precious. I disapprove of that nine babies to be buried by the church, oh my, I wonder how they died. There is only 2 reason why I have here on my testimony. If it is a tube baby and it is going to kill the mother, the doctor says you are going to die lady. You cannot grow the baby in the tube, it has got to be in the uterus right? Or your life. About 20 years ago, a baby didn't have a chance, but I have a chance. I was 10 weeks pregnant when the doctor found out my baby was a tube baby. I was going to have twins. I always wanted twins. My bother has got a brother twin. I always wanted twins, but one was in the uterus and the other was in the tube. So when I had the operation, I lost both of it. I don't question it, the Lord. I am not supposed to question the Lord, why, why, why? And a lot of times, when the Lord is going to take a life, it is still an angel. So the murdering of babies is something so inhuman to kill another human being. It doesn't need any experience. It is there.

It is black and white, write and wrong. Murder or not to murder. Please change that 15 weeks. I found out that I could not carry the baby at 10 weeks and when I looked at the bill it says 40 weeks? That is sickening. Give the baby a chance. If it is a medical reason to abort it, give it a chance, lessen the 40 weeks. 2 months is fine. If you want to argue with me, another month, 15. We are speaking for life. And like I said, after the first heart beat you are pregnant. Your vocabulary is not right to change the bill from baby to fetus, I do not appreciate that from Tina Barnes. When I read the paper on 2/11, these big words, help me, anatomical, and phisicologiactl and characteristic. They are talking about the fetus. Oh I didn't I know it has got character, it has personality already? Just write. If you want to copy the United States in legalizing at no cost, it don't matter how old you are I think. I don't know about the birth control or your parents. I think they have rights, children. I don't approve of abortion without parents knowing if they are under age and now in some states you cannot put up your child for adoption if the father is not aware. There are two parents, a boy and a girl. Man and a woman. It cannot be woman woman, man and then it comes out a baby. No way, Jose. Abortion is done when the baby dies before the birth, that is another one. The mother will, I think the most that it can carry at the most a week, three days. It's rotting, it's dead. Your baby and when the baby dies in the uterus before birth, if you don't know it is dead, it is not moving that can hurt. So as a mother, 4 months pregnant, 3 months pregnant, you will feel the baby is present. If it is kicking it is still alive. Some babies, you can feel it at 3 months, 4 months, I can feel if it is a boy or a girl just by having a boy or a girl and then the next one, I just say I know what is. It is the way the baby kicks. I sense it. So we are given common sense and 2 reasons to kill baby, so matai neni esta. And the matai, you guys are not going to answer for that, or die naturally. If you are given a deformed baby and the doctor says it is handicapped, hello? If my life is not on the line I will have that baby and like I said if I am sick, that is the cross, that is the blessing. If you treat it right you will make it to heaven and that is all our goal. We are just passing through this earth in a blink of an eye. It is in the bible, vapor in the time of Moses and people of that nature when they 130, *mapotigi esti* 80 years old. Miracle from the Lord. He gives and he takes. So we are given a chance, we are given a chance. And that is the 2 reason. Some people want to abort it, even when they want to. There is an illness, some parents don't know. There is a reason he gave me, so there is a reason that I am given a chance to have that baby. It is a miracle of life and I thank the Governor Calvo for both bills. It is life and life is precious. If it is precious for you, then children is precious to you. Another person's life is precious, if it is precious for you then children are precious to you, then another person's life is precious to you so if you, let's say that you have the opportunity to destroy somebody, you know self defense and that is completely different from a helpless child. It is completely, different. It is in there, it is yours and no body is supposed to do that. But only the two reasons that I gave earlier. Only when it is a tube baby, nobody can carry that, one percent as far as the other reasoning, if the baby died already. The mother is going to *matai* too? So when the babies were buried earlier this year or last year with the church, I didn't see know representative from the senators, from the governor, from the nothing and it saddened me . so with your patience and energy for life, give the baby a chance. We don't want to be known as the community like the part of the states who do promote it, not your baby or it is not dead, it is up to the individual, excuse me? If it is going to kill the baby, there is no decision for you to make, just for getting raped, it is not right just to get rid because you don't want it or you are raped and don't want it. That is not enough reason, there is a reason for the season. It happens and it is not going to happen just once. Different people, and it is only

right as our life precious? Thank you senators for listening. Thank you for your patience, I love you guys.

Senator Respicio: Mr. Chairman, maybe we can get someone who supports bill 51 to come up and defend this bill. It is not right that this is the governor's bill and you are not aware of why he did not ask the Attorney General whether or not it is legal. I also want to know if the bill was presented to the Guam Medical Society, where criminalizing some acts that would otherwise be constitutionally permissible. If someone would step forward.

Mr. Shane Intahar, Attorney at Law: Senator, I could offer some insight on Bill 51. I'm here to provide testimony in favor of the bill. It is important for a woman considering an abortion to receive information and women should only go through an abortion after she has given her voluntary consent in writing. Some women undergo abortions without being informed of the true nature of the life inside of them and the options they have. Only after do they realize the true psychological trauma after the abortion when not fully informed. Bill 52 allows abortion providers 24 hours before the abortion with medically accurate information that is reasonable material that pertains to the abortion. Opponents and proponents of this bill will assert that the fact that a woman shows up at an abortion clinic is evidence enough that she considered her options and thus doesn't require the intervention of a territory. I offer these 2 principle points. The first, the US Supreme Court has recognized this phenomena that women undergo abortions in an uninformed state and later suffer psychological. This established the constitutionality of informed consent. Second, a crisis pregnancy center on Guam that does not do abortions or advertise it has many mothers who come and seek abortions, but a vast majority of those women no very little about the physiological development of the human being inside of them and are shocked at the information. They are shocked of the images of the ultrasound and after they say they won't undergo the abortion. This provides some evidence that this phenomena does exist and women are not sure what to do under pressure and don't appreciate the consequences until it is too late. Our view is to provide all the information before, why risk the possibility of being devastated after. The women of Guam would benefit from Bill 52.

Bill 52 is similar to Bill 54, so I can anticipate some of the objections. One was a question of constitutionality and it is a sensitive subject. Informed consent legislation has been constitutionally permissible for 20 years. There is no question that this law is okay. In spite of the Attorney General's opinion some senators still use the term "undue burden." One has to be careful Bill 52 does not constitute an undue burden. Senator Barnes was concerned about the term "unborn child" and as a result it created a deficiency in the bill. That same term is used in Bill 52, she said it doesn't appear in the dictionary and it doesn't because it is a 2 word phrase which are not found in the dictionary. I would suggest the real reason why she opposed that term is because it humanizes the unborn life. In an effort to dehumanize it, pro-choicers want to extract it.

Chairman: I know that someone drafted this bill for the governor and someone asked him to do it. I know that Dr. DeBenidictus has approached too and that is why I wanted Senator Taitague who is representing the governor to stay, and I understand that she had to leave. But right now, Shane and Dr. Debenidictus.

Mr. Intahar : I think that I can provide some insight. It is my understanding, well first off I can tell you this, that bill was not drafted by some Guam pro-life advocacy group. I know that it was drafted by the governor's office by the governor's legal counsel. That is why Margie and I are here in support of the bill and even though we don't know, sort of the back history on it. But senator, your concern with respect to the constitutionality of the bill, essentially, our view is that we are going to leave it to the Attorney General and the position they take. Again, we were not part of the drafting process so it would be inappropriate for us to try and comment on what they were thinking. So perhaps you can inquire with the governor or the governor's chief legal counsel. We may give an inadequate response and that is all we know.

Senator Respicio: With Bill 52, it is kind of a mirror bill of 54 in the previous legislature and when the former chairman on health brought this copy of the bill to the Attorney General, the Attorney General did come back and said while not constitutionally fatal, there was a part in section 8 that still needed to be tweaked a little. It would make the Attorney General more comfortable in terms of making this bill constitutionally challenged at that juncture in that process. Is that the position of this group if this bill is forwarded to the Attorney General that this group would respect that as part of our normal legislative process and not be taken by surprise to give an opinion before the legislature. We do it all the time. So we get debate on the emotion and not the legality and that is what I am asking Dr. DeBenidictus, let's debate on the legality of these bills and not on the emotion, because if it is based on the emotion then I am with you 100%.

Dr. Debenidictus: I am not here to talk about emotion.

Senator Respicio: Then what are you here for?

Dr. Debenidictus: I was here to give the medical support for the evidence of fetal pain.

Senator Respicio: But weren't you the one who publicly asked why the legislature was asking the Attorney General for his legal opinion.

Dr. Debenidictus: That is a topic for a whole other hour.

Senator Respicio: Well I am asking you to be accountable for your actions. That's my point.

Dr. Debenidictus: You bet I am accountable, Senator. I want to know why you and Senator Aguon were so busy delaying the bill 2 years ago.

Chairman Rodriguez: You know this is a new term and I want to start out the new term, this is a new bill and I have requested the Attorney General to give his legal opinion on both bills and it was received by his office on February 8th and we are going to wait on that just as I mentioned earlier. We are going to receive testimony. I was hoping that the governor or his representative would stay here to answer any questions, but in understanding her and her reason why she had to leave so that is fine. I am going to receive testimony on bill 51 and after we finish we will receive testimony on Bill 52.

Senator Respicio: I want to request that you also ask the Guam Medical Society for its position on this bill. Thank you.

Senator Adolpho B. Palacios, Sr.: Thank you, Mr. Chairman. The way I see this is I like to find out and I ask of course either one of you of this committee of course, how many organizations both profit and non-profit that are established that provide services to expectant mothers who are experiencing difficulties with the pregnancy due to economic hardships, single mothers who live with parents who are actually sheltered by the parents. And how many of these are at the same time provide after birth care as a help to the expectant mother, who in some way, for lack of a better term is forced to retain the pregnancy up to giving birth. Because my own estimate of this and correct me if I am mistaken, but my understanding of this, is that pro-life to the mother is essentially saying to the mother to keep the baby and then no service to help this mother within the pregnancy, in the normal ways so the pregnancy will not be a problem and a difficulty to the expectant mother, who probably at some point is overwhelmed by being so poor and all that burden and what kind of program exists right now that actually helps these mother? Provide a listing to this committee.

Mr. Intahar: Sure. I probably would respond in this way. What you are describing is a situation where abortion is just universally prescribed. The argument of your concern, that only arises when abortion is universally prescribed, when just flat out outlawed. So your question is not particularly germane to these two bills. So I am a little confused about why you would raise that.

Senator Palacios: You essentially force a mother by law.

Mr. Intahar: But we are not. Not these bills.

Senator Palacios: At any rate, I would say that the end result of a more restrictive abortion law.

Dr. DeBenedictis: So are you saying that if a woman can't decide by 20 weeks and she doesn't know if she wants to be pregnant or not and oh I can't make up my mind and now I have to carry the baby.

Senator Palacios: The way I see this is whether this bill is passed or not, will it be a good thing that the pro-life group develop programs to help expectant mothers who are facing difficulties and who in some way feel restricted. That's what I want to know.

Mr. Intahar: Okay. Fair enough.

Chairman Rodriguez: If I could, Senator Respicio, if you want to chime in.

Senator Respicio: Thank you Mr. Chairman. I think this question is very much germane and the Senator's referencing page 10 of Bill 52. It requires that a following statement be provided that quote, "there are public agencies and private services willing and able to help you carry your child to term and to assist you and your child after your child is born whether you choose to keep your child or to place her/him for adoption." And that's why Senator Palacios's question is germane.

Mr. Intahar: No, that doesn't work.

Senator Respicio: He's asking what organizations are out there and to provide this service that is required in this bill.

Mr. Intahar: No, his assertion was that pro-lifers and the pro life position is to outlaw abortion. And in doing so right, we force women who otherwise wouldn't keep their children to keep them. And so his question is therefore since we're sort of forcing this sort of unneeded volume of children on the community what sort of resources are we providing for them. So that was his question. And so Bill 52 which is an informed consent bill it in no way restricts or limits a woman's access to abortion. All that it requires is that she sits and listens for perhaps an hour. So the question doesn't really follow. Senator, your question is more of a broad, you know...

Senator Palacios: That's Bill 52, which Bill 52 I have no problem, the informed consent. I'd like to see pro-life develop and pursue and establish more programs. That's all I'm saying. Because additionally, there are not enough programs.

Mr. Intahar: Sure and I would say this. Certainly, being pro-life is now (or not?) somehow mutually exclusive with being charitable at heart and trying to help children. I am the president of a large charity here in Guam. I do things. I contributed a lot of money to children both here and abroad. So I'm a little perplexed at the presumption that because one is pro life they also disregard those living in the outside world. That and I also want to defer to Mary Lou Martinez because she in fact. . .

Senator Respicio: Attorney, are you also perplexed to say that when one is pro-choice they are baby killers? It cuts both ways.

Mr. Intahar: Hang on. I would say this, let's sort of peel back a little bit...

Senator Respicio: Answer the question.

Mr. Intahar: Sure, if you would give me a moment, I will. Pro choice is a position that abortion on demand ought to be illegal. So that is to say you doubt the position that a woman ought to have a right to kill her unborn human child. Now, however you want to craft that, if you want to call it murder, you want to use sort of brutal terms, then you are adding some sort of value judgments. But just on the face of it, just using the biological term, you are killing it.

Senator Respicio: And that's my prayer that we don't add these value judgments and just discuss the issue.

Mr. Intahar: Sure, fair enough.

Senator Respicio: Can we agree? Because Dr. Benedictus called me a pro-baby-killer and I was very insulted by that. I'm not even pro-choice. I have a six-year old son and you have publicly

made those comments during the last election, Dr. Benedictus. So I'm asking can we just remove these labels and just discuss the issue and just move forward from here.

Chairman: Excuse me Shane, if I could, I'm going to ask...

Senator Respicio: Oh come on Mr. Rohr why don't you take a seat too?

Mr. Tim Rohr: Alright I will. We have to listen to your personal vendetta...

Senator Respicio: What's my personal vendetta?

Mr. Rohr: At a public hearing? On a bill that has nothing to do with you?

Chairman: I'm going ask the members of the public, Mr. Rohr, please we want decorum here. I'll give [Tim Rohr] the opportunity to speak on this. I'm going ask everyone here, this is a very emotional issue, I'm going ask everyone to please keep their decorum, and members of the panels and members of the public. So I'm going stick to the agenda, which is Bill 51. If there's anyone else here that wishes to speak on Bill 51, I'm going accept testimony. After we're done with that we're going move on to Bill 52.

Rose Taitano: I just wanted to state that I have children. I got ten great grandchildren and before I kick the bucket I've tried to be a great great grandmother over in Alabama. That is beautiful. I do foster children. When my kids were growing up, I bring them in. There is not one Chamorro, Haole, Filipina, Chuukeese. . .cause mine, the Chamorro don't need help cause they want sisters and brothers and they're killing. I used to be a teacher. I used to teach Simon Sanchez. Talk about loving kids. Please don't try to identify pro and life, against, for, divorce and all this. To me legally, I need to be a lawyer I guess to answer things that help them after they give birth, after they have the baby, who's gonna help them? Let's deal with them first before they are born, before the abortion. Let's deal with that baby please? You have to answer to the Lord. And when you don't give us that baby right, you're doomed. So don't put obstacles in front of the believers of life. Don't you dare. We'll punch the table. Life is precious, maybe yours but I don't know. But I don't need a lawyer to speak up, just common sense. Thank you. Don't be a murderers.

Chairman: Thank you. I just want to ask the public again to please keep your decorum. We want to get this going smoothly. Mr. Rohr, you want to testify on Bill 51?

Mr. Rohr: The only reason why I'm sitting here is because Senator Respicio said "Oh come one you know, why don't you testify." My concern is that what he's talking about has nothing to do with what we're doing right now. That he is taking out his vendetta because Margie called him out in the last election or whatever. If he's got an issue with Margie it doesn't belong in the public hearing room. That's the only reason why I'm sitting here. He's going to do the testimony and I am going to defend my friend.

Chairman: Okay, so thank you.

Mr. Rohr: If you are going to use this forum to impugn other people. It doesn't belong in the public hearing room.

Chairman: That's right.

Marylou Diaz Martinez: I would like to address Senator Palacios' question of what is available for expectant mothers. There are options, it is not a formal organization, but there are many couples waiting in line to adopt. We also have families who have provided help for the woman who come to the crisis pregnancy centers who's alternative was abortion because they could not afford a baby. So that has not been a problem that I have seen over 3 years. There are couples waiting, even from off island. There is a back log of parents wanting to adopt and we proceed with first come, first serve. The young mothers are more than glad to hear that there are those options. We don't have a formal organization, but when families and others have taken this to heart.

Senator Palacios: That is essentially what I am looking at, that they have an ability to connect and secure help or get help for expectant mothers who are having trouble with this. I have concerned myself with these expectant mothers. The pre-natal checks, if this person is working they need to get off. This organization could talk to that employer and if they could be a little more lenient and probably give them administrative leave or sick leave. That is good that you have this after-birth program, that is good. But what about during the pregnancy, because I would say some of the reasons for wanting an abortion is the difficulty and it is natural to think that way. It is sad that economics effect, but indirectly it would enhance the desire to keep that too.

Ms. Marylou Diaz Martinez: Nine times out of ten, when they realize what s growing inside of them, these are not uneducated woman. They are not educated about the procedure and the circumstances. When they realize what is growing that allows them to change their hearts.

Senator Palacios: I believe when we get to Bill 52, and that is why I support Bill 52 because it complements this bill 51 and more informed consent with the counseling.

Senator Duenas: I want to commend you for your initiative to all of the possible legal ramifications by the letter that you issued to the Attorney General. I am like you, I don't have the issues of prior legislation introduction as I approach this new legislature with these two bills in my review, just for the public that is here in my review and subject to the Attorney General's review, I just want you to know that you have my support, I think it is good legislation, I think it is responsible legislation. I think it is the best we can give short of doing more. I appreciate it and thank you for the opportunity.

Ms. Pat Perry: Thank you for having me. In response to the question that sometimes a woman is forced to keep their child. I was questioned and said that the Catholic Church would be open for any child. We have a list of parents who want to adopt and they are always waiting, I talked to this woman once and begged her to keep her child and told her all the possibilities. She kept the baby I placed the baby with a couple. Also, other children who were not wanted by their

parents. There is always a place open for these children and a demand from loving parents. The Church also opens its doors to any unwanted child.

Senator Silva-Taijeron: I can say safely that I am the only mother up here. I have been criticized for my pro-life stance, quite a bit, surprisingly by a lot of women who feel that I should be pro-choice because I represent the people as a whole, but my faith makes me believe that I have to support life and I support this bill and I thank you for your testimony today.

Viola Salas: The nature of the statement, that it would be the humane thing to give the baby anesthesia before the horrific killing. All I can say is thank you all for your mother. Do you feel that we don't have any problems? That is still killing babies. We are human beings and it begins with conception. Life is precious. Thank you for your parents. Life begins at conception.

CHAIRMAN: There being no further testimony, or questions or comments by Committee Members, Bill No. 52-31 (COR) has now been duly heard. The Committee will continue to receive written testimony as we review Bill No. 52-30 (COR), and await the issuance of an Attorney General opinion.

Bill No. 52-31 (COR) has been DULY HEARD. The Public Hearing is ADJOURNED.

WRITTEN TESTIMONY RECEIVED IN SUPPORT (ATTACHED):

1. **Honorable Eddie Baza Calvo, *I Maga'lahaen Guahan.***
2. **Dr. Marjorie DeBenedictis.**
3. **Mr. Shane Intihar.**
4. **Ms. Denise Reyes.**

WRITTEN TESTIMONY RECEIVED OPPOSED (ATTACHED):

1. **Ms. Anita Arriola, Attorney at Law:** Submitted written testimony **OPPOSED** to Bill No. 52-31 (COR), wherein she stated that Bill 52-31 (COR) is identical to Bill No. 54-30 (COR), as introduced in the 30th Guam Legislature. Also attached for reference, is Attorney Arriola's testimony on Bill No. 54-30 (COR).

ATTORNEY GENERAL LEGAL OPINION (ATTACHED): Committee Chairman, Dennis G. Rodriguez, Jr., in a letter dated February 07, 2011, to the Attorney General of Guam, requested a legal opinion "*Relative to the Constitutionality of Bill No. 52-31 (COR)*" (attached).

Deputy Attorney General, J. Patrick Mason, in his response dated and received March 11, 2011, stated that **Bill No. 52-31 (COR) is essentially the same as Bill No. 54-30 (COR)**, as introduced in the 30th Guam Legislature. **Therefore, the same "Interpretation of the**

Constitutionality of Bill No. 54-30 (COR) – AG File No. LEG 10-0956”, as provided relative to Bill No. 54-30 (COR), has now been provided as the Attorney General’s response relative to Bill No. 52-31 (COR).

REFERENCE DOCUMENTS (ATTACHED):

- 1. Bill No. 54-30 (COR), as Introduced.**
- 2. Bill No. 54-30 (COR), as Substituted by the Committee on Health & Human Services.**

III. FINDINGS & RECOMMENDATIONS

The Committee on Health and Human Services, Economic Development, Senior Citizens, and Election Reform finds that with the submission of the Attorney General’s Interpretation on Bill No. 52-31 (COR), it now makes possible the continued consideration of Bill No. 52-31 (COR) by *I Liheslaturan Guahan*.

At the request of *I Maga’lahen Guahan’s* legal counsel, Bill No. 52-31 (COR) was further amended. The requested changes are provided in the **attached** sectional digest of the substitute bill, which shows the requested additions and deletions.

Due consideration was given to the Attorney General’s interpretation of a possible constitutional “vagueness” which may give cause for legal challenges. In Section 2 of the Bill, proposed Part 8 of Subsection (b) of Section 3218.1, was amended to read, as follows:

8. A physician shall not require or obtain payment for providing the information and certification required by this Section of law.
8. ~~[A physician shall not require or obtain payment for a service provided to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the twenty-four (24) hour reflection period required in Subsection (b) (1), (2) and (4).] (Deleted)~~

The bill was amended, as well, to address the issue of funding the mandates provided for in the bill, by adding the requirement that the Governor of Guam shall include, annually, a funding request in the Executive Budget Fiscal Year Request for the purpose of fully funding and fulfilling the purposes of Bill No. 52-31 (COR).

The Committee on, Health & Human Services, Economic Development, Senior Citizens, and Election Reform, hereby **reports out Bill No. 52-31 (COR), as Substituted**, with the recommendation to **REPORT OUT ONLY**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

**Bill No. 52-31 (COR), as Substituted
by the Committee on Health & Human Services,
Economic Development, Senior Citizens, and
Election Reform**

Introduced by:

Committee on Rules, Federal,
Foreign & Micronesian Affairs and
Human & Natural Resources

By request of *I Maga'lahen*
Guåhan in accordance with the
Organic Act of Guam

**AN ACT TO ADD A *NEW* SECTION 3218.1 TO CHAPTER
3, ARTICLE 2, TITLE 10 OF THE GUAM CODE
ANNOTATED, RELATIVE TO WOMEN'S INFORMED
CONSENT FOR ABORTION; AND TO CITE THE ACT AS
“*THE WOMEN'S REPRODUCTIVE HEALTH
INFORMATION ACT OF 2011.*”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that it is essential to the psychological and physical well-being of a woman
considering an abortion that she receives complete and accurate information
material to her decision of whether to undergo an abortion including information
concerning abortion alternatives. *I Liheslaturan Guåhan* further finds that every
woman submitting to an abortion should do so only after giving her voluntary and
informed consent in writing to the abortion procedure.

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

1 **§ 3218.1. The Women's Reproductive Health Information Act of 2011.**

2 **(a) Definitions.** For the purposes of this Section 3218.1, the following
3 words and phrases are defined to mean:

4 1. *Abortion* means the use or prescription of any instrument,
5 medicine, drug, or other substance or device to terminate the pregnancy of a
6 woman known to be pregnant with an intention other than to increase the
7 probability of a live birth, to preserve the life or health of the child after live birth,
8 to act upon an ectopic pregnancy, or to remove a dead unborn child who died as
9 the result of natural causes *in utero*, accidental trauma, or a criminal assault on a
10 pregnant woman or her unborn child, and which causes the premature termination
11 of the pregnancy;

12 2. *Act* means the Women's Reproductive Health Information Act
13 of 2011 codified at 10 GCA § 3218.1;

14 3. *Complication* means that condition which includes but is not
15 limited to hemorrhage, infection, uterine perforation, cervical laceration, pelvic
16 inflammatory disease, endometriosis, and retained products. The Department may
17 further define the term “complication” as necessary and in a manner not
18 inconsistent with this Section 3218.1;

19 4. *Conception* means the fusion of a human spermatozoon with a
20 human ovum;

21 5. *Department* means the Department of Public Health and Social
22 Services;

23 6. *Facility* or *medical facility* means any public or private hospital,
24 clinic, center, medical school, medical training institution, health care facility,
25 physician’s office, infirmary, dispensary, ambulatory surgical treatment center, or
26 other institution or location wherein medical care is provided to any person;

27 7. *First trimester* means the first twelve (12) weeks of gestation;

1 8. *Gestational age* means the time that has elapsed since the first
2 day of the woman's last occurring menstruation;

3 9. *Hospital* means any building, structure, institution or place,
4 public or private, whether organized for profit or not, devoted primarily to the
5 maintenance and operation of facilities for the diagnosis, treatment and provision
6 of medical or surgical care for three (3) or more non-related individuals, admitted
7 for overnight stay or longer in order to obtain medical, including obstetric,
8 psychiatric and nursing care of illness, disease, injury or deformity, whether
9 physical or mental and regularly making available at least clinical laboratory
10 services and diagnostic x-ray services and treatment facilities for surgery or
11 obstetrical care or other definitive medical treatment;

12 10. *Medical emergency* means a condition which, in reasonable
13 medical judgment, so complicates the medical condition of the pregnant woman as
14 to necessitate the immediate termination of her pregnancy to avert her death or for
15 which a delay will create a serious risk of substantial and irreversible physical
16 impairment of a major bodily function. No condition shall be deemed a medical
17 emergency if based on a claim or diagnosis that the woman will engage in conduct
18 which would result in her death or in substantial and irreversible physical
19 impairment of a major bodily function;

20 11. *Physician* means any person licensed to practice medicine or
21 surgery or osteopathic medicine under the Physicians Practice Act (10 GCA §
22 12201, *et seq.*) or in another jurisdiction of the United States;

23 12. *Pregnant* or *pregnancy* means that female reproductive
24 condition of having an unborn child in the mother's uterus;

25 13. *Qualified person* means an agent of a physician who is a
26 psychologist, licensed social worker, licensed professional counselor, registered
27 nurse, or physician;

1 14. *Records Section* means the Guam Memorial Hospital Medical
2 Records Section;

3 15. *Unborn child* or *fetus* each means an individual organism of the
4 species *homo sapiens* from conception until live birth;

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

11 17. *Woman* means a female human being whether or not she has
12 reached the age of majority.

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

17 1. At least twenty-four (24) hours before the abortion, the
18 physician who is to perform the abortion or a qualified person has informed the
19 woman in person of the following:

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

22 (ii) Medically accurate information that a reasonable person
23 would consider material to the decision of whether or not to undergo the abortion,
24 including (a) a description of the proposed abortion method; (b) the immediate and
25 long-term medical risks associated with the proposed abortion method, including
26 but not limited to any risks of infection, hemorrhage, cervical or uterine

1 perforation, and any potential effect upon future capability to conceive as well as
2 to sustain a pregnancy to full term; and (c) alternatives to abortion;

3 (iii) The probable gestational age of the unborn child at the
4 time the abortion is to be performed;

5 (iv) The probable anatomical and physiological
6 characteristics of the unborn child at the time the abortion is to be performed;

7 (v) The medical risks associated with carrying the child to
8 term;

9 (vi) Any need for anti-Rh immune globulin therapy if she is
10 Rh negative, the likely consequences of refusing such therapy, and the cost of the
11 therapy;

12 2. At least twenty-four (24) hours before the abortion, the
13 physician who is to perform the abortion or a qualified person has informed the
14 woman in person, that:

15 (i) Medical assistance benefits may be available for prenatal
16 care, childbirth, and neonatal care and that more detailed information on the
17 availability of such assistance is contained in the printed materials given to her and
18 described in Subsection (c) of this Section 3218.1;

19 (ii) The printed materials in Subsection (c) of this Section
20 3218.1 describe the unborn child and list agencies that offer alternatives to
21 abortion;

22 (iii) The father of the unborn child is liable to assist in the
23 support of this child, even in instances where he has offered to pay for the abortion.
24 In the case of rape or incest, this information may be omitted; and

25 (iv) She is free to withhold or withdraw her consent to the
26 abortion at any time without affecting her right to future care or treatment and

1 without the loss of any locally or federally funded benefits to which she might
2 otherwise be entitled.

3 3. At least twenty-four (24) hours before the abortion, the
4 physician who is to perform the abortion or a qualified person has given the
5 woman a copy of the printed materials described in Subsection (c) of this Section
6 3218.1. If the woman is unable to read the materials, they shall be read to her. If
7 the woman asks questions concerning any of the information or materials, answers
8 shall be provided to her in a language she can understand.

9 4. The information in Subsections (b)(1), (b)(2) and (b)(3) of this
10 Section 3218.1 is provided to the woman individually and in a private room to
11 protect her privacy and maintain the confidentiality of her decision and to ensure
12 that the information focuses on her individual circumstances and that she has an
13 adequate opportunity to ask questions.

14 5. Prior to the abortion, the woman certifies in writing on a
15 checklist form provided or approved by the Department that the information
16 required to be provided under Subsections (b)(1), (b)(2) and (b)(3) of this Section
17 3218.1 has been provided. All physicians who perform abortions shall report the
18 total number of certifications received monthly to the Records Section. The
19 Records Section shall make the number of certifications received available to the
20 public on an annual basis.

21 6. Except in the case of a medical emergency, the physician who
22 is to perform the abortion shall receive and sign a copy of the written certification
23 prescribed in Subsection (b)(5) of this Section 3218.1 prior to performing the
24 abortion. The physician shall retain a copy of the checklist certification form in the
25 woman's medical record.

26 7. In the event of a medical emergency requiring an immediate
27 termination of the pregnancy, the physician who performed the abortion shall

1 clearly certify in writing the nature of the medical emergency and the
2 circumstances which necessitated the waiving of the informed consent
3 requirements of this Section 3218.1. This certification shall be signed by the
4 physician who performed the emergency termination of pregnancy, and shall be
5 permanently filed in both the patient records maintained by the physician
6 performing the emergency procedure and the records maintained by the facility
7 where the emergency procedure occurred.

8 8. A physician shall not require or obtain payment from anyone
9 for providing the information and certification required by this Section.

10 **(c) Publication of Materials.** The Department shall cause to be
11 published printed materials in English, Chamorro and any other culturally sensitive
12 languages which the Department deems appropriate within 180 days after this Act
13 becomes law. The printed materials shall be printed in a typeface large enough to
14 be clearly legible and shall be presented in an objective, unbiased manner designed
15 to convey only accurate scientific information. On an annual basis, the
16 Department shall review and update, if necessary, the following easily
17 comprehensible printed materials:

18 1. Printed materials that inform the woman of public and private
19 agencies and service providers available to assist a woman through pregnancy,
20 upon childbirth and while her child is dependent, including but not limited to
21 adoption services.

22 The printed materials shall include a comprehensive list of the agencies and
23 service providers, a description of the services they offer, and the telephone
24 numbers and addresses of the agencies and service providers, and shall inform the
25 woman about available medical assistance benefits for prenatal care, childbirth,
26 and neonatal care. The Department shall ensure that the materials described in this
27 Section 3218.1 are comprehensive and do not directly or indirectly promote,

1 exclude, or discourage the use of any agency or service provider described in this
2 Section 3218.1.

3 These printed materials shall state that it is unlawful for any individual to
4 coerce a woman to undergo an abortion and that if a minor is denied financial
5 support by the minor's parents, guardian, or custodian due to the minor's refusal to
6 have an abortion performed, the minor shall be deemed emancipated for the limited
7 purpose of eligibility for public assistance benefits, except that such benefits may
8 not be used to obtain an abortion. The printed materials shall also state that any
9 physician who performs an abortion upon a woman without her informed consent
10 may be liable to her for damages in a civil action and that the law permits adoptive
11 parents to pay costs of prenatal care, childbirth, and neonatal care. The printed
12 materials shall include the following statement:

13 "There are public and private agencies and service providers willing and
14 able to help you to carry your child to term, and to assist you and your child after
15 your child is born, whether you choose to keep your child or to place her or him for
16 adoption. You are strongly urged to contact one or more of these agencies and
17 service providers before making a final decision about abortion. The law requires
18 that your physician or his or her agent give you the opportunity to call agencies and
19 service providers like these before you undergo an abortion."

20 2. Printed materials that include information on the support
21 obligations of the father of a child who is born alive, including but not limited to
22 the father's legal duty to support his child, which may include child support
23 payments and health insurance, and the fact that paternity may be established by
24 the father's signature on a birth certificate or statement of paternity, or by court
25 action. The printed material shall also state that more information concerning
26 paternity establishment and child support services and enforcement may be
27 obtained by calling the Office of the Attorney General of Guam, Child Support

1 Enforcement Division or the Department of Public Health and Social Services,
2 Division of Public Welfare.

3 3. Printed materials that inform the pregnant woman of the
4 probable anatomical and physiological characteristics of an unborn child at two
5 (2)-week gestational increments from fertilization to full term, including color
6 photographs of the developing unborn child at two (2)-week gestational
7 increments. The descriptions shall include information about brain and heart
8 functions, the presence of external members and internal organs during the
9 applicable stages of development, and any relevant information on the possibility
10 of the child's survival at several and equidistant increments throughout a full term
11 pregnancy. If a photograph is not available, a picture must contain the dimensions
12 of the unborn child and must be anatomically accurate and realistic. The materials
13 shall be objective, nonjudgmental, and designed to convey only accurate scientific
14 information about the unborn child at the various gestational ages.

15 4. Printed materials which contain objective information
16 describing the various surgical and drug-induced methods of abortion, as well as
17 the immediate and long-term medical risks commonly associated with each
18 abortion method including but not limited to the risks of infection, hemorrhage,
19 cervical or uterine perforation or rupture, any potential effect upon future
20 capability to conceive as well as to sustain a pregnancy to full term, the possible
21 adverse psychological effects associated with an abortion, and the medical risks
22 associated with carrying a child to term.

23 5. A checklist certification form to be used by the physician or a
24 qualified person under Subsection (b)(5) of this Section 3218.1, which will list all
25 the items of information which are to be given to the woman by the physician or a
26 qualified person under this Section 3218.1.

1 **(d) Cost of Materials.** The Department shall provide the materials
2 enumerated in Subsection (c) of this Section 3218.1 to the physician or qualified
3 person who is required to provide these materials to women pursuant to Subsection
4 (b)(3) of this Section 3218.1 upon the request of such physician or qualified person
5 and at such cost as reasonably determined by the Department. No claim of
6 inability to pay the cost charged by the Department for these materials will excuse
7 any party from complying with the requirements set forth in this Section 3218.1.

8 **(e) Emergencies.** When a medical emergency compels the performance
9 of an abortion or termination of pregnancy, the physician shall inform the woman,
10 before the abortion if possible, of the medical indications supporting the
11 physician's judgment that an immediate abortion or termination of pregnancy is
12 necessary to avert her death or that a twenty-four (24) hour delay would cause
13 substantial and irreversible impairment of a major bodily function.

14 **(f) Criminal Penalties.** Any person who intentionally, knowingly, or
15 recklessly violates this Act is guilty of a misdemeanor.

16 **(g) Civil and Administrative Claims.** In addition to whatever remedies
17 are available under the common law or statutory laws of Guam, failure to comply
18 with the requirements of this Act shall:

19 1. Provide a basis for a civil malpractice action, and provide
20 standing to any woman upon whom an abortion was performed or attempted
21 allegedly in violation of this Act to bring such an action. Any intentional violation
22 of this Act shall be admissible in a civil suit as *prima facie* evidence of a failure to
23 obtain informed consent. When requested, the court shall allow a woman upon
24 whom an abortion was performed or attempted to be performed allegedly in
25 violation of this Act to be identified in any action brought pursuant to this Act
26 using solely her initials or the pseudonym "Jane Doe." Further, with or without a
27 request, the court may close any proceedings in the case from public attendance,

1 and the court may enter other protective orders in its discretion to preserve the
2 privacy of the woman upon whom the abortion was performed or attempted to be
3 performed allegedly in violation of this Act.

4 2. Provide a basis for professional disciplinary action under 10
5 GCA § 11110.

6 3. Provide a basis for recovery for the woman for the wrongful
7 death of her unborn child under 7 GCA § 12109, whether or not the unborn child
8 was born alive or was viable at the time the abortion was performed.

9 **Section 3. Funding.** *I Maga'Lahan Guahan shall identify the funds*
10 *necessary* within the Executive Branch Budget, as required and necessary to fully
11 implement the purposes and intent set forth in this Act.

12 **Section 4. Severability.** Any provision of this Act held to be invalid *or*
13 unenforceable by its terms or as applied to any person or circumstance, *shall* be
14 construed so as to give it the maximum effect permitted by law unless such holding
15 shall be one of utter invalidity or unenforceability, in which event, such provision
16 *shall* be deemed severable herefrom and *shall* not affect the remainder hereof *or*
17 the application of such provision to other persons *not* similarly situated *or* to other
18 dissimilar circumstances.

19 **Section 5. Effective Date.** This Act *shall* take effect 180 days after
20 enactment.

I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 JAN 25 PM 3:12

Bill No. 52³¹ (COR)

Introduced by:

Committee on Rules, Federal,
Foreign & Micronesian Affairs and
Human & Natural Resources

By request of *I Maga'lahaen*
Guåhan in accordance with the
Organic Act of Guam

**AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3,
ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO WOMEN'S INFORMED CONSENT FOR
ABORTION; AND TO CITE THE ACT AS "THE WOMAN'S
REPRODUCTIVE HEALTH INFORMATION ACT OF 2011."**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is essential to the psychological and physical well-being of a woman considering an abortion that she receives complete and accurate information material to her decision of whether to undergo an abortion or abortion alternatives. *I Liheslaturan Guåhan* further finds that every woman submitting to an abortion should do so only after giving her voluntary and informed consent in writing to the abortion procedure.

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

§3218.1. The Woman's Reproductive Health Information Act of

1 **2011.**

2 **(a) Definitions.** For purposes of this Act, the following words and
3 phrases are defined to mean:

4 (1)*Abortion* means the use or prescription of any instrument,
5 medicine, drug, or other substance or device to terminate the pregnancy of a
6 woman known to be pregnant with an intention other than to increase the
7 probability of a live birth, to preserve the life or health of the child after live
8 birth, to act upon an ectopic pregnancy, or to remove a dead unborn child
9 who died as the result of natural causes *in utero*, accidental trauma, or a
10 criminal assault on a pregnant woman or her unborn child, and which causes
11 the premature termination of the pregnancy;

12 (2)*Complication* means that condition which includes but is not
13 limited to hemorrhage, infection, uterine perforation, cervical laceration,
14 pelvic inflammatory disease, endometriosis, and retained products. The
15 Department may further define the term “complication” as necessary and in
16 a manner not inconsistent with this Act;

17 (3)*Conception* means the fusion of a human spermatozoon with a
18 human ovum;

19 (4)*Department* means the Department of Public Health and Social
20 Services and, when applicable, may more specifically mean the Records

1 Section of the Department of Public Health and Social Services;

2 (5) *Facility or medical facility* means any public or private hospital,
3 clinic, center, medical school, medical training institution, health care
4 facility, physician's office, infirmary, dispensary, ambulatory surgical
5 treatment center, or other institution or location wherein medical care is
6 provided to any person;

7 (6) *First trimester* means the first twelve (12) weeks of gestation;

8 (7) *Gestational age* means the time that has elapsed since the first
9 day of the woman's last occurring menstruation;

10 (8) *Hospital* means any building, structure, institution or place,
11 public or private, whether organized for profit or not, devoted primarily to
12 the maintenance and operation of facilities for the diagnosis, treatment and
13 provision of medical or surgical care for three (3) or more non-related
14 individuals, admitted for overnight stay or longer in order to obtain medical,
15 including obstetric, psychiatric and nursing care of illness, disease, injury or
16 deformity, whether physical or mental and regularly making available at
17 least clinical laboratory services and diagnostic x-ray services and treatment
18 facilities for surgery or obstetrical care or other definitive medical treatment;

19 (9) *Medical emergency* means a condition which, in reasonable
20 medical judgment, so complicates the medical condition of the pregnant

1 woman as to necessitate the immediate termination of her pregnancy to avert
2 her death or for which a delay will create a serious risk of substantial and
3 irreversible physical impairment of a major bodily function. No condition
4 shall be deemed a medical emergency if based on a claim or diagnosis that
5 the woman will engage in conduct which would result in her death or in
6 substantial and irreversible physical impairment of a major bodily function;

7 (10) *Physician* means any person licensed to practice medicine or
8 surgery or osteopathic medicine under the Physicians Practice Act (10 GCA
9 §12201 *et seq.*) or in another jurisdiction of the United States;

10 (11) *Pregnant* or *pregnancy* means that female reproductive
11 condition of having an unborn child in the mother's uterus;

12 (12) *Qualified person* means an agent of a physician who is a
13 psychologist, licensed social worker, licensed professional counselor,
14 registered nurse, or physician;

15 (13) *Unborn child* or *fetus* each mean an individual organism of
16 the species *homo sapiens* from conception until live birth;

17 (14) *Viability* means the state of fetal development when, in the
18 reasonable judgment of a physician based on the particular facts of the case
19 before him or her and in light of the most advanced medical technology and
20 information available to him or her, there is a reasonable likelihood of

1 sustained survival of the unborn child outside the body of his or her mother,
2 with or without artificial support; and

3 (15) *Woman* means a female human being whether or not she has
4 reached the age of majority.

5 **(b) Informed consent requirement.** No abortion shall be performed or
6 induced without the voluntary and informed consent of the woman upon whom the
7 abortion is to be performed or induced. Except in the case of a medical
8 emergency, consent to an abortion is voluntary and informed if and only if:

9 1. At least twenty-four (24) hours before the abortion, the physician
10 who is to perform the abortion or the referring physician has informed the woman
11 in person of the following:

12 (i) The name of the physician who will perform the abortion;

13 (ii) Medically accurate information that a reasonable person
14 would consider material to the decision of whether or not to undergo the abortion,
15 including (a) a description of the proposed abortion method; (b) the immediate and
16 long-term medical risks associated with the proposed abortion method, including
17 but not limited to any risks of infection, hemorrhage, cervical or uterine
18 perforation, and any potential effect upon future capability to conceive as well as
19 to sustain a pregnancy to full term; and (c) alternatives to abortion;

20 (iii) The probable gestational age of the unborn child at the

1 time the abortion is to be performed;

2 (iv) The probable anatomical and physiological characteristics
3 of the unborn child at the time the abortion is to be performed;

4 (v) The medical risks associated with carrying the child to
5 term;

6 (vi) Any need for anti-Rh immune globulin therapy if she is Rh
7 negative, the likely consequences of refusing such therapy, and the cost of the
8 therapy;

9 2. At least twenty-four (24) hours before the abortion, the physician
10 who is to perform the abortion, the referring physician, or a qualified person has
11 informed the woman in person, that:

12 (i) Medical assistance benefits may be available for prenatal
13 care, childbirth, and neonatal care and that more detailed information on the
14 availability of such assistance is contained in the printed materials and
15 informational video given to her and described in Subsection (c);

16 (ii) The printed materials and informational video in Subsection
17 (c) describe the unborn child and list agencies that offer alternatives to abortion;

18 (iii) The father of the unborn child is liable to assist in the
19 support of this child, even in instances where he has offered to pay for the abortion.

20 In the case of rape or incest, this information may be omitted; and

1 (iv) She is free to withhold or withdraw her consent to the
2 abortion at any time without affecting her right to future care or treatment and
3 without the loss of any locally or federally funded benefits to which she might
4 otherwise be entitled.

5 3. The information in Subsections B(1) and B(2) is provided to the
6 woman individually and in a private room to protect her privacy and maintain the
7 confidentiality of her decision to ensure that the information focuses on her
8 individual circumstances and that she has an adequate opportunity to ask questions.

9 4. At least twenty-four (24) hours before the abortion, the woman is
10 given a copy of the printed materials and a viewing of, or a copy of, the
11 informational video described in Subsection (c). If the woman is unable to read the
12 materials, they shall be read to her. If the woman asks questions concerning any of
13 the information or materials, answer shall be provided to her in a language she can
14 understand.

15 5. Prior to the abortion, the woman certifies in writing on a checklist
16 form provided or approved by the Department that the information required to be
17 provided under Subsections (b)(1), (b)(2), and (b)(4) has been provided. All
18 physicians who perform abortions shall report the total number of certifications
19 received monthly to the Department. The department shall make the number of
20 certifications received available to the public on an annual basis.

1 6. Except in the case of a medical emergency, the physician who is to
2 perform the abortion shall receive and sign a copy of the written certification
3 prescribed in Subsection (5) of this Section prior to performing the abortion. The
4 physician shall retain a copy of the checklist certification from in the woman's
5 medical record.

6 7. In the event of a medical emergency requiring an immediate
7 termination of the pregnancy, the physician who performed the abortion shall
8 clearly certify in writing the nature of the medical emergency and the
9 circumstances which necessitated the waiving of the informed consent
10 requirements of this Section. This certification shall be signed by the physician
11 who performed the emergency termination of pregnancy, and shall be permanently
12 filed in both the patient records maintained by the physician performing the
13 emergency procedure and the records maintained by the facility where the
14 emergency procedure occurred.

15 8. A physician shall not require of anyone or obtain payment from
16 anyone for providing the information and certification required by this Section
17 until the expiration of the twenty-four (24) hour reflection period required by
18 Subsections (b)(1), (b)(2) and (b)(4).

19 **(c) Publication of Materials.** The Department of Public Health and Social
20 Services shall cause to be published printed materials and an informational video

1 in culturally sensitive languages within 180 days after this Act becomes law (and
2 not 180 days after the effective date described in Section 4). On an annual basis,
3 the Department shall review and update, if necessary, the following easily
4 comprehensible printed materials and informational video:

5 1. Materials that inform the woman of public and private agencies
6 and services available to assist a woman through pregnancy, upon childbirth and
7 while her child is dependent, including but not limited to adoption services.

8 2. The materials shall include a comprehensive list of the agencies, a
9 description of the services they offer, and the telephone numbers and addresses of
10 the agencies, and shall inform the woman about available medical assistance
11 benefits for prenatal care, childbirth, and neonatal care. The Department shall
12 ensure that the materials described in this Section are comprehensive and do not
13 directly or indirectly promote, exclude, or discourage the use of any agency or
14 service described in this Section. The materials shall also contain a twenty-four-
15 hour-a-day telephone number which may be called to obtain information about the
16 agencies in the locality of the caller and of the services they offer.

17 The materials shall state that it is unlawful for any individual to coerce
18 a woman to undergo an abortion and that if a minor is denied financial support by
19 the minor's parents, guardian, or custodian due to the minor's refusal to have an
20 abortion performed, the minor shall be deemed emancipated for the limited

1 purpose of eligibility of public assistance benefits, except that such benefits may
2 not be used to obtain an abortion. The materials shall also state that any physician
3 who performs an abortion upon a woman without her informed consent may be
4 liable to her for damages in a civil action at law and that the law permits adoptive
5 parents to pay costs of prenatal care, childbirth, and neonatal care. The materials
6 shall include the following statement:

7 “There are public agencies and private services willing and able to
8 help you to carry your child to term, and to assist you and your child after your
9 child is born, whether you choose to keep your child or to place her or him for
10 adoption. You are strongly urged to contact one or more of these agencies and
11 services before making a final decision about abortion. The law required that your
12 physician or his or her agent give you the opportunity to call agencies and services
13 like these before you undergo an abortion.”

14 3. Materials that include information on the support obligations of the
15 father of a child who is born alive, including but not limited to the father’s legal
16 duty to support his child, which may include child support payments and health
17 insurance, and the fact that paternity may be established by the father’s signature
18 on a birth certificate or statement of paternity, or by court action. The printed
19 material shall also state that more information concerning paternity establishment
20 and child support services and enforcement may be obtained by calling the Guam

Attorney General's Office Child Support Division or the Department of Public Health and Social Services Public Assistance Branch.

4. Materials that inform the pregnant woman of the probable anatomical and physiological characteristics of an unborn child at two (2)-week gestational increments from fertilization to full term, including color photographs of the developing unborn child at two (2)-week gestational increments. The descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development, and any relevant information on the possibility of the child's survival at several and equidistant increments throughout a full term pregnancy. If a photograph is not available, a picture must contain the dimensions of the unborn child and must be realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

5. Materials which contain objective information describing the various surgical and drug-induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including but not limited to the risks of infection, hemorrhage, cervical or uterine perforation or rupture, any potential effect upon future capability to conceive as well as to sustain a pregnancy to full term, the possible adverse psychological

1 effects associated with an abortion, and the medical risks associated with carrying
2 a child to term.

3 6. A checklist certification form to be used by the physician or a
4 qualified person under Subsection (b)(5) of this Act, which will list all the items of
5 information which are to be given to the woman by a physician or agent of the
6 physician under this Act.

7 7. The materials shall be printed in a typeface large enough to be
8 clearly legible.

9 8. The Department shall produce a standardized video that may be
10 used islandwide, presenting the information described in Subsection (c)(1), (c)(2),
11 (c)(3), and (c)(4), in accordance with the requirements of those Subsections. In
12 preparing the video, the Department may summarize and make reference to the
13 printed comprehensive list of geographically indexed names and services described
14 in Subsection (c)(1). The video shall in addition to the information described in
15 Subsections (c)(1), (c)(2), (c)(3), and (c)(4), show an ultrasound of the heartbeat of
16 an unborn child at four (4) to five (5) weeks gestational age gestational age to six
17 (6) to eight (8)-weeks gestational age, and each month thereafter, until visibility.
18 That information shall be presented in an objective, unbiased manner designed to
19 convey only accurate scientific information.

20 9. The materials required under this Section and the video described

1 in Subsection (c)(8) shall be available at no cost from the Department upon request
2 and in appropriate number to any person, facility or hospital.

3 **(d) Emergencies.** When a medical emergency compels the performance of
4 an abortion or termination of pregnancy, the physician shall inform the woman,
5 before the abortion if possible, of the medical indications supporting the
6 physician's judgment that an immediate abortion or termination of pregnancy is
7 necessary to avert her death or that a twenty-four (24) hour delay would cause
8 substantial and irreversible impairment of a major bodily function.

9 **(e) Criminal Penalties.** Any person who intentionally, knowingly, or
10 recklessly violates this Act is guilty of a misdemeanor.

11 **(f)** In addition to whatever remedies are available under the common or
12 statutory laws of Guam, failure to comply with the requirements of this Act shall:

13 1. Provide a basis for a civil malpractice action, and provide standing
14 to any woman upon whom an abortion was performed or attempted allegedly in
15 violation of this Act to bring such an action. Any intentional violation of this Act
16 shall be admissible in a civil suit as *prima facie* evidence of a failure to obtain
17 informed consent. When requested, the court shall allow a woman upon whom an
18 abortion was performed or attempted to be performed allegedly in violation of this
19 Act to be identified in any action brought pursuant to this Act using solely her
20 initials or the pseudonym "Jane Doe". Further, with or without a request, the court

may close any proceedings in the case from public attendance, and the court may enter other protective orders in its discretion to preserve the privacy of the woman upon whom the abortion was performed or attempted to be performed allegedly in violation of this Act.

2. Provide a basis for professional disciplinary action under Section 11110 of Chapter 11 of Title 10 Guam Code Annotated.

3. Provide a basis for recovery for the woman for the wrongful death of her unborn child under Section 12109 of Chapter 12 of Title 7 Guam Code Annotated, whether or not the unborn child was born alive or was viable at the time the abortion was performed.

Section 3. Severability. If any provision of this Act is held to be invalid *or* unenforceable by its terms, *or* as applied to any person or circumstance, *shall* be construed so as to give it the maximum effect permitted by law unless such holding shall be one of utter invalidity or unenforceability, in which even such provision *shall* be deemed severable herefrom and *shall* not affect the remainder hereof *or* the application of such provision to other persons *not* similarly situated *or* to other, dissimilar circumstances.

Section 4. Effective Date. This Act shall take effect 180 days after enactment.

Changes Requested by Governor's Legal Counsel.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN **2011 (FIRST) Regular Session**

Bill No. __ ()

Introduced by:

Committee on Rules, Federal,
Foreign & Micronesian Affairs and
Human & Natural Resources
By request of *I Maga'låhen*
Guåhan in accordance with the
Organic Act of Guam.

AN ACT TO ADD A *NEW* SECTION 3218.1 TO CHAPTER 3,
ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO WOMEN'S INFORMED CONSENT FOR
ABORTION; AND TO CITE THE ACT AS "*THE WOMEN'S*
REPRODUCTIVE HEALTH INFORMATION ACT OF 2011."

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 finds that it is essential to the psychological and physical well-being of a woman
4 considering an abortion that she receives complete and accurate information
5 material to her decision of whether to undergo an abortion ~~or including information~~
6 concerning abortion alternatives. *I Liheslaturan Guåhan* further finds that every
7 woman submitting to an abortion should do so only after giving her voluntary and
8 informed consent in writing to the abortion procedure.

9 **Section 2. A New Section 3218.1.** A new Section 3218.1 is hereby
10 added to Chapter 3, Article 2, Title 10 of the Guam Code Annotated to read as
11 follows:

12 **§ 3218.1. The Women's Reproductive Health Information Act of 2011.**

13 **(a) Definitions.** For the purposes of this ~~Aet~~Section 3218.1, the
14 following words and phrases are defined to mean:

15 (1.) *Abortion* means the use or prescription of any instrument,
16 medicine, drug, or other substance or device to terminate the pregnancy of a
17 woman known to be pregnant with an intention other than to increase the
18 probability of a live birth, to preserve the life or health of the child after live birth,
19 to act upon an ectopic pregnancy, or to remove a dead unborn child who died as
20 the result of natural causes *in utero*, accidental trauma, or a criminal assault on a

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pregnant woman or her unborn child, and which causes the premature termination of the pregnancy;

2. Act means the Women's Reproductive Health Information Act of 2011 codified at 10 GCA § 3218.1;

(23.) *Complication* means that condition which includes but is not limited to hemorrhage, infection, uterine perforation, cervical laceration, pelvic inflammatory disease, endometriosis, and retained products. The Department may further define the term "complication" as necessary and in a manner not inconsistent with this Section 3218.1; Act;

(34.) *Conception* means the fusion of a human spermatozoon with a human ovum;

(45.) Department means the Department of Public Health and Social Services and, when applicable, may more specifically mean the Records Section of the Department of Public Health and Social Services;

(56.) *Facility* or *medical facility* means any public or private hospital, clinic, center, medical school, medical training institution, health care facility, physician's office, infirmary, dispensary, ambulatory surgical treatment center, or other institution or location wherein medical care is provided to any person;

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

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1 ~~(78.)~~ *Gestational age* means the time that has elapsed since the first
2 day of the woman's last occurring menstruation;

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3 ~~(89.)~~ *Hospital* means any building, structure, institution or place,
4 public or private, whether organized for profit or not, devoted primarily to the
5 maintenance and operation of facilities for the diagnosis, treatment and provision
6 of medical or surgical care for three (3) or more non-related individuals, admitted
7 for overnight stay or longer in order to obtain medical, including obstetric,
8 psychiatric and nursing care of illness, disease, injury or deformity, whether
9 physical or mental and regularly making available at least clinical laboratory
10 services and diagnostic x-ray services and treatment facilities for surgery or
11 obstetrical care or other definitive medical treatment;

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12 ~~(910.)~~ *Medical emergency* means a condition which, in reasonable
13 medical judgment, so complicates the medical condition of the pregnant woman as
14 to necessitate the immediate termination of her pregnancy to avert her death or for
15 which a delay will create a serious risk of substantial and irreversible physical
16 impairment of a major bodily function. No condition shall be deemed a medical
17 emergency if based on a claim or diagnosis that the woman will engage in conduct
18 which would result in her death or in substantial and irreversible physical
19 impairment of a major bodily function;

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~~(101.)~~ *Physician* means any person licensed to practice medicine or surgery or osteopathic medicine under the Physicians Practice Act (10 GCA § 12201, *et seq.*) or in another jurisdiction of the United States;

~~(112.)~~ *Pregnant* or *pregnancy* means that female reproductive condition of having an unborn child in the mother's uterus;

~~(123.)~~ *Qualified person* means an agent of a physician who is a psychologist, licensed social worker, licensed professional counselor, registered nurse, or physician;

~~(134.)~~ *Records Section* means the Guam Memorial Hospital Medical Records Section;

~~15.~~ *Unborn child* or *fetus* each means an individual organism of the species *homo sapiens* from conception until live birth;

~~(1416.)~~ *Viability* means the state of fetal development when, in the reasonable judgment of a physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child outside the body of his or her mother, with or without artificial support; and

~~(1517.)~~ *Woman* means a female human being whether or not she has reached the age of majority.

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1 **(b)___-Informed consent requirement.** No abortion shall be performed or

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2 induced without the voluntary and informed consent of the woman upon whom the
3 abortion is to be performed or induced. Except in the case of a medical
4 emergency, consent to an abortion is voluntary and informed if and only if:

5 1. ___-At least twenty-four (24) hours before the abortion, the
6 physician who is to perform the abortion or a qualified person ~~the referring~~
7 ~~physician~~ has informed the woman in person of the following:

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8 (i) ___-The name of the physician who will perform the
9 abortion;

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10 (ii) ___-Medically accurate information that a reasonable person
11 would consider material to the decision of whether or not to undergo the abortion,
12 including (a) a description of the proposed abortion method; (b) the immediate and
13 long-term medical risks associated with the proposed abortion method, including
14 but not limited to any risks of infection, hemorrhage, cervical or uterine
15 perforation, and any potential effect upon future capability to conceive as well as
16 to sustain a pregnancy to full term; and (c) alternatives to abortion;

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17 (iii) ___-The probable gestational age of the unborn child at the
18 time the abortion is to be performed;

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19 (iv) ___-The probable anatomical and physiological
20 characteristics of the unborn child at the time the abortion is to be performed;

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(v)___-The medical risks associated with carrying the child to term;

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(vi)___-Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy;

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____2.____-At least twenty-four (24) hours before the abortion, the physician who is to perform the abortion, ~~the referring physician,~~ or a qualified person has informed the woman in person, that:

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(i)___-Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care and that more detailed information on the availability of such assistance is contained in the printed materials ~~and informational video~~ given to her and described in Subsection (c) of this Section 3218.1;

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(ii)___-The printed materials ~~and informational video~~ in Subsection (c) of this Section 3218.1 describe the unborn child and list agencies that offer alternatives to abortion;

(iii)___-The father of the unborn child is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion.

In the case of rape or incest, this information may be omitted; and

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(iv)___-She is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any locally or federally funded benefits to which she might otherwise be entitled.

~~3. The information in Subsections B(1) and B(2) is provided to the woman individually and in a private room to protect her privacy and maintain the confidentiality of her decision to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.~~

~~4. At least twenty-four (24) hours before the abortion, the physician who is to perform the abortion or a qualified person has given the woman is given a copy of the printed materials and a viewing of, or a copy of, the informational video described in Subsection (c) of this Section 3218.1. If the woman is unable to read the materials, they shall be read to her. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in a language she can understand.~~

4. The information in Subsections (b)(1), (b)(2) and (b)(3) of this Section 3218.1 is provided to the woman individually and in a private room to protect her privacy and maintain the confidentiality of her decision and to ensure

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1 that the information focuses on her individual circumstances and that she has an
2 adequate opportunity to ask questions.

3 5. Prior to the abortion, the woman certifies in writing on a
4 checklist form provided or approved by the Department that the information
5 required to be provided under Subsections (b)(1), (b)(2), and (b)(43) of this Section
6 3218.1 has been provided. All physicians who perform abortions shall report the
7 total number of certifications received monthly to the Department. The department
8 Records Section. The Records Section shall make the number of certifications
9 received available to the public on an annual basis.

10 6. Except in the case of a medical emergency, the physician
11 who is to perform the abortion shall receive and sign a copy of the written
12 certification prescribed in Subsection (b)(5) of this Section 3218.1 ~~of this Section~~
13 prior to performing the abortion. The physician shall retain a copy of the checklist
14 certification from form in the woman's medical record.

15 7. In the event of a medical emergency requiring an
16 immediate termination of the pregnancy, the physician who performed the abortion
17 shall clearly certify in writing the nature of the medical emergency and the
18 circumstances which necessitated the waiving of the informed consent
19 requirements of this Section 3218.1. This certification shall be signed by the
20 physician who performed the emergency termination of pregnancy, and shall be

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1 permanently filed in both the patient records maintained by the physician
2 performing the emergency procedure and the records maintained by the facility
3 where the emergency procedure occurred.

4 ~~8.____~~-A physician shall not require ~~of anyone~~ or obtain
5 payment from anyone for providing the information and certification required by
6 this Section 3218.1 until the expiration of the twenty-four (24) hour reflection
7 period required by Subsections ~~(b)(1), (b)(2) and (b)(4)~~this Section 3218.1.

8 **(c)____-Publication of Materials.** The Department ~~of Public Health and~~
9 ~~Social Services~~ shall cause to be published printed materials ~~and an informational~~
10 ~~video in English, Chamorro and any other culturally sensitive languages which the~~
11 ~~Department deems appropriate within 180 days after this Act becomes law (and~~
12 ~~not 180 days after the effective date described in Section 4).~~ The printed materials
13 shall be printed in a typeface large enough to be clearly legible and shall be
14 presented in an objective, unbiased manner designed to convey only accurate
15 scientific information. On an annual basis, the Department shall review and
16 update, if necessary, the following easily comprehensible printed materials ~~and~~
17 ~~informational video:~~

18 1.____-Printed mMaterials that inform the woman of public and
19 private agencies and services service providers available to assist a woman through

pregnancy, upon childbirth and while her child is dependent, including but not limited to adoption services.

~~2. The printed materials shall include a comprehensive list of the agencies and service providers, a description of the services they offer, and the telephone numbers and addresses of the agencies and service providers, and shall inform the woman about available medical assistance benefits for prenatal care, childbirth, and neonatal care. The Department shall ensure that the materials described in this Section 3218.1 are comprehensive and do not directly or indirectly promote, exclude, or discourage the use of any agency or service provider described in this Section 3218.1. The materials shall also contain a twenty-four hour a day telephone number which may be called to obtain information about the agencies in the locality of the caller and of the services they offer.~~

~~These printed materials shall state that it is unlawful for any individual to coerce a woman to undergo an abortion and that if a minor is denied financial support by the minor's parents, guardian, or custodian due to the minor's refusal to have an abortion performed, the minor shall be deemed emancipated for the limited purpose of eligibility of for public assistance benefits, except that such benefits may not be used to obtain an abortion. The printed materials shall also state that any physician who performs an abortion upon a woman without her~~

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1 informed consent may be liable to her for damages in a civil action ~~at law~~ and that
2 the law permits adoptive parents to pay costs of prenatal care, childbirth, and
3 neonatal care. The printed materials shall include the following statement:

4 “There are public and private agencies and private-service providers willing
5 and able to help you to carry your child to term, and to assist you and your child
6 after your child is born, whether you choose to keep your child or to place her or
7 him for adoption. You are strongly urged to contact one or more of these agencies
8 and ~~services~~ service providers before making a final decision about abortion. The
9 law ~~required~~ requires that your physician or his or her agent give you the
10 opportunity to call agencies and ~~services~~ service providers like these before you
11 undergo an abortion.”

12 ~~32. Materials~~ Printed materials that include information on the
13 support obligations of the father of a child who is born alive, including but not
14 limited to the father’s legal duty to support his child, which may include child
15 support payments and health insurance, and the fact that paternity may be
16 established by the father’s signature on a birth certificate or statement of paternity,
17 or by court action. The printed material shall also state that more information
18 concerning paternity establishment and child support services and enforcement
19 may be obtained by calling the ~~Guam Office of the Attorney General’s Office of~~

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Guam, Child Support Enforcement Division or the Department of Public Health and Social Services-Public Assistance Branch, Division of Public Welfare.

43. ~~Printed materials~~ that inform the pregnant woman of the probable anatomical and physiological characteristics of an unborn child at two (2)-week gestational increments from fertilization to full term, including color photographs of the developing unborn child at two (2)-week gestational increments. The descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development, and any relevant information on the possibility of the child's survival at several and equidistant increments throughout a full term pregnancy. If a photograph is not available, a picture must contain the dimensions of the unborn child and must be anatomically accurate and realistic. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages.

54. ~~Materials~~ Printed materials which contain objective information describing the various surgical and drug-induced methods of abortion, as well as the immediate and long-term medical risks commonly associated with each abortion method including but not limited to the risks of infection, hemorrhage, cervical or uterine perforation or rupture, any potential effect upon future capability to conceive as well as to sustain a pregnancy to full term, the

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possible adverse psychological effects associated with an abortion, and the medical risks associated with carrying a child to term.

~~65. A checklist certification form to be used by the physician or a qualified person under Subsection (b)(5) of this Section 3218.1 of this Act, which will list all the items of information which are to be given to the woman by a the physician or agent of the physician a qualified person under this Act Section 3218.1.~~

~~7. The materials shall be printed in a typeface large enough to be clearly legible.~~

~~8. The Department shall produce a standardized video that may be used islandwide, presenting the information described in Subsection (c)(1), (c)(2), (c)(3), and (c)(4), in accordance with the requirements of those Subsections. In preparing the video, the Department may summarize and make reference to the printed comprehensive list of geographically indexed names and services described in Subsection (c)(1). The video shall in addition to the information described in Subsections (c)(1), (c)(2), (c)(3), and (c)(4), show an ultrasound of the heartbeat of an unborn child at four (4) to five (5) weeks gestational age gestational age to six (6) to eight (8) weeks gestational age, and each month thereafter, until visibility. That information shall be presented in an objective, unbiased manner designed to convey only accurate scientific information.~~

(d) Cost of Materials. The Department shall provide the materials enumerated in Subsection (c) of this

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Section 3218.1 to the physician or qualified person who is required to provide these materials to women pursuant to Subsection (b)(3) of this Section 3218.1 upon the request of such physician or qualified person and at such cost as reasonably determined by the Department. No claim of inability to pay the cost charged by the Department for these materials will excuse any party from complying with the requirements set forth in this Section 3218.1.

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~~9. The materials required under this Section and the video described in Subsection (c)(8) shall be available at no cost from the Department upon request and in appropriate number to any person, facility or hospital.~~

(e) Emergencies. When a medical emergency compels the performance of an abortion or termination of pregnancy, the physician shall inform the woman, before the abortion if possible, of the medical indications supporting the physician's judgment that an immediate abortion or termination of pregnancy is necessary to avert her death or that a twenty-four (24) hour delay would cause substantial and irreversible impairment of a major bodily function.

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(f) Criminal Penalties. Any person who intentionally, knowingly, or recklessly violates this Act is guilty of a misdemeanor.

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(g) Civil and Administrative Claims. In addition to whatever remedies are available under the common law or statutory laws of Guam, failure to comply with the requirements of this Act shall:

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1. _____ Provide a basis for a civil malpractice action, and provide standing to any woman upon whom an abortion was performed or attempted allegedly in violation of this Act to bring such an action. Any intentional violation of this Act shall be admissible in a civil suit as *prima facie* evidence of a failure to obtain informed consent. When requested, the court shall allow a woman upon whom an abortion was performed or attempted to be performed allegedly in violation of this Act to be identified in any action brought pursuant to this Act using solely her initials or the pseudonym "Jane Doe". Further, with or without a request, the court may close any proceedings in the case from public attendance, and the court may enter other protective orders in its discretion to preserve the privacy of the woman upon whom the abortion was performed or attempted to be performed allegedly in violation of this Act.

2. _____ Provide a basis for professional disciplinary action under ~~10 GCA §Section 11110 of Chapter 11 of Title 10 Guam Code Annotated.~~

3. _____ Provide a basis for recovery for the woman for the wrongful death of her unborn child under ~~Section 7 GCA § 12109 of Chapter 12 of Title 7 Guam Code Annotated~~, whether or not the unborn child was born alive or was viable at the time the abortion was performed.

Section 3. -Severability. ~~If any~~Any provision of this Act is held to be invalid ~~or~~unenforceable by its terms, or as applied to any person or circumstance,

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

6 Section 4. **Effective Date.** This Act shall take effect 180 days after
7 enactment.

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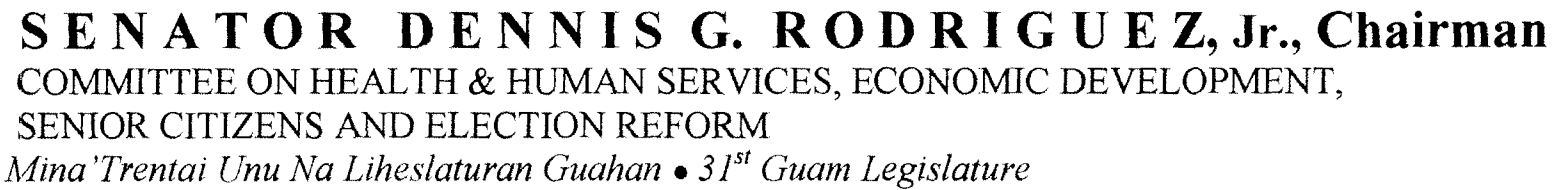
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AGENDA ITEM: Bill No. 52 -31 (COR) by I Maga'låhen Guåhan, Eddie B. Calvo

[illegible]





Office of the Governor of Guam

February 11, 2011

Honorable Dennis Rodriguez, Jr.
Member
I Mina Trentai-unu na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96932

Good afternoon, Mr. Chairman and members of the Committee:

My name is Eddie Baza Calvo. By the will of the people, I am the Governor of Guam. In this role, it is my humble duty to stand up for the unborn, submit these two pieces of legislation before you, and to testify in its favor.

Nothing in my conscience can convince me that it is right to continue depriving unborn babies of the right to live, especially if they can feel pain during the procedure that aborts them. The Unborn Child Protection Act relies on recent science that shows unborn babies respond to pain stimuli by the twentieth week of gestation. Thanks to our efforts in the Twenty-ninth Guam Legislature, we regulated abortion in Guam during the third trimester, which begins around the twenty-fourth week of pregnancy. We now have scientific evidence before us showing that unborn children feel pain, just as we do, four weeks prior to that. It would be unconscionable for us, as leaders, to sit by and do nothing.

Our laws cannot continue depriving unborn children of the most basic civil right the rest of us enjoy. The unborn are the most defenseless among us. They have no voice but those who advocate for them to live. They cannot fight the laws that discriminate against their humanity. The law protects each and every one of us from murder. It is illegal to take someone's life. Life is life. It is a gift. No one should have the right to take it away.

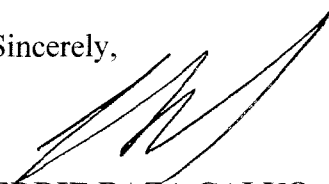
Indeed, abortion is a medical procedure in which a child's life is ripped from her mother and the world. That child will never know love. She'll never experience the trials and tribulations that make us all stronger. She'll never have a chance.

But the law has treated women poorly, as well. While doctors are required to provide medically-accurate information to a patient about to undergo surgery, no such requirement is placed on an abortion doctor to inform his patient of the abortion operation. There are health risks associated with an abortion. There are physiological and psychological consequences placed on the mother after the abortion. None of this is required to be explained to her. Informed consent should be a foregone conclusion. Unfortunately, it is not. This legislature must mandate that women have a right to know about the abortion procedure they seek.

It is sad that our community, which celebrates a culture of life, is reduced to federal laws that eat at the cornerstone of our culture: the family. It can never be complete so long as children, under the eyes of the law, are viewed as choices and not as lives.

I ask each of you to be a voice for the voiceless, and a defender of those who cannot fight for themselves. Pass these measures in to law, and let us right the wrongs. Unborn children should have a right to live.

Sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name Eddie Baza Calvo.

EDDIE BAZA CALVO

February 7, 2011

Dear Senator Rodriguez,

Thank you for submitting Bills 51-31 and 52-31. I hereby submit my testimony in support of Bill 51-31, speaking as a physician and addressing the medical aspects of fetal pain:

The nervous system, the organ system responsible for perceiving and processing pain, begins its development extremely early in the pregnancy. A variety of studies have shown evidence for pain perception in the fetus at various times in pregnancy, and the range is between 8 weeks and 28 weeks of conception, depending on who is doing the study and what measure the researchers use. Pain perception and processing is a complex neurological process that involves all levels of the nervous system, including the most primitive parts of the brain. The perception and processing of pain change with age both inside and outside the womb—something that can be observed even casually when comparing pain response in infants vs. children vs. adults. What can be said with reasonable certainty is that markers for fetal pain are observable at or before viability, which is itself variable; viability, the ability to survive outside the womb, begins as early as 22 weeks of gestation. Although 20 weeks may seem an arbitrary age to assign the perception of pain, it does represent the middle of a broad range of gestational age for which pain is thought to be perceived by the child in the womb.

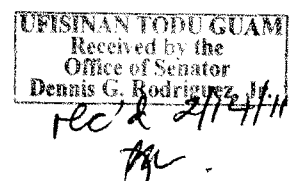
Regarding the issue of fetal pain and its pertinence to abortion – a common argument against addressing this is the thought that ‘the baby is being killed anyway, so why does pain matter?’ It matters in several regards – first, because we are human, we usually have concern about the pain of other humans even if they are dying or are being put to death by capital punishment; this consideration even extends to our pets. Secondly, although many people find abortion detestable even at its earliest stages, when the new human is barely visible, it becomes ever more abhorrent as the baby’s development progresses. Even most abortion proponents find it repulsive to discuss killing a baby in its seventh or eighth month of gestation. Yes, fetal pain does matter and knowledge of fetal pain is germane to abortion discussion – if the baby feels pain as it is being dismembered or delivered alive and left to die, then perhaps abortion after 20 weeks is simply too cruel of a procedure to consider.

I support any bills, including this one, which place limits on the willful death of unborn children via abortion. If this bill is submitted to the attorney general and found to have constitutional issues in that it imposes undue burden on a woman seeking an abortion after 20 weeks, then I would support an amendment as follows: if the bill cannot proscribe abortion after 20 weeks, then it should include a provision for anesthesia for the unborn baby prior to killing it—we do as much for criminals that are put to death, so it is just that a baby should be anesthetized before it is dismembered or has its lungs burned by saline or undergoes any other form of intentional death after 20 weeks.

Sincerely,



Marjorie DeBenedictis, MD



Good Afternoon Senator Rodriguez, Madame Speaker, Senators:

My name is Shane Intihar and I am here today on behalf of the Pro-Life organization, Esperansa, to add my support to the passage of Bill 52: “The Woman’s Reproductive Health Information Act of 2011.”

Bill 52 states that, “it is essential to the psychological and physical well-being of a woman considering an abortion that she receives complete and accurate information material to her decision of whether to undergo an abortion” and that “every woman submitting to an abortion should do so only after giving her voluntary and informed consent in writing to the abortion procedure.”

It is a matter of fact that some women, including women on Guam, undergo abortions without first being fully informed with respect to their options or with respect to the true nature of the unborn life living inside of them.

It is also a matter of fact that some of these same women, *only after* submitting to an abortion, learn of the true nature of the unborn life that they once carried and, as a result, suffer severe distress and psychological trauma.

The purpose of Bill 52, then, is to attempt to diminish the incidences of such psychological trauma, which arise when women who undergo abortion on Guam do so without be fully informed and learn – only too late – of the true nature of their unborn child.

Accordingly, Bill 52 requires abortion providers – at least 24 hours prior to the abortion – to provide women:

“Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including...[including]

b. The probable gestational age of the unborn child at the time the abortion is to be performed;

c. The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed.

As well as information with respect to the “Medical assistance benefits [which] may be available for prenatal care, childbirth, and neonatal care.”

Now, undoubtedly, supporters of abortion and opponent of this bill will assert that the very fact that a woman seeks an abortion is evidence that she is fully informed and thus does not need the protection of the territory:

I response offer the following:

FIRST, the U.S. Supreme has recognized on numerous occasions that this phenomenon does exist; that women sometimes obtain abortions without being fully informed and thus suffer subsequent psychological harm:

A.

“In an attempt to ensure that a woman apprehend the full consequences of her decision, the State furthers the legitimate purpose of reducing the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed.”

Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 882 (1992)

B.

“It is self-evident that a mother who comes to regret her choice to abort must struggle with grief more anguished and sorrow more profound when she learns, only after the event, what she once did not know: that she allowed a doctor to pierce the skull and vacuum the fast-developing brain of her unborn child, a child assuming the human form.” *Carhart v Gonzales*, 127 S.Ct 1610, 1634 (US 2007)

SECOND,

While anecdotal this nevertheless telling...A dear friend of mine is volunteer at crisis pregnancy center here on Guam. And, as she have conveyed to me, because the center advertises itself merely as a “crisis pregnancy center” and does not indicate that it does not perform abortions, the center often receives women seeking an abortion. ...

* * *

So, to re-cap, I do think that the evidence indicates that there is need for this legislation and the women would benefit from this ~~legislation~~. Bill 52

* * *

Finally, I would like to respond to a few of the principal objections leveled against the informed consent bill, Bill 54.— 30

1. Unconstitutional: Not true. Planned Parenthood v. Casey (US 1992) make absolutely clear that both a 24 hour wait requirement and informed consent requirement do not constitute an “undue burden.” And, of course, the Attorney General in its opinion letter also indicated that Bill 54 passed constitutional muster.

2. The phrase “Unborn child,” was impermissible because it did not appear in Webster’s dictionary. Real reason is an effort to dehumanize the unborn life.

Senator Dennis G. Rodriguez, Jr.
Chairman, Committee on Health
176 Serenu Ave.
Suite 107
Tamuning, GU 96913

February 10, 2011

Dear Senator,

As Pro-Life advocates my husband and I were strong supporters of the originally submitted Bill 54, The Women's Health Information Act. So passionate were we that we filmed and ad (filming at our own expense while the airing of it was paid by another private citizen advocate) prior to the election last year which urged voters to elect officials that would seriously put forth efforts to PROTECT women from Post-Abortive Trauma.

Although I personally was not aware of the inclusion of the subtitles which appeared under my "talking-head" as I explained the history and content of Bill 54, I admit that I agree with them. These subtitles exposed the failure of the current Chairman, on the Committee on Health to move the Bill through and revealed "stalling tactics" which in itself demonstrated his blatant disregard for the health and welfare of women in Guam.


I am requesting and urging you to act on Bill 52 with the passion and conviction that led us and others to vote for you based on your stated "Pro-Life" stance.

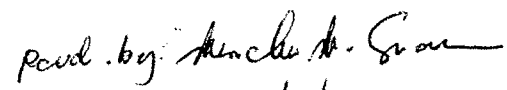
Please do not insult our intelligence as did Frank Aguon in his mishandling of the previous bill and his spineless cave-in at party pressure which turned the bill into a pro-abortion – pro-abortionists' bill. His defense of the fiasco was further insulting and degrading. Please see my attached correspondence to explain the situation.

I am very sincere in my desires to protect women from the psychological and physical affects which arise from making a bad choice especially if she has not been adequately informed or has been coerced or pressured into the choice of aborting.

A woman cannot choose if she doesn't know the options. A decision made under duress and pressure does not respect the woman's dignity. Giving her time to examine and explore options presented to her is the best way to protect her from the harmful psychological and emotional affects of abortion.

As for Bill 51, I will not insult YOUR intelligence in regarding the humane treatment of a fetus about to be aborted. If we have animal cruelty laws protecting animals from suffering, surely if a fetus (which has the potential of existing as a person outside the womb at some future date; about 20 more weeks)- we can have laws to prevent their suffering now that we know this fetus experiences pain.

Thank You,
Denise Reyes 
P.O. Box 6016
Merizo, Guam 96916 828-2828, 486-7949
dklreyes@hotmail.com


2/10/11
SEN. DENNIS RODRIGUEZ, JR.

Senators,

I am tired of venting to friends and family about all of your irresponsible conduct regarding your performances in office. What comes first to mind is the recent attempt to undermine me and the other concerned public in your handling of Bill 54. This applies to ALL of you whether you actively participated in the "butchering" of the bill or were complacent in opposing it.

"All it takes for evil to succeed is for good men to do nothing." (Edmund Burke)

You know the fiasco which you were all a part of from the initial lame excuse of needing advice on the "constitutionality" of the bill, the subsequent 10 month stall, all the way to the decision to stay the hearing scheduled on Friday until the following Monday and the subsequent "last minute call to session" at 7pm! Not to mention the entire revision in the content of the bill!

The days of "pulling the wool over the public's eyes" are over!

This legislature's antics just so happened to reach National Recognition...all be it "Pro-Life News" sources and organizations but they are many; Rachael's Vineyard and Priests for Life are just two of them that know of the irresponsibility with regards to Abortion Regulation here. There are other secular organizations who are also aware and are also spreading the news. (Those of you who claim to be Catholic and care about it should probably look into what has and is happening to "Catholic-in-name" only politicians...Nancy Pelosi is just one of them.)

That may not mean much to you but the people of Guam are not as naive as you seem to think. Stateside trends tend to permeate our culture...especially when the subject requires certain unalienable rights. I know I am not going to be silent anymore about being Pro-Life. Others who normally would not speak out have been encouraged to do so.

Don't believe me? Check with the Governor's Office regarding how many calls and e-mails they received urging the veto of Bill 54. Not to mention calls and e-mails to other influential powers to be. I suggest you keep abreast of the political suicide you are engaging in.

Maybe the lives of unborn babies mean nothing to you nor does the exploitation of women in the name of "Women's Rights" ...but maybe your career does.

I hope you read the attached document and take it as a "popularity indicator." Know that we (the public) are and will continue to monitor your performance. The people of Guam deserve better. This "reaction write-up" just happened to be of Senator Barnes but there are countless other "foot-in-mouth" instances which we the public will not so soon forget...no matter how hard you try to cover up the initial faux pas (Senator Respicio for one).

I am looking forward to the Government leadership of Calvo/Tenorio and hope you senators aspire to more than what you have displayed in your previous term. The time for relaxing now that you have been re-elected is not now. This is the time to prove to us that we were right to put you "back" in office. As with this last election your actions are being documented and will be made known come next election.

Denise Reyes
Merizo, Guam
828-2828, 727-7949

What Child Is This...

...who laid to rest – On Mary's lap is sleeping?

“...and every mother's child is gonna spy, to see if reindeer really know how to fly.”

Bah humbug, I say. All this nonsense about a human being's state of life.

I have one thing to say to Senator Tina Muna-Barnes, (well maybe more than one but I'll limit my comments as best I can.) It seems Senator Tina Muna-Barnes has forgotten one of the 8 parts of speech – **ADJECTIVES**! Adjectives describe nouns, i.e. *big*-dog, *small*-cat, *stupid*-politician... The adjective *unborn* describes the legal term child. You know like when someone mentions their *adult* child who lives in Ohio with his wife and two children in contrast to the *teenage* child still at home with mom and dad. Or a movie that may be inappropriate for *young* children due to *mature* subject matter. Or the plastic bag that your new t.v. came in that states it is NOT A TOY MAY BE HAZZARDOUS TO *SMALL* CHILDREN.

Speaking of adjectives...frustrated, angry, exasperated, appalled all describe this mature fetus' emotions after watching her performance at the “after-hours” hearing of revised bill 54. Do my tax payer dollars go to support those types of shenanigans? Her tirade about not knowing what the term “unborn child” meant and her ignorance of any “religious dictionary” that may have contained the term was insulting to anyone who voted for her, especially since she is the (at the time) would-be senator who told the people of Guam **“You're in my heart!”**

How can that be senator? The human heart is no bigger than an *adult* fist! (not a legal term and you won't find it in any **“anatomical dictionary.”**)

In closing I would like to suggest to the senator rather than **“People Before Politics”** let's put an emphasis on **“Thought before Speech.”**

Every “person” deserves to be treated with dignity and respect, yes Virginia, I mean Senator there is a “vertebrate” in the womb. At times it is “called” an embryo, later a fetus and eventually (9 months or so) a child. No metamorphosis here.

Signed Former Embryo

Denise Reyes

828-2828, 727-7949, dklreyes@hotmail.com

Merizo, Guam

Re: Unacceptable performance

From: **Frank Aguon, Jr.** (aguon4guam@gmail.com)

Sent: Tue 12/28/10 8:58 PM

To: Denise Reyes (dklreyes@hotmail.com)

Denise,

I just read your comments and I would like to request that you call my office at 969-1495/6 so we can discuss this issue more thoroughly. The passage of the most recent legislation would have to a much greater extent addressed the serious concerns that you shared in your comments, particularly in saving a life. There will be more restrictive guidelines than what are presently in place. I find it quite unfortunate that you feel that my colleagues and I tried to pass a senseless piece of legislation, and in the same breathe think that we are not advocates for protecting a life. If you feel so strongly about saving a life, then why was the recent measure strongly opposed by some in our community.

I encourage yu to continue to advocate and support issues and concerns that you feel very strongly about. But, also allow your leaders in the Guam Legislature to share their perspective before taking such a strong position. Each of my colleagues only have the general concern and safety of our people in mind.

Thank you, and have a blessed new year.

FRANK B. AGUON, JR.

Denise,

I just read your comments and I would like to request that you call my office at 969-1495/6 so we can discuss this issue more thoroughly. The passage of the most recent legislation would have to a much greater extent [much greater extent than what? certainly not greater than original Bill 54 which he and his colleagues gutted in order to remove any authentic "informed consent" provisions] addressed the serious concerns that you shared in your comments, particularly in saving a life. There will be more restrictive guidelines than what are presently in place [uh, ok, but not nearly as effective as Bill 54, which he and his colleagues gutted in order to remove any authentic "informed consent" provisions]. I find it quite unfortunate that you feel that my colleagues and I tried to pass a senseless piece of legislation, and in the same breathe think that we are not advocates for protecting a life [I find it quite unfortunate that he and his colleagues gutted Bill 54 of any authentic "informed consent" provisions; I also find his grasp of such expressions as, "in the same breath," which is supposed to signal irony, a little tenuous]. If you feel so strongly about saving a life, then why was the recent measure strongly opposed by some in our community. [Is he really that stupid or does he really think we are that stupid? I honestly can't tell.]

I encourage yu to continue to advocate and support issues and concerns that you feel very strongly about. But, also allow your leaders in the Guam Legislature to share their perspective before taking such a strong position. [Aye, aye, we'll make sure to keep quiet. Or perhaps not. This approach may serve the political careers of Aguon, Respicio, Pangelinan, Barnes and Cruz well, but it sure is tough on the unborn, who are killed on account of our silence] Each of my colleagues only have the general concern and safety of our people in mind.

Thank you, and have a blessed new year.

FRANK B. AGUON, JR.

LAW OFFICES

Arriola, Cowan & Arriola

JOAQUIN C. ARRIOLA
MARK E. COWAN
ANITA P. ARRIOLA
JOAQUIN C. ARRIOLA, JR.

LEEVIN T. CAMACHO

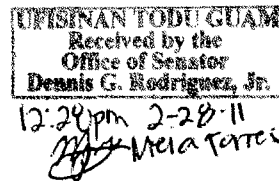
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February 25, 2011

VIA HAND DELIVERY

The Honorable Dennis G. Rodriguez, Jr.
31st Guam Legislature
Suite 107
176 Serenu Avenue
Tamuning, Guam 96931



Re: **Bill 52-31**

Dear Senator Rodriguez:

I am writing to oppose Bill 52-31, "the Woman's Informed Consent Health Information Act of 2011."

Bill 52-31 is a biased counseling bill that poses an extremely burdensome requirement on physicians, clinics and women seeking an abortion. After receiving government-mandated counseling by the physician at the clinic, the woman must wait 24 hours before she is able to have the procedure. In short, this type of in-person, physician-only counseling requirement can cause women to make two trips to the clinic, pushing the abortion into a more dangerous and more costly procedure. Currently, less than ten (10) states require two trips. Guam would be in this extreme minority.

A woman's health and well-being are best supported when she can trust that her doctor will provide medical information that is evenhanded and unbiased. This allows her to protect her health and her ability to make the best decision for her circumstances. Accurate, trusted information about all of her options helps a woman make the best decision for her family and her future. Information should not be provided in a way intended to coerce, shame, or make her change her mind. Unfortunately, Bill 52-31 does exactly that. There is no limit to the number of reading materials a woman is required to read and no limit on the length of the "standardized video" that must be reviewed. A woman is required to read materials concerning the medical and psychological effects associated with an abortion and is "strongly urged" to call public agencies and private services to discuss carrying the child to term. A woman must be told that the father of the unborn child is liable to assist in the support of the child, except in cases of rape or incest, where this information "may" be omitted. Of course, the physician cannot know whether to omit this information until he or she discusses whether the pregnancy is the result of

rape or incest, thereby traumatizing the woman a second time. Requiring women to view color photographs of a developing fetus at two-week gestational increments and “any relevant information on the possibility of the child’s survival at several and equidistant increments throughout a full term pregnancy” serves no purpose other than to try to make a woman change her mind about having an abortion.

Bill 52-31 is overbroad. The bill states, “Any person who intentionally, knowingly, or recklessly violates this Act is guilty of a misdemeanor.” This means that the woman, any physician or agent of a physician, such as a psychologist, licensed social worker, licensed professional counselor, or registered nurse may be liable for failing to “intentionally, knowingly, or recklessly” comply with the statute. Is it truly the intention of the Guam Legislature that if a woman “intentionally” fails to watch the informational video or “recklessly” checks off less than the required informed consent checklist, she should spend six months in jail?

Bill 52-31 is vague. It prohibits anyone from “*requiring* or obtaining payment from anyone for providing the information and certification” until the 24-hour period has elapsed. A similar (though not identical) bill was struck down by a court in Michigan. In *Northland v. Granholm*, No. 01-70549 (E.D. Mich. Feb. 26, 2002), the court enjoined enforcement of a law that prohibited a physician from requiring or obtaining payment for “an abortion related medical service to a patient who has inquired about an abortion or scheduled an abortion” until after the 24 hour waiting period. The court found that “abortion related medical service” was unconstitutionally vague because it failed to give physicians advance notice of what conduct it proscribes. For example, physicians were unclear whether pregnancy-related services – like pregnancy tests, gynecological exams, and ultrasounds – were covered if a woman was deciding whether to carry to term. Clinics testified that they would no longer provide these services to women on their first visit, which the court declared would “threaten to inhibit the exercise of a constitutionally protected right.”

The reporting requirements raise privacy concerns for doctors. The bill requires doctors to report the number of certifications they obtain to the Department of Public Health and Social Services, which has to make certain information available to the public. It is unclear how that information is going to be provided – for example, the bill appears to require revelation of the time, location, and other specifics of abortions that were performed, infringing on the physician-patient privilege and discouraging physicians from providing this medical procedure.

The mandatory delay in Bill 52-31 ostensibly exists so that a woman has time to “think over” the government-mandated information. Other medical procedures, even much more dangerous and complicated surgeries, do not have legally required waiting periods. Mandating delays for abortions implies that women who seek abortions do so without adequate reflection

February 25, 2011

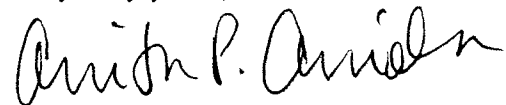
Re: Bill 52-31

and are incapable of making reasoned, moral decisions regarding their health and future. In reality, almost all women, by the time they arrive at a clinic, are very clear about their reasons for wanting an abortion. A built-in delay already exists between the moment a woman finds out she is pregnant and the time she enters a clinic, during which period a woman has ample time to think over her decision. In addition, clinics already routinely provide counseling and refer uncertain or ambivalent patients for further counseling. For some, the mandated delay is more than insulting. It is cruel to tell a woman ending a pregnancy because her fetus has a condition incompatible with life or a woman who has become pregnant through rape or incest that she must wait at least 24 hours to reconsider her decision.

Finally, the mandatory delay in Bill 52-31 increases the medical and health risks to women. Many of the women who do manage to overcome the obstacles imposed by mandatory-delay laws are forced to seek later abortions. For example, after a law requiring women to make two trips to the clinic took effect in Mississippi, the proportion of abortions performed after the first trimester increased by 40 percent. Pushing an abortion into the second trimester makes what would have been a routine procedure more complicated and risky. As the American Medical Association in its report on abortion states, "Mandatory waiting periods [and other barriers] have the potential to threaten the safety of induced abortion. [They] increase[] the gestational age at which the induced pregnancy termination occurs, thereby also increasing the risk associated with the procedure."

I strongly urge you to vote against Bill 52-31. Although it claims to be a "Woman's Informed Consent Health Information Act", it is actually a biased counseling bill with a mandatory delay period that has no intention other than to force a woman to change her mind about having an abortion.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anita P. Arriola", with a stylized flourish at the end.

ANITA P. ARRIOLA

JOAQUIN C. ARRIOLA
MARK E. COWAN
ANITA P. ARRIOLA
JOAQUIN C. ARRIOLA, JR.

LEEVIN T. CAMACHO

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Frances,
Bill 54
3/18/09

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acalaw@teleguam.net

March 17, 2009

VIA HAND DELIVERY

The Honorable Frank B. Aguon, Jr.
Chairperson
Committee on Economic Development, Health
and Human Resources & Judiciary
30th Guam Legislature
155 Hester Place
Hagatna, Guam 96910

RECEIVED
Anthony Mandola
3/17/09 4:22pm

RE: Bill 54

Dear Senator Aguon and Members of the Committee on Economic Development, Health and Human Resources & Judiciary:

I represent the Guam Society of Obstetricians and Gynecologists ("GSOBGYN"), an association of obstetricians and gynecologists that was formed in 1990 to oppose restrictions on a woman's legal right to have an abortion. In 1990, GSOBGYN, the Guam Nurses Association, and several individual plaintiffs filed a lawsuit in Guam challenging a law that banned virtually all abortions in Guam. The plaintiffs won that lawsuit and, in addition, won attorneys fees and costs of \$300,000 against the Government of Guam for violation of their civil rights.

This letter is submitted in opposition to Bill 54. Bill 54, entitled "The Woman's Reproductive Health Information Act of 2009", states that its purpose is to ensure that a woman considering an abortion receives "complete and accurate information" material to her decision to have an abortion, and that every woman who has an abortion should do so "only after giving her voluntary and informed consent in writing to the abortion procedure."

This bill is not about supporting women, it is about making legal abortions more difficult to obtain and creating obstacles to a woman's access to reproductive health care. Forcing a woman to wait 24 hours and to make two separate appointments to see her doctor before she is allowed to agree to medical treatment does not promote her well-being. This bill would create barriers for women's access to abortion, particularly for working and poor women.

The following is an analysis of Bill 54, which details the numerous flaws of the bill.

March 17, 2009

Letter to Senator Frank B. Aguon, Jr.

Re: Bill 54

GENERAL OVERVIEW

Bill 54 appears to be modeled on Montana's informed consent law. Though Guam's bill was modified slightly, Montana's law was enjoined and never enforced. The 24-hour waiting period and same-doctor counseling requirement, which are both present in Bill 54, were found to violate Montana's state constitutional right to privacy, and the entire law was later permanently enjoined under a mutual consent order. Planned Parenthood of Missoula v. State, No.BDV-95-722 (Mont. Dist. Ct. Dec 29, 1999).

SECTION-BY-SECTION ANALYSIS

Section 3218.1(a)(13) – This provision defines “unborn child” as “the offspring of human beings from conception until birth.”

Comment: There is no such medical term as an “unborn child.” There is an “embryo” or a “fetus” in medical terminology, but not an “unborn child.” Addition of this definition as a legal term may implicate the recognition of fetuses as “children” and result in criminal prosecutions for any involuntary, negligent or intentional deaths of fetuses still within a woman's womb. For example, in a vehicle accident resulting in the death of a fetus, it may be argued that a person committed involuntary manslaughter of the fetus based on this new legal definition of “unborn child.”

Section 3218.1(b) – This is the “informed consent” requirement of the bill. It provides that women seeking an abortion must be provided with two separate types of information. The first, under subsection (b)(1), requires that at least 24 hours before an abortion, “medically accurate information” is given to a woman by a physician who is to perform the abortion or by the referring physician. This information includes a description of the abortion method, risks of infection, cervical or uterine perforation, alternatives to abortion, the probable gestational age of the “unborn child”, and the probable anatomical and physiological characteristics of the “unborn child” at the time the abortion is performed. The second type of information required to be given is non-medical information, in the form of (i) printed materials that describe services such as medical assistance benefits for prenatal care, childbirth, and neonatal care; the gestational age of the “unborn child” and color photographs of a “developing unborn child”; and (ii) an “informational” video that describes the abortion procedures, and shows an ultrasound of an “unborn child's” heartbeat at various gestational stages.

Comment: We can all agree on the importance of supporting a woman's health and well-being, and we want to ensure that every woman should have accurate and reliable information so she can protect her health and make the best decision for her circumstances. Impartial and accurate information about the risks of different medical options is essential for a woman to fully participate in health care decisions, and helps her make the best decision for herself and her family. Each patient needs to be able to trust that her doctor is providing her with the best medical information, not a script forced on every patient without regard to her circumstances.

March 17, 2009

Letter to Senator Frank B. Aguon, Jr.

Re: Bill 54

The bill requires that the woman be told information intended to coerce, shame or make her change her mind at least 24 hours before an abortion. Many women do not have the resources (transportation, supportive friends or family, time, etc.) to make two or more trips to a physician's office. The 24-hour waiting period will largely affect poor and working women.

Requiring physicians to determine and state the probable gestational age and anatomical and physiological characteristics of an "unborn child" constitutes interference in a woman's most personal, private medical decisions and her trusted relationship with her doctor. Physicians, not the legislature, should decide what is said to a woman. Forcing doctors to provide biased information that may often be inaccurate and irrelevant to a particular woman's circumstances does not promote informed consent, it interferes with it.

The bill unnecessarily limits who can provide information to the woman in a way that is unrelated to health concerns. The non-medical information must be provided by a doctor or "qualified person," which is limited to psychologists, licensed social workers, licensed professional counselors, or a registered nurse, each of whom must be "an agent of the physician." This provision seems intended to require clinics to hire additional over-qualified people in an attempt to run up costs and run them out of business.

Section 3218.1(b)(7) – This provision states that a physician shall not require or obtain payment for "a service provided to a patient who has inquired about an abortion or scheduled an abortion" until after the 24-hour reflection period.

Comment: The bill prevents anyone from requesting payment for "a service" provided to any patient who has inquired about an abortion or scheduled an abortion. This is overbroad and could apply to any service provided to a patient who has merely inquired about an abortion, regardless of whether they intend to have an abortion. In Northland v. Granholm, No. 01-70549 (E.D. Mich. Feb. 26, 2002), the court enjoined enforcement of a law that prohibited a physician from requiring or obtaining payment for "an abortion related medical service to a patient who has inquired about an abortion or scheduled an abortion" until after the 24-hour waiting period. The court found that "abortion-related medical service" was unconstitutionally vague because it failed to give physicians advance notice of what conduct it proscribes. For example, physicians were unclear whether pregnancy-related services – like pregnancy tests, gynecological exams, and ultrasounds – were covered if a woman was deciding whether to carry to term. Clinics testified that they would no longer provide these services to women on their first visit, which the court declared would "threaten to inhibit the exercise of a constitutionally protected right." Bill 54 applies to "a service," which is clearly broader than Michigan's "abortion related" medical service.

Section 3218.1(e) – This provision states, "Any person who intentionally, knowingly, or recklessly violates this Act is guilty of a misdemeanor." (Emphasis added).

March 17, 2009

Letter to Senator Frank B. Aguon, Jr.

Re: Bill 54

Comment: This provision is overly broad and ambiguous. It may criminalize the actions of the physician performing the abortion and any referring physician. It may criminalize the actions of the woman if she refuses to watch a video or take or read the pamphlets required to be handed to her. Or it may criminalize the actions of the "qualified person" who provides some, but not all of the information required under the statute. A criminal statute that fails to provide adequate notice of the proscribed conduct is unconstitutionally vague and indefinite. Jane L. v. Bangerter, 61 F.3d 1493, 1500 (10th Cir. 1995) (finding that Utah statute prohibiting "experimentation" on "live unborn children" was void for vagueness).

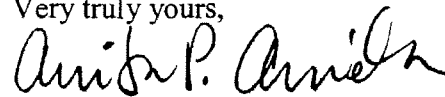
CONCLUSION

We agree that women should have access to all the medically accurate information they need to make an informed decision about getting an abortion. We may not all feel the same way about abortion or make the same decisions about our health and our families. Even if we disagree, we should not impose our own beliefs on a woman and her family. Each circumstance is different, and we should respect and support a woman and her family as they face the life-altering decision of whether or not to have a child.

A woman facing an unintended pregnancy needs the opportunity to make the best decision for her unique situation. We should ensure that she visits a doctor or clinic, and that she receives unbiased and accurate information so she is best able to care for her health and well-being. This bill, however, is not really about giving women unbiased accurate information so they can make informed decisions, it is an attempt to make it more difficult for women to get medical care when they seek an abortion.

The bill is also seriously flawed. At least three different provisions of the bill would likely be held unconstitutional, based on the legal precedents cited above. We urge you to refuse to pass this bill out of committee, and we urge the Guam Legislature to reject Bill 54 in its entirety.

Very truly yours,



ANITA P. ARRIOLA

Attorney for Guam Society of
Obstetricians and Gynecologists



**COMMITTEE ON ECONOMIC DEVELOPMENT,
HEALTH AND HUMAN SERVICES, AND JUDICIARY**
I Mina'Trenta Na Liheslaturan Guåhan • 30th Guam Legislature
238 Archbishop F.C. Flores St., DNA Bldg., Suite 701A, Hagatña, Guam 96910
Tel: (671) 969-1495/6 • Fax: (671) 969-1497 • Email: aguon4guam@gmail.com

COMMITTEE REPORT DIGEST

Bill No. 54-30 (COR), as Substituted

I. OVERVIEW: The Committee on Economic Development, Health & Human Services, and Judiciary conducted a public hearing at 09:00 AM on March 17, 2009. The Hearing convened in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 54-30 (COR) — “AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WOMAN’S INFORMED CONSENT FOR ABORTION AND TO CITE THE ACT AS “THE WOMAN’S REPRODUCTIVE HEALTH INFORMATION ACT OF 2009”,” sponsored by E.J.B. Calvo, T.R. Muna-Barnes, and F.F. Blas, Jr.

Bill No. 54-30 (COR) was REPORTED OUT by the Committee on March 30, 2009.

Bill No. 54-30 (COR) was subsequently referred back to the Committee on Economic Development, Health & Human Services, and Judiciary by the Committee on Rules, during a duly convened meeting of the Committee. Senator Frank B. Aguon, Jr., moved that Bill No. 54 be referred back to Committee due to concerns over potential legal constitutional issues which needed to be resolved and required further clarification.

Public Notice Requirements

Notices were disseminated via hand-delivery/fax and/or e-mail to all senators and all main media broadcasting outlets in March of 2009, and are contained in the original March 30, 2009 Committee Report on Bill No. 54-30 (COR), which is appended hereto and is incorporated as part of this Committee Report.

First 5 working Day Notice: All Senators / All Media: **March 03, 2009**

Second 48-Hours Prior Notice: All Senators / All Media **March 13, 2009**

Publication: Marianas Variety; (1st) **March 10, 2009**, and, (2nd) **March 13, 2009**

Senators Present (March 17, 2009)

Senator Frank B. Aguon, Jr.
Senator Adolpho B. Palacios, Sr.
Senator Thomas C. Ada
Senator Frank F. Blas, Jr.
Senator Telo T. Taitague
Senator Vicente C. Pangelinan
Senator James V. Espaldon

Chairperson
Vice-Chairperson
Committee Member
Committee Member
Committee Member
Senator
Senator

The March 17, 2009 public hearing was Called-to-Order at 09:00 A.M.

II. SUMMARY OF TESTIMONY & DISCUSSION.

History: The Public Hearing on Bill No. 54-30 (COR) was held on March 17, 2009, in the Guam Legislature's Public Hearing Room. Bill No. 54-30 (COR) was reported out on March 30, 2009.

The Committee on Rules referred Bill No. 54-30 (COR) back to the Committee on Economic Development, Health & Human Services, and Judiciary. The purpose of the referral back to Committee was to have potential Constitutional issues further researched and addressed.

The Chairman, on September 29, 2010, requested an Attorney General's Opinion on Bill No. 54-30 (COR). The request is attached to this Committee Report.

The Attorney General's "Interpretation of the Constitutionality of Bill No.54-30 (COR), AG File No. LEG 10-0956, was received on October 26, 2010, and is attached to this Committee Report.

III. FINDINGS & RECOMMENDATIONS

The Committee on Economic Development, Health and Human Services, and Judiciary, finds that with the submission of the Attorney General's Interpretation makes possible the continued consideration of Bill No. 54-30 (COR).

Due consideration was given to the Attorney General's interpretation of a possible constitutional "vagueness" which may give cause for legal challenges. In Section 2 of the Bill, proposed Part 8 of Subsection (b) of Section 3218.1, was amended to read, as follows:

8. A physician shall not require or obtain payment for providing the information and certification required by this Section of law.
8. ~~[A physician shall not require or obtain payment for a service provided to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the twenty-four (24) hour reflection period required in Subsection (b) (1), (2) and (4).] (Deleted)~~

Additional minor technical corrections were made relative to references in the Act being cited as the "Woman's Reproductive Health Information Act of 2010 [2009], as well as a requirement that the Governor of Guam include, annually, a funding request in the Executive Budget Fiscal Year Request for the purpose of fully funding and fulfilling the purposes of Bill No. 54-30 (COR).

The Committee on Economic Development, Health & Human Services, and Judiciary, hereby reports out Bill No. 54-30 (COR), with the recommendation to TO PASS.



SENATOR FRANK B. AGUON, JR.
Chairman, Committee on Economic Development,
Health & Human Services, and Judiciary
I Mina'Trenta Na Liheslaturan Guåhan
(Thirtieth Guam Legislature)



September 29, 2010

Mr. John M. Weisenberger
Attorney General of Guam
Office of the Attorney General
287 West O'Brien Drive
Hagåtña, Guam 96910

SUBJECT: Request For Attorney General's Opinion Relative To The Constitutionality Of Bill No. 54-30 (COR) – "An Act To Add *NEW* Section 3218.1 To Chapter 3, Article 2, Title 10 Of The Guam Code Annotated, Relative To The Woman's Informed Consent For Abortion And To Cite The Act As "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2009."

Dear General Weisenberger,

Buenas yan Hafa Adai!

As Chairman of the Committee on Economic Development, Health and Human Services, and Judiciary, I am requesting an Attorney General's Opinion as to the constitutionality of the provisions of Bill No. 54 (attached). Numerous concerns have been raised relative to this bill which delves into one of the most contentious and legally convoluted areas of law – reproductive health care.

Some have raised the issue that the bill seeks to circumvent case law and the individuals' rights to choose, as provided pursuant to *Roe v. Wade*. Further, there are issues pertaining to the rights of a patient's unimpeded access to reproductive health care and medical attention directly relevant to their individual circumstances. Considering the legal and social implications, I find it imperative that an opinion as to the constitutionality of this bill be available for lawmakers to review as we continue to consider Bill 54.

I have attached, as well, the testimony of Ms. Anita P. Arriola, Attorney for the Guam Society of Obstetricians and Gynecologists, wherein she cites various rulings and provisions of case law, as she believes such would pertain to the bill. Add to this the numerous persons who have approached this office both in support of and opposition to the bill. They raise valid social and legal concerns well deserving of careful consideration. It is for these reasons that I am seeking an Attorney General's Opinion on this important matter - of great significance to our community.

If you have any questions, comments or concerns, please do not hesitate to call my office.

Dangkolu' na si Yu'us Ma'ase'.

Respectfully,


SENATOR FRANK B. AGUON, JR.

Attachment

RECEIVED
SEP 29 2010
1:30 pm
Office of the Attorney General of Guam
Civil/Solicitor Division

LAW OFFICES

Arriola, Cowan & Arriola

JOAQUIN C. ARRIOLA
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March 17, 2009

VIA HAND DELIVERY

The Honorable Frank B. Aguon, Jr.
Chairperson
Committee on Economic Development, Health
and Human Resources & Judiciary
30th Guam Legislature
155 Hester Place
Hagatna, Guam 96910

RE: Bill 54

Dear Senator Aguon and Members of the Committee on Economic Development, Health and Human Resources & Judiciary:

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This letter is submitted in opposition to Bill 54. Bill 54, entitled "The Woman's Reproductive Health Information Act of 2009", states that its purpose is to ensure that a woman considering an abortion receives "complete and accurate information" material to her decision to have an abortion, and that every woman who has an abortion should do so "only after giving her voluntary and informed consent in writing to the abortion procedure."

This bill is not about supporting women, it is about making legal abortions more difficult to obtain and creating obstacles to a woman's access to reproductive health care. Forcing a woman to wait 24 hours and to make two separate appointments to see her doctor before she is allowed to agree to medical treatment does not promote her well-being. This bill would create barriers for women's access to abortion, particularly for working and poor women.

The following is an analysis of Bill 54, which details the numerous flaws of the bill.

March 17, 2009

Letter to Senator Frank B. Aguon, Jr.

Re: Bill 54

GENERAL OVERVIEW

Bill 54 appears to be modeled on Montana's informed consent law. Though Guam's bill was modified slightly, Montana's law was enjoined and never enforced. The 24-hour waiting period and same-doctor counseling requirement, which are both present in Bill 54, were found to violate Montana's state constitutional right to privacy, and the entire law was later permanently enjoined under a mutual consent order. Planned Parenthood of Missoula v. State, No.BDV-95-722 (Mont. Dist. Ct. Dec 29, 1999).

SECTION-BY-SECTION ANALYSIS

Section 3218.1(a)(13) – This provision defines “unborn child” as “the offspring of human beings from conception until birth.”

Comment: There is no such medical term as an “unborn child.” There is an “embryo” or a “fetus” in medical terminology, but not an “unborn child.” Addition of this definition as a legal term may implicate the recognition of fetuses as “children” and result in criminal prosecutions for any involuntary, negligent or intentional deaths of fetuses still within a woman's womb. For example, in a vehicle accident resulting in the death of a fetus, it may be argued that a person committed involuntary manslaughter of the fetus based on this new legal definition of “unborn child.”

Section 3218.1(b) – This is the “informed consent” requirement of the bill. It provides that women seeking an abortion must be provided with two separate types of information. The first, under subsection (b)(1), requires that at least 24 hours before an abortion, “medically accurate information” is given to a woman by a physician who is to perform the abortion or by the referring physician. This information includes a description of the abortion method, risks of infection, cervical or uterine perforation, alternatives to abortion, the probable gestational age of the “unborn child”, and the probable anatomical and physiological characteristics of the “unborn child” at the time the abortion is performed. The second type of information required to be given is non-medical information, in the form of (i) printed materials that describe services such as medical assistance benefits for prenatal care, childbirth, and neonatal care; the gestational age of the “unborn child” and color photographs of a “developing unborn child”; and (ii) an “informational” video that describes the abortion procedures, and shows an ultrasound of an “unborn child's” heartbeat at various gestational stages.

Comment: We can all agree on the importance of supporting a woman's health and well-being, and we want to ensure that every woman should have accurate and reliable information so she can protect her health and make the best decision for her circumstances. Impartial and accurate information about the risks of different medical options is essential for a woman to fully participate in health care decisions, and helps her make the best decision for herself and her family. Each patient needs to be able to trust that her doctor is providing her with the best medical information, not a script forced on every patient without regard to her circumstances.

March 17, 2009

Letter to Senator Frank B. Aguon, Jr.

Re: Bill 54

The bill requires that the woman be told information intended to coerce, shame or make her change her mind at least 24 hours before an abortion. Many women do not have the resources (transportation, supportive friends or family, time, etc.) to make two or more trips to a physician's office. The 24-hour waiting period will largely affect poor and working women.

Requiring physicians to determine and state the probable gestational age and anatomical and physiological characteristics of an "unborn child" constitutes interference in a woman's most personal, private medical decisions and her trusted relationship with her doctor. Physicians, not the legislature, should decide what is said to a woman. Forcing doctors to provide biased information that may often be inaccurate and irrelevant to a particular woman's circumstances does not promote informed consent, it interferes with it.

The bill unnecessarily limits who can provide information to the woman in a way that is unrelated to health concerns. The non-medical information must be provided by a doctor or "qualified person," which is limited to psychologists, licensed social workers, licensed professional counselors, or a registered nurse, each of whom must be "an agent of the physician." This provision seems intended to require clinics to hire additional over-qualified people in an attempt to run up costs and run them out of business.

Section 3218.1(b)(7) – This provision states that a physician shall not require or obtain payment for "a service provided to a patient who has inquired about an abortion or scheduled an abortion" until after the 24-hour reflection period.

Comment: The bill prevents anyone from requesting payment for "a service" provided to any patient who has inquired about an abortion or scheduled an abortion. This is overbroad and could apply to any service provided to a patient who has merely inquired about an abortion, regardless of whether they intend to have an abortion. In Northland v. Granholm, No. 01-70549 (E.D. Mich. Feb. 26, 2002), the court enjoined enforcement of a law that prohibited a physician from requiring or obtaining payment for "an abortion related medical service to a patient who has inquired about an abortion or scheduled an abortion" until after the 24-hour waiting period. The court found that "abortion-related medical service" was unconstitutionally vague because it failed to give physicians advance notice of what conduct it proscribes. For example, physicians were unclear whether pregnancy-related services – like pregnancy tests, gynecological exams, and ultrasounds – were covered if a woman was deciding whether to carry to term. Clinics testified that they would no longer provide these services to women on their first visit, which the court declared would "threaten to inhibit the exercise of a constitutionally protected right." Bill 54 applies to "a service," which is clearly broader than Michigan's "abortion related" medical service.

Section 3218.1(e) – This provision states, "Any person who intentionally, knowingly, or recklessly violates this Act is guilty of a misdemeanor." (Emphasis added).

March 17, 2009

Letter to Senator Frank B. Aguon, Jr.

Re: Bill 54

Comment: This provision is overly broad and ambiguous. It may criminalize the actions of the physician performing the abortion and any referring physician. It may criminalize the actions of the woman if she refuses to watch a video or take or read the pamphlets required to be handed to her. Or it may criminalize the actions of the "qualified person" who provides some, but not all of the information required under the statute. A criminal statute that fails to provide adequate notice of the proscribed conduct is unconstitutionally vague and indefinite. Jane L. v. Bangerter, 61 F.3d 1493, 1500 (10th Cir. 1995) (finding that Utah statute prohibiting "experimentation" on "live unborn children" was void for vagueness).


CONCLUSION

We agree that women should have access to all the medically accurate information they need to make an informed decision about getting an abortion. We may not all feel the same way about abortion or make the same decisions about our health and our families. Even if we disagree, we should not impose our own beliefs on a woman and her family. Each circumstance is different, and we should respect and support a woman and her family as they face the life-altering decision of whether or not to have a child.

A woman facing an unintended pregnancy needs the opportunity to make the best decision for her unique situation. We should ensure that she visits a doctor or clinic, and that she receives unbiased and accurate information so she is best able to care for her health and well-being. This bill, however, is not really about giving women unbiased accurate information so they can make informed decisions, it is an attempt to make it more difficult for women to get medical care when they seek an abortion.

The bill is also seriously flawed. At least three different provisions of the bill would likely be held unconstitutional, based on the legal precedents cited above. We urge you to refuse to pass this bill out of committee, and we urge the Guam Legislature to reject Bill 54 in its entirety.

Very truly yours,



ANITA P. ARRIOLA

Attorney for Guam Society of
Obstetricians and Gynecologists

Ufisinin Todu Guam

SENATOR DENNIS G. RODRIGUEZ, JR.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

February 07, 2011

Mr. Leonardo A. Rapadas
Attorney General of Guam
Office of the Attorney General
287 West O'Brien Drive
Hagåtña, Guam 96910

SUBJECT: Request For Attorney General's Opinion Relative To The Constitutionality Of Bill No. 52-31 (COR) – "An Act To Add NEW Section 3218.1 To Chapter 3, Article 2, Title 10 of The Guam Code Annotated, Relative To Woman's Informed Consent For Abortion; And To Cite The Act As "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2011."

Dear General Rapadas,

Buenas yan Hafa Adai!

As Chairman of the Committee on Health and Human Services, Economic Development, Senior Citizens, and Election Reform, I am requesting an Attorney General's Opinion as to the constitutionality of the provisions of Bill No. 52-31 (COR) (attached). This Bill is similar to Bill No. 54-30, introduced in the 30th Guam Legislature. Numerous concerns had been raised relative to the prior bill which delved into one of the most contentious and legally convoluted areas of law – reproductive health care. In many regards, this Bill 52-31 (COR) revisits the issue.

Once again, in consideration of the legal and social implications, I find it imperative that another review and opinion as to the constitutionality of this new Bill 52-31 (COR) be available for lawmakers to review as we continue to consider the issues brought forward in this legislation.

It is my belief that now, as before, numerous persons will be strongly in support of or opposition to the bill. They will once again raise valid social and legal concerns well deserving of careful consideration. It is for these reasons that I am seeking an Attorney General's Opinion on this important matter.

If you have any questions, comments or concerns, please do not hesitate to call my office.

Dangkolu' na si Yu'us Ma'ase'.

Respectfully,


DENNIS G. RODRIGUEZ, Jr.

Attachment: Bill No. 52-31 (COR)

RECEIVED
8:34am CC
Office of the Attorney General of Guam
Civil/Solicitor Division

**OFFICE OF THE ATTORNEY GENERAL****Leonardo M. Rapadas**

Attorney General of Guam

287 West O'Brien Drive

Hagåtña, Guam 96910

Telephone: (671) 475-3324 • Facsimile: (671) 472-2493

www.guamattorneygeneral.com**FACSIMILE TRANSMITTAL**

Date: March 16, 2011

To: Honorable Dennis G. Rodriguez, Jr.
Senator, I Mina'trenta Unu Na Liheslaturan Guåhan

From: Deputy Attorney General J. Patrick Mason

Facsimile No.: (671) 649-0520

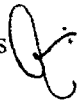
Total Pages: Two (2) – Including cover sheet

Subject: Bill 51-31 (COR)

Reference No.: LEG 11-0198


Remarks: Please see the document from Deputy Attorney General J. Patrick Mason concerning the above referenced matter. The original will be hand delivered to your office.

Should there be any problems with this transmission, please contact me, Maria Blas, at 475-3324, extension 140.

Sent By: Maria Anna U. Blas 

CONFIDENTIALITY NOTICE: This facsimile contains information which may also be legally privileged and which is intended for the user of the address(s) named above. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this facsimile, or the taking of any action in reliance on the contents of this telecopied information, may be strictly prohibited. If you received this transmission in error, please notify us immediately or return the entire facsimile to the address shown below via U.S. Postal Service.

3:56:47 PM

3-15-11 
RECEIVED BY THE
Office of Senator
Dennis G. Rodriguez, Jr.

2011-25

Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

March 11, 2011

Honorable Dennis G. Rodriguez, Jr.
Senator, I Mina'Trenta Unu Na Liheslaturan Guåhan
176 Serenu Avenue
Suite 107
Tamuning, Guam 96931

Re: BILL 51-31 (COR); REF: LEG 11-0198

Dear Senator Rodriguez:

You have requested comments from the Attorney General as to constitutional parameters that might have a bearing on the informed consent for abortion language in Bill 52-31. We note that Bill 52-31 is essentially the same as Bill 54-30 introduced in the Thirtieth Guam Legislature. As you may be aware, we sent a letter with our comments on Bill 54-30 to Senator Aguon in October 2010. We believe our prior comments are still applicable to the consent issues raised in both Bill 52-31 and Bill 54-30. Therefore, we have attached our October 2010 letter hereto in response to your request for our comments on Bill 52-31.

You have indicated that numerous concerns were raised about Bill 54-30 and that there are legal and social implications regarding Bill 52-31. We are glad to give our comments on Bill 52-31, but, of course, defer to legislative counsel regarding opinions on pending legislation and on drafting decisions. See introduction to 5 GCA, Chapter 30, Article 1, citing A.G. Opinion 78-20.

Sincerely,

3-15-11 *fu*
UFISINAN TODU GUAM
Received by the
Office of Senator
Dennis G. Rodriguez, Jr.

2011-34

J. PATRICK MASON
Deputy Attorney General
Civil Division

Leonardo M. Rapadas
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

March 11, 2011

Honorable Dennis G. Rodriguez, Jr.
Senator, I Mina Trenta Unu Na Liheslaturan Guåhan
176 Serenu Avenue
Suite 107
Tamuning, Guam 96931

CONFIRMATION


Re: BILL 51-31 (COR); REF: LEG 11-0198

Dear Senator Rodriguez:

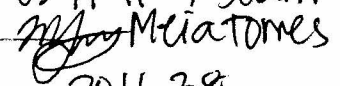
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Sincerely,


J. PATRICK MASON
Deputy Attorney General
Civil Division

UFISINAN TODU GUAM
Received by the
Office of Senator
Dennis G. Rodriguez, Jr.

03-17-11 9:30am

2011-38

John M. Weisenberger
Attorney General



Phillip J. Tydingco
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

October 26, 2010

Received
10/26/2010 4:55 PM

The Honorable Frank B. Aguon, Jr.

Senator, I Mina' Trenta na Liheslaturan Guåhan
Chairman, Committee on Economic Development, Health & Human Services and Judiciary
238 Archbishop F.C. Flores St.,
DNA Bldg, Ste 701A
Hagåtña, Guam 96910

Subject: Interpretation of the Constitutionality of Bill No. 54-30(COR)
AG File No. LEG 10-0956

Dear Senator Aguon:

This Office is in receipt of your letter dated September 29, 2010, wherein you requested our guidance as to the Constitutionality of Bill 54-30. After carefully reading the language in Bill 54-30 and the case law regarding the ("Bill 54-30") provisions within the Bill, it is this Office's position that Bill 54-30 would withstand a constitutional challenge; however, the Legislature may want to consider clarifying part of the Bill as discussed below.

Bill 54-30 was introduced on February 2, 2009. Primarily Bill 54 requires that prior to an abortion being performed the following requirements must be met.

1. A woman must give written consent to the procedure.
2. A 24 hour waiting period occur after the required information has been given to the patient.
3. A physician must give patient specific information regarding an abortion. (§3218.1(b)(1)(i-vi))
4. A physician may not charge for the first visit of an abortion procedure.

In addition to the requirements listed above the referring physician or qualified person must inform a woman in person that:

1. Medical assistant benefits may be available.
2. The printed materials and informational video that describe the unborn child and list agencies that offer alternatives to abortion is given to a woman in a private room.
3. The father of the unborn child is liable to assist in support of the child.

4. She is free to withhold or withdraw her consent to the abortion at anytime.

Prior to the abortion the woman must certify in writing that she has been provided the information listed above. Each performing physician must also sign the certification and report the total number of certifications per month.

The Bill also prohibits physicians from obtaining payment from a patient who has inquired about an abortion or scheduled an abortion unless the 24 hour period required above has passed.

Finally, the requirements listed above may be waived in cases of medical emergencies.

Laws that require informed consent and 24 hour waiting periods prior to an abortion have been upheld by the US Supreme Court. In Planned Parenthood of Southeastern Pennsylvania v. Casey 505 U.S. 833, 112 S.Ct 2791, 120 L.Ed.2d 674, 60 USLW 4795 (1992) the US Supreme Court continued to protect the central right recognized by Roe v. Wade while at the same time accommodating the State's profound interest in potential life.

At issue was the constitutionality of Pennsylvania's informed consent law, 18 Pa.C.S.A. §3205 (see attached). The language used in Bill 54-30 has similar language including the use of the term "unborn child". Thus, it is reasonable to conclude that the reasoning and holding in Casey would apply to Bill 54-30, and Bill 54-30 would survive a constitutional challenge. It should be noted that the US Supreme Court found that Pennsylvania's portion of the law requiring spousal notification was unconstitutional. Since Bill 54-30 does not contain a spousal notification provision, this is not an issue.

Although not necessarily constitutionally fatal, a question of vagueness does arise in Section 3218.1(b)(8) which states:

A physician shall not require or obtain payment for a **service provided** to a patient who has inquired about an abortion or scheduled an abortion until the expiration of the twenty-four (24) hour reflection period required Subsection (b)(1),(2) and (4). (Emphasis added)

If the Legislature's intent is that the woman or patient is not charged by the Physician for providing the pre-abortion information required by Bill 54-30, then it may be prudent as a way to withstand an unconstitutional vagueness challenge that the following proposed language be considered:

A physician shall not require or obtain payment for providing the information and certification required by this Section of law.

The above information is submitted in response to your request for guidance concerning the constitutionality of Bill 54-30.


J. PATRICK MASON
Deputy Attorney General

Reference Documents

1. Bill No. 54-30 (COR), as Introduced.
2. Bill No. 54-30 (COR), as Substituted by Committee.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
(FIRST AND SECOND) Regular Sessions
FINAL LEGISLATIVE HISTORY
January 2009 - December 2010

BILLS

2009 (SECOND) Regular Session

Bill No. 54-30 (COR) – by E. J. B. Calvo, T. R. Muña-Barnes, F. F. Blas, Jr.

AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE WOMAN'S INFORMED CONSENT FOR ABORTION AND TO CITE THE ACT AS "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2009".

- 02/02/09 - Read first time. Referred to the Committee on Rules.
- 02/03/09 - Referred to the Committee on Economic Development, Health & Human Services, & Judiciary.
- 03/27/09 - Public hearing scheduled by the Committee Economic Development, Health & Human Services, & Judiciary.
- 03/30/09(03/26/09)* - From the Committee on Economic Development, Health & Human Services, & Judiciary with the recommendation to do pass.
- 01/09/10 - Referred back to Committee on Economic Development, Health & Human Services, & Judiciary during Committee on Rules meeting.
- 11/05.10 - From the Committee on Economic Development, Health & Human Services, & Judiciary with the recommendation to do pass.
- 11/22/10 - Placed on Second Reading File.
- 11/26/10 - Discussed; amended; through motion placed on the Third Reading File.

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 54 (COR)

Introduced by:

E. J.B. Calvo *EC*

T. R. Muña-Barnes *MB*

F. F. Blas, Jr. *FB*

2009 FEB -2 PM 3:57mc

AN ACT TO ADD NEW SECTION 3218.1 TO CHAPTER 3
ARTICLE 2 TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE WOMAN'S INFORMED CONSENT
FOR ABORTION AND TO CITE THE ACT AS "THE
WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT
OF 2009."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that it is essential to the psychological and physical well-being of a woman considering an abortion that she receives complete and accurate information material to her decision of whether or not to undergo an abortion and abortion alternatives, and that every woman submitting to an abortion do so only after giving her voluntary and informed consent in writing to the abortion procedure.

Section 2. A new Section 3218.1 is hereby added to Chapter 3 Article 2 Title 10 of the Guam Code Annotated to read as follows:

"Section 3218.1. The Woman's Reproductive Health Information Act of 2009. (a) Definitions. For purposes of this Act, the following words and phrases are defined to mean:

1. **"Abortion"** means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death to the unborn child. Such use, prescription, or means is not an abortion if done with the intent to:

- (i) save the life or preserve the health of an unborn child;
- (ii) remove a dead unborn child caused by spontaneous abortion; or
- (iii) remove an ectopic pregnancy.

1 2. **"Complication"** means that condition which includes but is not
2 limited to hemorrhage, infection, uterine perforation, cervical laceration,
3 pelvic inflammatory disease, endometritis, and retained products. The
4 Department may further define "complication."

5 3. **"Conception"** means the fusion of a human spermatozoon with
6 a human ovum.

7 4. **"Department"** means the Department of Public Health and
8 Social Services Records Section.

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

14 6. **"First trimester"** means the first twelve (12) weeks of gestation.

15 7. **"Gestational age"** means the time that has elapsed since the first
16 day of the woman's last menstrual period.

17 8. **"Hospital"** means an institution licensed pursuant to the
18 provisions of the law of Guam

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

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

27 11. **"Pregnant"** or **"pregnancy"** means that female reproductive
28 condition of having an unborn child in the mother's uterus.

29 12. **"Qualified person"** means an agent of the physician who is a
30 psychologist, licensed social worker, licensed professional counselor,
31 registered nurse, or physician.

32 13. **"Unborn child"** means the offspring of human beings from
33 conception until birth.

34 14. **"Viability"** means the state of fetal development when, in the
35 judgment of the physician based on the particular facts of the case before him
36 or her and in light of the most advanced medical technology and information
37 available to him or her, there is a reasonable likelihood of sustained survival
38 of the unborn child outside the body of his or her mother, with or without
39 artificial support.

1 **(b) Informed consent requirement.** No abortion shall be performed or
2 induced without the voluntary and informed consent of the woman upon whom the
3 abortion is to be performed or induced. Except in the case of a medical emergency,
4 consent to an abortion is voluntary and informed if and only if:

5 1. At least twenty-four (24) hours before the abortion, the
6 physician who is to perform the abortion or the referring physician has
7 informed the woman in person of the following:

8 (i) The name of the physician who will perform the
9 abortion;

10 (ii) Medically accurate information that a reasonable patient
11 would consider material to the decision of whether or not to undergo
12 the abortion, including (a) a description of the proposed abortion
13 method; (b) the immediate and long-term medical risks associated
14 with the proposed abortion method including, but not limited to, the
15 risks of infection, hemorrhage, cervical or uterine perforation, danger
16 to subsequent pregnancies; and (c) alternatives to the abortion;

17 (iii) The probable gestational age of the unborn child at the
18 time the abortion is to be performed;

19 (iv) The probable anatomical and physiological
20 characteristics of the unborn child at the time the abortion is to be
21 performed;

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

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

27 2. At least twenty-four (24) hours before the abortion, the
28 physician who is to perform the abortion, the referring physician, or a
29 qualified person has informed the woman in person, that:

30 (i) Medical assistance benefits may be available for prenatal
31 care, childbirth, and neonatal care and that more detailed information
32 on the availability of such assistance is contained in the printed
33 materials and informational video given to her and described in
34 Subsection (c).

35 (ii) The printed materials and informational video in
36 Subsection (c) describe the unborn child and list agencies that offer
37 alternatives to abortion.

38 (iii) The father of the unborn child is liable to assist in the
39 support of this child, even in instances where he has offered to pay for

1 the abortion. In the case of rape or incest, this information may be
2 omitted.

3 (iv) She is free to withhold or withdraw her consent to the
4 abortion at any time without affecting her right to future care or
5 treatment and without the loss of any state or federally funded benefits
6 to which she might otherwise be entitled.

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

12 4. At least twenty-four (24) hours before the abortion, the woman
13 is given a copy of the printed materials and a viewing of, or a copy of, the
14 informational video described in Subsection (c). If the woman is unable to
15 read the materials, they shall be read to her. If the woman asks questions
16 concerning any of the information or materials, answers shall be provided to
17 her in a language she can understand.

18 5. Prior to the abortion, the woman certifies in writing on a
19 checklist form provided or approved by the Department that the information
20 required to be provided under Subsection (b) (1), (2), and (4) has been
21 provided. All physicians who perform abortions shall report the total number
22 of certifications received monthly to the Department. The department shall
23 make the number of certifications received available to the public on an
24 annual basis.

25 6. Except in the case of a medical emergency, the physician who is
26 to perform the abortion shall receive and sign a copy of the written
27 certification prescribed in Subsection (5) of this Section prior to performing
28 the abortion. The physician shall retain a copy of the checklist certification
29 form in the woman's medical record.

30 7. In the event of a medical emergency requiring an immediate
31 termination of pregnancy, the physician who performed the abortion shall
32 clearly certify in writing the nature of the medical emergency and the
33 circumstances which necessitated the waiving of the informed consent
34 requirements of this section. This certification shall be signed by the physician
35 who performed the emergency abortion, and shall be permanently filed in
36 both the records of the physician performing the abortion and the records of
37 the facility where the abortion takes place.

38 8. A physician shall not require or obtain payment for a service
39 provided to a patient who has inquired about an abortion or scheduled an

1 abortion until the expiration of the twenty-four (24) hour reflection period
2 required in Subsection (b) (1), (2) and (4).

3 (c) **Publication of Materials.** The Department of Public Health and
4 Social Services shall cause to be published printed materials and an informational
5 video in **culturally sensitive languages** within 180 days after this Act becomes law.
6 On an annual basis, the Department shall review and update, if necessary, the
7 following easily comprehensible printed materials and informational video:

8 1. Materials that inform the woman of public and private agencies
9 and services available to assist a woman through pregnancy, upon childbirth
10 and while her child is dependent, including but not limited to adoption
11 services.

12 2. The materials shall include a comprehensive list of the agencies,
13 a description of the services they offer, and the telephone numbers and
14 addresses of the agencies, and shall inform the woman about available
15 medical assistance benefits for prenatal care, childbirth, and neonatal care.
16 The Department shall ensure that the materials described in this section are
17 comprehensive and do not directly or indirectly promote, exclude, or
18 discourage the use of any agency or service described in this section. The
19 materials shall also contain a twenty-four-hour-a-day telephone number
20 which may be called to obtain information about the agencies in the locality
21 of the caller and of the services they offer.

22 The materials shall state that it is unlawful for any individual to coerce
23 a woman to undergo an abortion and that if a minor is denied financial
24 support by the minor's parents, guardian, or custodian due to the minor's
25 refusal to have an abortion performed, the minor shall be deemed
26 emancipated for the purposes of eligibility for public assistance benefits,
27 except that such benefits may not be used to obtain an abortion. The materials
28 shall also state that any physician who performs an abortion upon a woman
29 without her informed consent may be liable to her for damages in a civil
30 action at law and that the law permits adoptive parents to pay costs of
31 prenatal care, childbirth, and neonatal care. The materials shall include the
32 following statement:

33 "There are public and private services willing and able to help you to
34 carry your child to term, and to assist you and your child after your child is
35 born, whether you choose to keep your child or to place her or him for
36 adoption. The Territory of Guam strongly urges you to contact one or more of
37 the agencies before making a final decision about abortion. The law required
38 that your physician or his agent give you the opportunity to call agencies like
39 these before you undergo an abortion."

1 3. Materials that include information on the support obligations of
2 the father of a child who is born alive, including but not limited to the father's
3 legal duty to support his child, which may include child support payments
4 and health insurance, and the fact that paternity may be established by the
5 father's signature on a birth certificate or statement of paternity, or by court
6 action. The printed material shall also state that more information concerning
7 paternity establishment and child support services and enforcement may be
8 obtained by calling the Department of Public Health and Social Services
9 Public Assistance Branch.

10 4. Materials that inform the pregnant woman of the probable
11 anatomical and physiological characteristics of an unborn child at two (2)-
12 week gestational increments from fertilization to full term, including color
13 photographs of the developing unborn child at two (2)-week gestational
14 increments. The descriptions shall include information about brain and heart
15 functions, the presence of external members and internal organs during the
16 applicable stages of development, and any relevant information on the
17 possibility of the child's survival. If a photograph is not available, a picture
18 must contain the dimensions of the unborn child and must be realistic. **The**
19 **materials shall be objective, nonjudgmental, and designed to convey only**
20 **accurate scientific information about the unborn child at the various**
21 **gestational ages.**

22 5. Materials which contain objective information describing the
23 various surgical and drug-induced methods of abortion, as well as the
24 immediate and long-term medical risks commonly associated with each
25 abortion method including, but not limited to, the risks of infection,
26 hemorrhage, cervical or uterine perforation or rupture, danger to subsequent
27 pregnancies, the possible adverse psychological effects associated with an
28 abortion, and the medical risks associated with carrying a child to term.

29 6. A checklist certification form to be used by the physician or a
30 qualified person under Subsection (b) (5) of this Act, which will list all the
31 items of information which are to be given to the woman by a physician or
32 the agent under this Act.

33 7. The materials shall be printed in a typeface large enough to be
34 clearly legible.

35 8. The Department shall produce a standardized video that may
36 be used island wide, presenting the information described in subsection (c)
37 (I), (2), (3), and (4), in accordance with the requirements of those Subsections.
38 In preparing the video, the Department may summarize and make reference
39 to the printed comprehensive list of geographically indexed names and
40 services described in Subsection (c) (1). The video shall in addition to the

1 information described in Subsection c) (1), (2), (3), and (4), show an
2 ultrasound of the heartbeat of an unborn child at four (4) to five (5) weeks
3 gestational age to six (6) to eight (8)-weeks gestational age, and each month
4 thereafter, until viability. That information shall be presented in an objective,
5 unbiased manner designed to convey only accurate scientific information.

6 9. The materials required under this section and the video
7 described in Subsection(c) (8) shall be available at no cost from the
8 Department upon request and in appropriate number to any person, facility,
9 or hospital.

10 **(d) Emergencies.** When a medical emergency compels the performance of
11 an abortion, the physician shall inform the woman, before the abortion if possible, of
12 the medical indications supporting the physician's judgment that an immediate
13 abortion is necessary to avert her death or that a twenty-four (24) hour delay will
14 cause substantial and irreversible impairment of a major bodily function.

15 **(e) Criminal Penalties.** Any person who intentionally, knowingly, or
16 recklessly violates this Act is guilty of a **misdemeanor**.

17 **(f)** In addition to whatever remedies are available under the common or
18 statutory laws of Guam, failure to comply with the requirements of this Act shall:

19 1. Provide a basis for a civil malpractice action. Any intentional
20 violation of this Act shall be admissible in a civil suit as prima facie evidence
21 of a failure to obtain informed consent. When requested, the court shall allow
22 a woman to proceed using solely her initials or a pseudonym and may close
23 any proceedings in the case and enter other protective orders to preserve the
24 privacy of the woman upon whom the abortion was performed.

25 2. Provide a basis for professional disciplinary action under
26 Section 11110 of Chapter 11 of Title 10 Guam Code Annotated.

27 3. Provide a basis for recovery for the woman for the wrongful
28 death of her unborn child under Section 12109 of Chapter 12 of Title 7 Guam
29 Code Annotated, whether or not the unborn child was born alive or was
30 viable at the time the abortion was performed."

31 **Section 3. Severability.** If any provision of this Act held to be invalid or
32 unenforceable by its terms, or as applied to any person or circumstance, *shall* be construed
33 so as give it the maximum effect permitted by law unless such holding shall be one of utter
34 invalidity or unenforceability, in which even such provision *shall* be deemed severable
35 herefrom and *shall* not affect the remainder hereof or the application of such provision to
36 other persons *not* similarly situated or to other, dissimilar circumstances.

37 **Section 4. Effective Date.** This Act *shall* take effect 180 days after enactment.

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**

Introduced by:

E. J. B. Calvo
T. R. Muña-Barnes
F. F. Blas, Jr.

**AN ACT TO ADD A NEW SECTION 3218.1 TO
CHAPTER 3 ARTICLE 2 TITLE 10 OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE WOMAN'S
INFORMED CONSENT FOR ABORTION AND TO
CITE THE ACT AS "THE WOMAN'S
REPRODUCTIVE HEALTH INFORMATION ACT OF
2010".**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that it is essential to the psychological and physical well-being of a woman considering an abortion that she receives complete and accurate information on her alternatives. It is the intent of *I Liheslatura* to ensure that every woman considering an abortion receive complete information on her alternatives and that every woman submitting to an abortion do so only after giving her voluntary and informed consent to the abortion procedure.

Section 2. A new Section 3218.1 is hereby added to Chapter 3 Article 2 Title 10 of the Guam Code Annotated to read as follows:

"Section 3218.1. The Woman's Reproductive Health Information Act of 2010.

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

1. **"Abortion"** means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that

1 the termination by those means will with reasonable
2 likelihood cause the death to the unborn child. Such use,
3 prescription, or means is not an abortion if done with the
4 intent to:

- 5 (i) save the life or preserve the health of an unborn
6 child;
 - 7 (ii) remove a dead unborn child caused by
8 spontaneous abortion; or
 - 9 (iii) remove an ectopic pregnancy.
- 10 2. **“Complication”** means that condition which includes but
11 is not limited to hemorrhage, infection, uterine perforation,
12 cervical laceration, pelvic inflammatory disease,
13 endometritis, and retained products. The Department may
14 further define “complication.”
 - 15 3. **“Conception”** means the fusion of a human spermatozoon
16 with a human ovum.
 - 17 4. **“Department”** means the Department of Public Health
18 and Social Services Records Section.
 - 19 5. **“Facility”** or **“medical facility”** means any public or
20 private hospital, clinic, center, medical school, medical
21 training institution, health care facility, physician’s office,
22 infirmary, dispensary, ambulatory surgical treatment
23 center, or other institution or location wherein medical
24 care is provided to any person.
 - 25 6. **“First trimester”** means the first twelve (12) weeks of
26 gestation.
 - 27 7. **“Gestational age”** means the time that has elapsed since
28 the first day of the woman’s last menstrual period.
 - 29 8. **“Hospital”** means an institution licensed pursuant to the
30 provisions of the law of Guam
 - 31 9. **“Medical emergency”** means that condition which, on the
32 basis of the physician’s good faith clinical judgment, so
33 complicates the medical condition of a pregnant woman as
34 to necessitate the immediate termination of her pregnancy
35 to avert her death or for which a delay will create serious
36 risk of substantial and irreversible impairment of a major
37 bodily function.
 - 38 10. **“Physician”** means any person licensed to practice
39 healing arts, pursuant to the laws of Guam. The term
40 includes medical doctors and doctors of osteopathy.

11. **“Pregnant”** or **“pregnancy”** means that female reproductive condition of having an unborn child in the mother’s uterus.
 12. **“Qualified person”** means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, registered nurse, or physician.
 13. **“Unborn child”** means the offspring of human beings from conception until birth.
 14. **“Viability”** means the state of fetal development when, in the judgment of the physician based on the particular facts of the case before him or her and in light of the most advanced medical technology and information available to him or her, there is a reasonable likelihood of sustained survival of the unborn child outside the body of his or her mother, with or without artificial support.
- (b) Informed consent requirement. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:
1. At least twenty-four (24) hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, orally and in person, of the following:
 - (i) The name of the physician who will perform the abortion;
 - (ii) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including
 - (a) a description of the proposed abortion method;
 - (b) the immediate and long-term medical risks associated with the proposed abortion method including, but not limited to, the risks of infection, hemorrhage, cervical or uterine perforation, danger to subsequent pregnancies, and increased risk of breast cancer; and
 - (c) alternatives to the abortion;
 - (iii) The probable gestational age of the unborn child at the time the abortion is to be performed;

- (iv) The probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;
 - (v) The medical risks associated with carrying the child to term; and
 - (vi) Any need for anti-Rh immune globulin therapy if she is Rh negative, the likely consequences of refusing such therapy, and the cost of the therapy.
2. At least twenty-four (24) hours and up to thirty (30) days before the abortion, the physician who is to perform the abortion, the referring physician, or a qualified person has informed the woman in person, that:
 - (i) Medical assistance benefits may be available for prenatal care, childbirth, and neonatal care and that more detailed information on the availability of such assistance is contained in the printed materials and informational video given to her and described in Subsection (c).
 - (ii) The printed materials and informational video in Subsection (c) describe the unborn child and list agencies that offer alternatives to abortion.
 - (iii) The father of the unborn child is liable to assist in the support of this child, even in instances where he has offered to pay for the abortion. In the case of rape or incest, this information may be omitted.
 - (iv) She is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.
3. The information in Subsection (b) (1) and (2) is provided to the woman individually and in a private room to protect her privacy and maintain the confidentiality of her decision to ensure that the information focuses on her individual circumstances and that she has an adequate opportunity to ask questions.
4. At least twenty-four (24) hours and up to thirty (30) days before the before the abortion, the woman is given a copy

1 of the printed materials and a viewing of, or a copy of, the
2 informational video described in Subsection (c). If the
3 woman is unable to read the materials, they shall be read
4 to her. If the woman asks questions concerning any of the
5 information or materials, answers shall be provided to her
6 in a language she can understand.

7 5. Prior to the abortion, the woman certifies in writing on a
8 checklist form provided or approved by the Department
9 that the information required to be provided under
10 Subsection (b) (1), (2), and (4) has been provided. All
11 physicians who perform abortions shall report the total
12 number of certifications received monthly to the
13 Department. The department shall make the number of
14 certifications received available to the public on an annual
15 basis.

16 6. Except in the case of a medical emergency, the physician
17 who is to perform the abortion shall receive and sign a
18 copy of the written certification prescribed in Subsection
19 (5) of this Section prior to performing the abortion. The
20 physician shall retain a copy of the checklist certification
21 form in the woman's medical record.

22 7. In the event of a medical emergency requiring an
23 immediate termination of pregnancy, the physician who
24 performed the abortion shall clearly certify in writing the nature
25 of the medical emergency and the circumstances which
26 necessitated the waiving of the informed consent requirements
27 of this section. This certification shall be signed by the
28 physician who performed the emergency abortion, and shall be
29 permanently filed in both the records of the physician
30 performing the abortion and the records of the facility where the
31 abortion takes place.

32 8. A physician shall not require or obtain payment for
33 providing the information and certification required by
34 this Section of law.

35
36 (c) **Publication of Materials.** The Department of Public Health and
37 Social Services shall cause to be published printed materials and
38 an informational video in culturally sensitive languages within
39 180 days after this Act becomes law. On an annual basis, the

1 Department shall review and update, if necessary, the following
2 easily comprehensible printed materials and informational video:

3 1. Geographically indexed materials that inform the woman
4 of public and private agencies and services available to
5 assist a woman through pregnancy, upon childbirth and
6 while her child is dependent, including but not limited to
7 adoption agencies.

8 2. The materials shall include a comprehensive list of the
9 agencies, a description of the services they offer, and the
10 telephone numbers and addresses of the agencies, and
11 shall inform the woman about available medical assistance
12 benefits for prenatal care, childbirth, and neonatal care.

13 The Department shall ensure that the materials described in
14 this section are comprehensive and do not directly or
15 indirectly promote, exclude, or discourage the use of any
16 agency or service described in this section. The materials
17 shall also contain a twenty-four-hour-a-day telephone
18 number which may be called to obtain information about
19 the agencies in the locality of the caller and of the services
20 they offer.

21 The materials shall state that it is unlawful for any
22 individual to coerce a woman to undergo an abortion and
23 that if a minor is denied financial support by the minor's
24 parents, guardian, or custodian due to the minor's refusal
25 to have an abortion performed, the minor shall be deemed
26 emancipated for the purposes of eligibility for public
27 assistance benefits, except that such benefits may not be
28 used to obtain an abortion. The materials shall also state
29 that any physician who performs an abortion upon a
30 woman without her informed consent may be liable to her
31 for damages in a civil action at law and that the law
32 permits adoptive parents to pay costs of prenatal care,
33 childbirth, and neonatal care. The materials shall include
34 the following statement:

35 "There are public and private agencies willing and able to
36 help you to carry your child to term, and to assist you and
37 your child after your child is born, whether you choose to
38 keep your child or to place her or him for adoption. Guam
39 strongly urges you to contact one or more of the agencies
40 before making a final decision about abortion. The law

1 required that your physician or his agent give you the
2 opportunity to call agencies like these before you undergo
3 an abortion.”

- 4 3. Materials that include information on the support
5 obligations of the father of a child who is born alive,
6 including but not limited to the father’s legal duty to
7 support his child, which may include child support
8 payments and health insurance, and the fact that paternity
9 may be established by the father’s signature on a birth
10 certificate or statement of paternity, or by court action.
11 The printed material shall also state that more information
12 concerning paternity establishment and child support
13 services and enforcement may be obtained by calling the
14 Department of Public Health and Social Services Public
15 Assistance Branch.
- 16 4. Materials that inform the pregnant woman of the probable
17 anatomical and physiological characteristics of an unborn
18 child at two (2)-week gestational increments from
19 fertilization to full term, including color photographs of
20 the developing unborn child at two (2)-week gestational
21 increments. The descriptions shall include information
22 about brain and heart functions, the presence of external
23 members and internal organs during the applicable stages
24 of development, and any relevant information on the
25 possibility of the child’s survival. If a photograph is not
26 available, a picture must contain the dimensions of the
27 unborn child and must be realistic. The materials shall be
28 objective, nonjudgmental, and designed to convey only
29 accurate scientific information about the unborn child at
30 the various gestational ages.
- 31 5. Materials which contain objective information describing
32 the various surgical and drug-induced methods of
33 abortion, as well as the immediate and long-term medical
34 risks commonly associated with each abortion method
35 including, but not limited to, the risks of infection,
36 hemorrhage, cervical or uterine perforation or rupture,
37 danger to subsequent pregnancies, the possible adverse
38 psychological effects associated with an abortion, and the
39 medical risks associated with carrying a child to term.

- 1 6. A checklist certification form to be used by the physician
2 or a qualified person under Subsection (b) (5) of this Act,
3 which will list all the items of information which are to be
4 given to the woman by a physician or the agent under this
5 Act.
- 6 7. The materials shall be printed in a typeface large enough
7 to be clearly legible.
- 8 8. The Department shall produce a standardized video that
9 may be used island wide, presenting the information
10 described in subsection (c) (1), (2), (3), and (4), in
11 accordance with the requirements of those Subsections. In
12 preparing the video, the Department may summarize and
13 make reference to the printed comprehensive list of
14 geographically indexed names and services described in
15 Subsection (c) (1). The video shall in addition to the
16 information described in Subsection(c) (1), (2), (3), and
17 (4), show an ultrasound of the heartbeat of an unborn child
18 at four (4) to five (5) weeks gestational age to six (6) to
19 eight (8)-weeks gestational age, and each month
20 thereafter, until viability. That information shall be
21 presented in an objective, unbiased manner designed to
22 convey only accurate scientific information.
- 23 9. The materials required under this section and the video
24 described in Subsection(c) (8) shall be available at no cost
25 from the Department upon request and in appropriate
26 number to any person, facility, or hospital.
- 27 (d) **Emergencies.** When a medical emergency compels the
28 performance of an abortion, the physician shall inform the
29 woman, before the abortion if possible, of the medical indications
30 supporting the physician's judgment that an immediate
31 abortion is necessary to avert her death or that a twenty-four (24)
32 hour delay will cause substantial and irreversible impairment
33 of a major bodily function.
- 34 (e) **Criminal Penalties.** Any person who intentionally, knowingly,
35 or recklessly violates this Act is guilty of a misdemeanor.
- 36 (f) In addition to whatever remedies are available under the
37 common or statutory laws of Guam, failure to comply with the
38 requirements of this Act shall:
 - 39 1. Provide a basis for a civil malpractice action. Any
40 intentional violation of this Act shall be admissible in a

1 civil suit as prima facie evidence of a failure to obtain
2 informed consent. When requested, the court shall allow a
3 woman to proceed using solely her initials or a pseudonym
4 and may close any proceedings in the case and enter other
5 protective orders to preserve the privacy of the woman
6 upon who the abortion was performed.

7 2. Provide a basis for professional disciplinary action under
8 Section 11110 of Chapter 11 of Title 10 Guam Code
9 Annotated.

10 3. Provide a basis for recovery for the woman for the
11 wrongful death of her unborn child under Section 12109 of
12 Chapter 12 of Title 7 Guam Code Annotated, whether or
13 not the unborn child was born alive or was viable at the
14 time the abortion was performed.”

15 **Section 3. Funding.** *I Maga’Lahan Guahan shall identify the*
16 *funds necessary* within the Executive Branch Budget, as required and
17 necessary to fully implement the purposes and intent set forth in this
18 Act.

19 **Section 4. Severability.** *If any provision of this Act held to be*
20 *invalid or unenforceable by its terms, or as applied to any person or*
21 *circumstance, shall be construed so as give it the maximum effect*
22 *permitted by law unless such holding shall be one of utter invalidity*
23 *or unenforceability, in which even such provision shall be deemed*
24 *severable herefrom and shall not affect the remainder hereof or the*
25 *application of such provision to other persons not similarly situated or*
26 *to other, dissimilar circumstances.*

27 **Section 5. Effective Date.** This Act *shall* take effect 180 days
28 after enactment.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY
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Judith T. Won Pat

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Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
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Senator
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Senator
vicente c. pangelinan

MINORITY
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Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

February 9, 2011

VIA FACSIMILE
(671) 472-2825

Ms. Benita Manglona
Acting Director
Bureau of Budget & management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 27-31(COR) through 28-31(COR) and 30-31(COR) through 53-31(COR)

Hafa Adai Ms. Manglona:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

2011 FEB 10 AM 10:14

Rec'd: Jackie
2/10/11 8:57am

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

January 25, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
51-31 (COR)	Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources By request of I Maga'låhen Guåhan in accordance with the Organic Act of Guam.	AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS " <i>THE UNBORN CHILD PROTECTION ACT OF 2011.</i> "	1/25/11 3:12 p.m.	1/27/11		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform			
052-31 (COR)	Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources By request of I Maga'låhen Guåhan in accordance with the Organic Act of Guam.	AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO WOMEN'S INFORMED CONSENT FOR ABORTION; AND TO CITE THE ACT AS " <i>THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2011.</i> "..	1/25/11 3:12 p.m.	1/27/11		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform			



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
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Senator
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CHAIRPERSON
MAJORITY LEADER

Senator
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VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 26, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill Nos. 49-31 (COR) through 52-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 49-31 (COR) through 52-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(3) Attachments

2011 JAN 27 PM 3:16

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet
January 25, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
51-31 (COR)	Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources By request of I Maga'låhen Guåhan in accordance with the Organic Act of Guam.	AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS " <i>THE UNBORN CHILD PROTECTION ACT OF 2011.</i> "	1/25/11 3:12 p.m.	1/27/11		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform			
052-31 (COR)	Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources By request of I Maga'låhen Guåhan in accordance with the Organic Act of Guam.	AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO WOMEN'S INFORMED CONSENT FOR ABORTION; AND TO CITE THE ACT AS " <i>THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2011.</i> "..	1/25/11 3:12 p.m.	1/27/11		Committee on Health & Human Services Senior Citizens, Economic Development and Election Reform			

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

FIRST NOTICE OF PUBLIC HEARING ON FRIDAY, FEB. 11, 2011 8:30am & 4pm

1 message

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Fri, Feb 4, 2011 at 2:50 PM

To: "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, ben c pangelinan <senbenp@guam.net>, "Benjamin J. Cruz" <senadotbjcruz@aol.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Judith P Guthertz <judiguthertz@gmail.com>, Judith T Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Rory J Respicio <roryforguam@gmail.com>, Sam Mabini <drsamabini@gmail.com>, Therese Terlaje <terlaje@guam.net>, "Thomas C. Ada" <office@senatorada.org>, Tina Rose Muna Barnes <tinamunabarnes@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Tom Unsiog <tunsiog@guamlegislature.org>, V Anthony Ada <senatortonyada@guamlegislature.org>, Vince Arriola <vparriola@teleguam.net>, Yong <yong@guamlegislature.org>

February 4, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE of Public Hearing scheduled for Friday, February 11, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Friday, February 11, 2011, at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

8:30am

- The Executive Appointment of Ms. Arlene P. Bordallo to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. David J. John to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. George Chiu to serve as a Member of the Guam Economic Development Authority Board.
- **Bill No. 46-31(COR)**-AN ACT TO AMEND §3102.3 OF CHAPTER 3 OF 17GCA RELATIVE TO CITIZENSHIP REQUIREMENTS FOR EDUCATION BOARD MEMBERS.-by V.A. Ada, J.P. Guthertz, DPA
- **Bill No. 47-31(COR)**-AN ACT TO AMEND §1032 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO SENIOR CITIZENS DAY AT THE LEGISLATURE.-by J.T. Won Pat, Ed.D.
- **Bill No. 55-31(COR)**-AN ACT TO AUTHORIZE THE GUAM MEMORIAL HOSPITAL AUTHORITY TO SOLICIT AND CONTRACT, IN WHOLE OR IN PART, FOR THE MANAGEMENT AND OPERATION OF VENDOR SERVICES RELATIVE TO CAFETERIA, SNACK BAR, RESTAURANT, AND/OR OTHER FOOD SERVICE ACTIVITIES, BY ADDING A NEW SUBSECTION (u) TO §80109 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED. -by R.G. Rodriguez, Jr.

4:00pm

- **Bill No. 51-31 (COR)**-AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS "*THE UNBORN CHILD PROTECTION ACT OF 2011*." -by *I Maga 'lāhen Guåhan*, Eddie B. Calvo

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Seremu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to

Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan*'s website at . Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

cc: -Clerk of the Legislature -Legislative Legal Counsel
-Executive Director -MIS
-Sergeant-At-Arms/Protocol

—
Senator Dennis G. Rodriguez, Jr.
I Magsa'pñal Van Na I Liheslaturan Guåhan
31st Guam Legislature
176 Seremu Avenue Suite 107
Tamuning, Guam 96913
671-649-8638



Ufisinan Todu Guam

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

February 4, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE of Public Hearing scheduled for Friday, February 11, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Friday, February 11, 2011, at *I Liheslaturan Guåhan*'s Public Hearing Room in Hagåtña, on the following:

8:30am

- The Executive Appointment of Ms. Arlene P. Bordallo to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. David J. John to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. George Chiu to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 46-31(COR)-AN ACT TO AMEND §3102.3 OF CHAPTER 3 OF 17GCA RELATIVE TO CITIZENSHIP REQUIREMENTS FOR EDUCATION BOARD MEMBERS.-by V.A. Ada, J.P. Guthertz, DPA
- Bill No. 47-31(COR)-AN ACT TO AMEND §1032 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO SENIOR CITIZENS DAY AT THE LEGISLATURE.-by J.T. Won Pat, Ed.D.
- Bill No. 55-31(COR)-AN ACT TO AUTHORIZE THE GUAM MEMORIAL HOSPITAL AUTHORITY TO SOLICIT AND CONTRACT, IN WHOLE OR IN PART, FOR THE MANAGEMENT AND OPERATION OF VENDOR SERVICES RELATIVE TO CAFETERIA, SNACK BAR, RESTAURANT, AND/OR OTHER FOOD SERVICE ACTIVITIES, BY ADDING A NEW SUBSECTION (u) TO §80109 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED. -by R.G. Rodriguez, Jr.

4:00pm

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to senatordrodriguez@gmail.com. Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan*'s website at www.guamlegislature.org. Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

cc: -Clerk of the Legislature -Legislative Legal Counsel
-Executive Director -MIS
-Sergeant-At-Arms/Protocol

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Press Release-- Public Hearing & Confirmation Hearing Feb. 11, 2011

1 message

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Thu, Feb 3, 2011 at 3:54 PM

Bcc: action@weareguahan.com, admin@weareguahan.com, chrisu@marianasmedia.com, clynt@spbgum.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbgum.com, kevin@spbgum.com, kstone@ite.net, managingeditor@glimpsesofiguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@guampdn.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofiguam.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, scoop@guamnewswatch.com, slimtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, therese@mvguam.com, zita@mvguam.com, Jesse Lujan <jesselujan27@yahoo.com>, Lannie Walker <lannie@kuam.com>, Ronnie Perez <marketing@hitradio100.com>, Telo Taitague <telo.taitague@guam.gov>, William Gibson <breakfastshowk57@gmail.com>, "Dennis Rodriguez Jr." <senatorrodriguez@gmail.com>, Joseph Mesngon <jmesngon.senatorrodriguez@gmail.com>

Ufisinan Todu Guam

I Mina'trentai Unu Na Liheslaturan Guahan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

PRESS RELEASE

FIRST NOTICE OF PUBLIC HEARING

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NEW SUBSECTION (u) TO §80109 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED. – *(Introduced by D.G. Rodriguez, Jr.)*

4:00pm

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Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to cliftonherbert@senatorrodriguez.com. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert or Joe Mesngon at 649-8638 (TODU). We look forward to your attendance and participation

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

###

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931


Telephone:

Email: cliftonherbert@senatorrodriguez.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

The Confidential Information is disclosed conditioned upon your agreement that you will treat it confidentially and in accordance with applicable law, ensure that such data isn't used or disclosed except for the limited purpose for which it's being provided and will notify and cooperate with us regarding any requested or unauthorized disclosure or use of any Confidential Information.

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 PH Feb 11,2011.pdf
965K



Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Press Release- Public Hearing Revised Feb. 11

4 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Fri, Feb 4, 2011 at 9:32 AM

Bcc: action@weareguahan.com, admin@weareguahan.com, chrisu@marianasmedia.com, clynt@spbgum.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gduamat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbgum.com, kevin@spbgum.com, kstone@ite.net, managingeditor@glimpsesofiguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@guampdn.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofiguam.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, scoop@guamnewswatch.com, slintaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, therese@mvguam.com, zita@mvguam.com, Jesse Lujan <jesselujan27@yahoo.com>, Lannie Walker <lannie@kuam.com>, Ronnie Perez <marketing@hitradio100.com>, Telo Taitague <telo.taitague@guam.gov>, William Gibson <breakfastshowk57@gmail.com>, "Dennis Rodriguez Jr." <senatorrodriguez@gmail.com>, Joseph Mesngon <jmesngon.senatorrodriguez@gmail.com>

Ufisinan Todu Guam
 SENATOR DENNIS G. RODRIGUEZ, JR.
 I Mina'trentai Unu Na Liheslaturan Guahan
 CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
 ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

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(Revised)

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4:00pm

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###

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: 649-8638

Email: Cherbert.senatordrodriguez@gmail.com

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By accepting and reviewing the Confidential information, you agree to indemnify us against any losses or expenses, including attorney's fees that we may incur as a result of any unauthorized use or disclosure of this data due to your acts or omissions. If a party other than the intended recipient receives this e-mail, he or she is requested to instantly notify us of the erroneous delivery and return to us all data so delivered.



PH Revised Feb 11.pdf

718K

Clifton Herbert <cherbert.senatordrodriguez@gmail.com>
To: llmatthews@guampdn.com, news@guampdn.com

Fri, Feb 4, 2011 at 1:05 PM

Please respond that you have recieved this.

<https://mail.google.com/mail/?ui=2&ik=c0c298993c&view=pt&q=public%20hearing%20f...> 2/16/2011



Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Public Hearing

4 messages

Clifton Herbert <cherbert.senatorrodriguez@gmail.com>

Tue, Feb 8, 2011 at
8:59 AM

Bcc: action@weareguahan.com, admin@weareguahan.com, chrisu@marianasmedia.com, clynt@spbgum.com, dcrisostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbgum.com, kevin@spbgum.com, kstone@ite.net, managingeditor@glimpsesofiguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofiguam.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, scoop@guamnewswatch.com, slintiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, therese@mvguam.com, zita@mvguam.com, Jesse Lujan <jesselujan27@yahoo.com>, Lannie Walker <lannie@kuam.com>, Pacific Daily News <news@guampdn.com>, Ronnie Perez <marketing@hitradio100.com>, Telo Taitague <telo.taitague@guam.gov>, William Gibson <breakfastshowk57@gmail.com>, Laura Matthews <llmatthews@guampdn.com>

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guahan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Please find public hearing and agenda attached.

Thanks,

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: (671) 735-1133

Email: Cherbert.senatorrodriguez@gmail.com

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Ufisinan Todu Guam

I Mina'trentai Unu Na Liheslaturan Guåhan CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES, ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

February 4, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE of Public Hearing scheduled for Friday, February 11, 2011.

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cc: -Clerk of the Legislature -Legislative Legal Counsel
-Executive Director -MIS
-Sergeant-At-Arms/Protocol

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

SECOND NOTICE for PUBLIC HEARING on FRIDAY, FEBRUARY 11, 2011

1 message

Dennis Rodriguez, Jr. <senatordrodriguez@gmail.com>

Tue, Feb 8, 2011 at 4:39 PM

To: "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, ben c pangelinan <senbenp@guam.net>, "Benjamin J. Cruz" <senadotbjcruz@aol.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, Judith P Guthertz <judiguthertz@gmail.com>, Judith T Won Pat <speaker@judiwonpat.com>, Mana Silva Taijeron <senatormana@gmail.com>, Pat Santos <psantos@guamlegislature.org>, Rory J Respicio <roryforguam@gmail.com>, Sam Mabini <senatorsam@senatormabini.com>, Therese Terlaje <tterlaje@guam.net>, "Thomas C. Ada" <office@senatorada.org>, Tina Rose Muna Bames <tinamunabames@gmail.com>, Senator Tom Ada <tom@senatorada.org>, Tom Unsioq <tunsioq@guamlegislature.org>, V Anthony Ada <senatortonyada@guamlegislature.org>, Vince Arriola <vparriola@teleguam.net>, Yong <yong@guamlegislature.org>

February 8, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE of Public Hearing scheduled for Friday, February 11, 2011.

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4:00pm

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THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS "*THE UNBORN CHILD PROTECTION ACT OF 2011*." -by *I Maga'låhen Guåhan*, Eddie B. Calvo

- **Bill No. 52-31 (COR)**- AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO WOMEN'S INFORMED CONSENT FOR ABORTION; AND TO CITE THE ACT AS THE "*THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2011*."-by *I Maga'låhen Guåhan*, Eddie B. Calvo

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Seremu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to

Guåhan's website at . Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan's website at* . Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

cc: -Clerk of the Legislature -Legislative Legal Counsel
 -Executive Director -MIS
 -Sergeant-At-Arms/Protocol

Senator Dennis G. Rodriguez, Jr.
I Måni'tromai Uani Na I Liheslaturan Guåhan
155 Hesler Place, Hagåtña
176 Seremu Avenue, Suite 107
Tamuning, Guam 96913
671,649,8638



Ufisinan Todu Guam

48hr.

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

February 8, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: SECOND NOTICE of Public Hearing scheduled for Friday, February 11, 2011.

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform has scheduled a Confirmation and Public Hearing on Friday, February 11, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

8:30am

- The Executive Appointment of Ms. Arlene P. Bordallo to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. David J. John to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. George Chiu to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 46-31(COR)-AN ACT TO AMEND §3102.3 OF CHAPTER 3 OF 17GCA RELATIVE TO CITIZENSHIP REQUIREMENTS FOR EDUCATION BOARD MEMBERS.-by V.A. Ada, J.P. Guthertz, DPA
- Bill No. 47-31(COR)-AN ACT TO AMEND §1032 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO SENIOR CITIZENS DAY AT THE LEGISLATURE.-by J.T. Won Pat, Ed.D.
- Bill No. 55-31(COR)-AN ACT TO AUTHORIZE THE GUAM MEMORIAL HOSPITAL AUTHORITY TO SOLICIT AND CONTRACT, IN WHOLE OR IN PART, FOR THE MANAGEMENT AND OPERATION OF VENDOR SERVICES RELATIVE TO CAFETERIA, SNACK BAR, RESTAURANT, AND/OR OTHER FOOD SERVICE ACTIVITIES, BY ADDING A NEW SUBSECTION (u) TO §80109 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED. -by R.G. Rodriguez, Jr.

4:00pm

- Bill No. 51-31 (COR)-AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS "THE UNBORN CHILD PROTECTION ACT OF 2011." -by I Maga'låhen Guåhan, Eddie B. Calvo
- Bill No. 52-31 (COR)- AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO WOMEN'S INFORMED CONSENT FOR ABORTION; AND TO CITE THE ACT AS THE "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2011."-by I Maga'låhen Guåhan, Eddie B. Calvo

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Dennis G. Rodriguez, Jr. at 176 Serenu Avenue Suite 107, Tamuning, Guam, at our mailbox in the Legislature Building at 155 Hesler Place, Hagåtña, Guam or via email to senatordrodriguez@gmail.com. Copies of the aforementioned Resolution and/or Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.org. Individuals requiring special accommodations or services, please contact Clifton Herbert or Joe Mesngon at 649-8638. We look forward to your presence and participation.

cc: -Clerk of the Legislature -Legislative Legal Counsel
-Executive Director -MIS
-Sergeant-At-Arms/Protocol



Clifton Herbert <cherbert.senatordrodriguez@gmail.com>

Public Hearing

4 messages

Clifton Herbert <cherbert.senatordrodriguez@gmail.com>

Tue, Feb 8, 2011 at
8:59 AM

Bcc: action@weareguahan.com, admin@weareguahan.com, chrisu@marianasmedia.com, clynt@spbgum.com, dcristostomo@guampdn.com, dmgeorge@guampdn.com, dtamondong@guampdn.com, gdumat-ol@guampdn.com, gerry@mvguam.com, hottips@kuam.com, jason@kuam.com, john@kuam.com, jtyquiengco@spbgum.com, kevin@spbgum.com, kstone@ite.net, managingeditor@glimpsesofiguam.com, marvic@mvguam.com, mindy@kuam.com, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, reporter3@glimpsesofiguam.com, rgibson@k57.com, ricknauta@hitradio100.com, sabrina@kuam.com, scoop@guamnewswatch.com, slmtiaco@guampdn.com, thebigshow@k57.com, therese.hart.writer@gmail.com, therese@mvguam.com, zita@mvguam.com, Jesse Lujan <jesselujan27@yahoo.com>, Lannie Walker <lannie@kuam.com>, Pacific Daily News <news@guampdn.com>, Ronnie Perez <marketing@hitradio100.com>, Telo Taitague <telo.taitague@guam.gov>, William Gibson <breakfastshowk57@gmail.com>, Laura Matthews <llmatthews@guampdn.com>

Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, JR.
I Mina'trentai Unu Na Liheslaturan Guahan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

Please find public hearing and agenda attached.

Thanks,

Clifton Herbert

176 Serenu Avenue Suite 107 Tamuning, Guam 96931

Telephone: (671) 649-8499

Email: Cherbert.senatordrodriguez@gmail.com

This e-mail may contain data that is confidential, proprietary or non-public personal information, as that term is defined in the Gramm-Leach-Bliley Act (collectively, Confidential Information).

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2 attachments



2nd Notice Feb 11, 11.pdf
723K



AGENDA Public Hearing #2 Feb 11,2011.pdf
717K



Ufisinan Todu Guam
SENATOR DENNIS G. RODRIGUEZ, Jr.
I Mina'trentai Unu Na Liheslaturan Guåhan
CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Friday, February 11, 2011 8:30am & 4:00pm

Please be advised that the Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will be conducting Confirmations as well as a Public Hearing on Friday, February 11, 2011, at I Liheslaturan Guåhan's Public Hearing Room in Hagåtña, on the following:

8:30am

- The Executive Appointment of **Ms. Arlene P. Bordallo** to serve as a **Member of the Guam Economic Development Authority Board.**
- The Executive Appointment of **Mr. David J. John** to serve as a **Member of the Guam Economic Development Authority Board.**
- The Executive Appointment of **Mr. George Chiu** to serve as a **Member of the Guam Economic Development Authority Board.**
- **Bill No. 46-31(COR)**-AN ACT TO AMEND §3102.3 OF CHAPTER 3 OF 17GCA RELATIVE TO CITIZENSHIP REQUIREMENTS FOR EDUCATION BOARD MEMBERS.- *(Introduced by V.A. Ada, J.P. Guthertz, DPA)*
- **Bill No. 47-31(COR)**-AN ACT TO AMEND §1032 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO SENIOR CITIZENS DAY AT THE LEGISLATURE.- *(Introduced by J.T. Won Pat, Ed.D.)*
- **Bill No. 55-31(COR)**-AN ACT TO AUTHORIZE THE GUAM MEMORIAL HOSPITAL AUTHORITY TO SOLICIT AND CONTRACT, IN WHOLE OR IN PART, FOR THE MANAGEMENT AND OPERATION OF VENDOR SERVICES RELATIVE TO CAFETERIA, SNACK BAR, RESTAURANT, AND/OR OTHER FOOD SERVICE ACTIVITIES, BY ADDING A NEW SUBSECTION (u) TO §80109 OF CHAPTER 80, TITLE 10, GUAM CODE ANNOTATED. – *(Introduced by D.G. Rodriguez, Jr.)*

4:00pm

- **Bill No. 51-31 (COR)**-AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS "THE UNBORN CHILD PROTECTION ACT OF 2011." – *(Introduced by I Maga'låhen Guåhan, Eddie B. Calvo)*
- **Bill No. 52-31 (COR)**- AN ACT TO ADD A NEW SECTION 3218.1 TO CHAPTER 3, ARTICLE 2, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO WOMEN'S INFORMED CONSENT FOR ABORTION; AND TO CITE THE ACT AS THE "THE WOMAN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2011."- *(Introduced by I Maga'låhen Guåhan, Eddie B. Calvo)*

Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to senatordrodriguez@gmail.com. In accordance with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Clifton Herbert at 649-8638 (TODU). We look forward to your attendance and participation

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

###

2 attachments



2nd Notice Feb 11, 11.pdf

723K



AGENDA Public Hearing #2 Feb 11,2011.pdf

717K



3 Board appointees scheduled for hearing

Pacific Daily News • news@guampdn.com •
February 5, 2011

Three appointees to the Guam Economic Development Authority board of directors are scheduled to appear for their legislative confirmation hearing at 8:30 a.m. on Feb. 11 in the Legislature's public hearing room.

The confirmation hearing will be before the Committee on Health and Human Services, Economic Development, Senior Citizens and Election Reform. Sen. Dennis Rodriguez Jr. is its chairman.

Appointed to the GEDA board:

- Ariene P. Bordallo;
- George Chiu, vice president, CTSI Logistics; and
- David John, president of ASC Trust Corp. and immediate past president of the Guam




ChiuJohn




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A	7.4%
B	3.7%
C	17.5%
D	14.7%
F	56.6%

Total Votes: 136

As of 8:15 p.m., Feb. 6

5 bills to see public hearing

Pacific Sunday News

The Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform will hold a public hearing Friday at the Guam Legislature's public hearing room. Testimony on the following bills will be heard:

▲ Bill 46, which would require all elected members of the Education Board to be citizens of the United States;

▲ Bill 47, which would change the date of Senior Citizens Day from the third Wednesday of May to a date in May specified by the speaker of the Guam Legislature;

▲ Bill 55, which would authorize Guam Memorial Hospital Authority to solicit and contract, in whole or in part, for the management and operation of vendor services relative to cafeteria, snack bar, restaurant, and/or other food service activities;

▲ Bill 51, which would prohibit the abortion of fetuses more than 20 weeks of age, with exceptions for the health of the mother; and

▲ Bill 52, known as the "The Woman's Reproductive Health Information Act of 2011," which would require a woman's "informed consent" before an abortion, including information about the anatomical and physiological characteristics of the fetus.

Testimony may be submitted via hand delivery to 176 Sereno Avenue, Suite 107, Tamuning, Guam 96931 or at the main Legislature building at 155 Hessler Place, Hagåtña, Guam 96910, or via e-mail to senatorrodriguez@gmail.com.

Village Voice

PUBLIC HEARING Committee on Health & Human Services, Economic Development, Senior Citizens and Election Reform

WHEN Friday, February 11, 2011, 8:30 – 9:30am

WHERE I Liheslaturan Guåhan's Public Hearing Room in Hagåtña

NOTE 8:30am

- The Executive Appointment of Ms. Arlene P. Bordallo to serve as a Member of the Guam Economic Development Authority Board.
- The Executive Appointment of Mr. David J. John to serve as a Member of the Guam Economic Development Authority Board.
- Bill No. 46-31(COR)-AN ACT TO AMEND §3102.3 OF CHAPTER 3 OF 17GCA RELATIVE TO CITIZENSHIP REQUIREMENTS FOR EDUCATION BOARD MEMBERS.- (Introduced by V.A. Ada, J.P. Guthertz, DPA)
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4:00pm

- Bill No. 51-31 (COR)-AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS "THE UNBORN CHILD PROTECTION ACT OF 2011." –(Introduced by I Maga'låhen Guåhan, Eddie B. Calvo)
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For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU)

Printed: Thursday, February 03, 2011 at 4:57 PM PST



Ufisinan Todu Guam

SENATOR DENNIS G. RODRIGUEZ, Jr.

I Mina'trentai Unu Na Liheslaturan Guåhan

CHAIRMAN, COMMITTEE ON HEALTH & HUMAN SERVICES,
ECONOMIC DEVELOPMENT, SENIOR CITIZENS AND ELECTION REFORM

PUBLIC HEARING AGENDA

Friday, February 11, 2011

8:30am to 12noon & 4:00pm

Public Hearing Room, *I Liheslaturan Guåhan*, Hagatña, Guam

- I. Call to Order
- II. Announcements
- III. Items for Public Consideration

8:30am

- The Executive Appointment of **Ms. Arlene P. Bordallo** to serve as a **Member** of the **Guam Economic Development Authority Board**.
- The Executive Appointment of **Mr. David J. John** to serve as a **Member** of the **Guam Economic Development Authority Board**.
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IV. Recess until 4pm

4:00pm

- **Bill No. 51-31 (COR)**-AN ACT TO ADD A NEW CHAPTER 91B TO DIVISION 4 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING ABORTION OF UNBORN CHILDREN CAPABLE OF FEELING PAIN; TO AMEND §3218(a) OF CHAPTER 3, DIVISION 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED; AND TO CITE THE ACT AS "*THE UNBORN CHILD PROTECTION ACT OF 2011*." -by *I Maga'låhen Guåhan*, Eddie B. Calvo
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- V. Announcements
- VI. Adjournment

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