

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

DEC 31 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

33-15-0009

Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 01/06/15

Time: 3:40 PM


Received By: CARL SANCHEZ, MPH

Dear Madame Speaker:

Transmitted herewith is Bill No. 422-32 (COR) "AN ACT TO AMEND SECTIONS III AND IV OF CHAPTER 10 OF DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES, TO PROVIDE FOR ISOLATION AND QUARANTINE PROCEDURES RELATIVE TO AN EMERGENCY DETENTION ORDER FOR THE INCUBATION PERIODS OF SEVERE COMMUNICABLE DISEASES, AS DETERMINED BY THE U.S. CENTER FOR DISEASE CONTROL; TO ADD A NEW § 4502(h) AND AMEND § 4505, BOTH OF CHAPTER 4A, TITLE 10, GUAM CODE ANNOTATED, TO PROVIDE FOR THE DISPOSITION OF BODIES; AND TO AUTHORIZE THE SUM OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000) FOR RELATED PURPOSES" which I signed into law on December 29, 2014 as Public Law 32-221.

Senseramente,


EDDIE BAZA CALVO

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2014 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÁHAN*

This is to certify that Substitute Bill No. 422-32 (COR), "AN ACT TO AMEND SECTIONS III AND IV OF CHAPTER 10 OF DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES, TO PROVIDE FOR ISOLATION AND QUARANTINE PROCEDURES RELATIVE TO AN EMERGENCY DETENTION ORDER FOR THE INCUBATION PERIODS OF SEVERE COMMUNICABLE DISEASES, AS DETERMINED BY THE U.S. CENTER FOR DISEASE CONTROL; TO ADD A NEW § 4502(h) AND AMEND § 4505, BOTH OF CHAPTER 4A, TITLE 10, GUAM CODE ANNOTATED, TO PROVIDE FOR THE DISPOSITION OF BODIES; AND TO AUTHORIZE THE SUM OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000) FOR RELATED PURPOSES," was on the 17th day of December, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:




Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guáhan* this 21 day of Dec.
2014, at
6:35 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guáhan

Date:

DEC 29 2014

Public Law No. 32-221

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 422-32 (COR)

As substituted by Committee on Health and Human Services, Health Insurance Reform, Economic Development, and Senior Citizens.

Introduced by:

Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO AMEND SECTIONS III AND IV OF CHAPTER 10 OF DIVISION 1, TITLE 26, GUAM ADMINISTRATIVE RULES, TO PROVIDE FOR ISOLATION AND QUARANTINE PROCEDURES RELATIVE TO AN EMERGENCY DETENTION ORDER FOR THE INCUBATION PERIODS OF SEVERE COMMUNICABLE DISEASES, AS DETERMINED BY THE U.S. CENTER FOR DISEASE CONTROL; TO ADD A NEW § 4502(h) AND AMEND § 4505, BOTH OF CHAPTER 4A, TITLE 10, GUAM CODE ANNOTATED, TO PROVIDE FOR THE DISPOSITION OF BODIES; AND TO AUTHORIZE THE SUM OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000) FOR RELATED PURPOSES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is a need to address the issue of the Ebola virus disease epidemic in
4 western Africa, the recent controlled return of two (2) infected American medical
5 missionaries, and one (1) imported case that resulted in the limited spread of the
6 Ebola virus to two (2) healthcare workers within the continental United States.

7 The current fight against the spread of the epidemic of Ebola is being fought,
8 in significant part, through the isolation of those infected, and with limited medical
9 resources directly capable of combating the disease. These medications are still
10 being developed, and are essentially unavailable. The incubation period during
11 which the Ebola virus can incubate and present in a person exposed to the virus is
12 twenty-one (21) days, as determined by the U.S. Center for Disease Control and
13 Prevention and the World Health Organization.

14 *I Liheslaturan Guåhan* recognizes the ongoing debate in the United States as
15 to whether the U.S. government and its lead health organization are taking
16 sufficient steps to prevent entry of infected persons into the United States, and
17 implement sufficient mandatory isolation and quarantine procedures for infected
18 persons as well as those who have been exposed to them. Two eastern States, New
19 York and New Jersey, have now gone so far as to implement their own stringent
20 regulations mandating a twenty-one (21) day isolation and quarantine period for
21 those persons returning who have treated or been exposed to Ebola patients in the
22 affected western Africa countries.

23 Numerous American medical associations, hospitals, and other professional
24 healthcare provider organizations are protesting the lack of training and
25 preparedness, sufficient equipment and resources to properly and safely respond to
26 the Ebola threat. On Guam, first responders lack sufficient safety equipment to

1 respond to more than a handful of cases before the current, limited supplies would
2 be exhausted.

3 Although the Guam Memorial Hospital Authority has a number of isolation
4 rooms which are sufficient for certain types of communicable diseases, the
5 institution's resources, and realistic capabilities to address an Ebola case are
6 limited. Many larger and well recognized hospitals with resources far beyond the
7 capabilities of GMHA are expressing their concerns and inadequacies in terms of
8 safe containment and treatment capabilities. This is not a reflection upon the
9 dedicated and highly qualified healthcare providers at the hospital, but rather, a
10 realistic assessment of what has historically been an underfunded hospital with
11 limited resources and supplies. Nonetheless, the first line of defense must be
12 proper isolation and quarantine to prevent the spread. Part and parcel to this is
13 providing the necessary authority for the Director of the Department of Public
14 Health and Social Services to mandate, as is determined necessary for public health
15 and safety, the isolation and quarantine of infected persons, as well as those who
16 have had significant direct contact exposure to active cases at such time that
17 transmission is extremely possible.

18 It is, therefore, the intent of *I Liheslaturan Guåhan* to provide the authority,
19 based upon professionally determined criteria, for Executing an Emergency
20 Detention Order, and the Procedures for Isolation and Quarantine.

21 **Section 2.** §3309 of Article 3 – Disease Control, Chapter 3, Title 10,
22 Guam Code Annotated, is hereby *amended* to read:

23 “§3309. **Isolation and Quarantine: Regulations.** Isolation and
24 quarantine *shall* be imposed in accordance with regulations. Such
25 regulations *shall* designate the disease for which isolation or quarantine is
26 necessary, and such other requirements concerning diagnosis, treatment,
27 release and other pertinent matters as may be necessary.

1 (a) The regulations *shall* also provide for isolation and
2 quarantine, voluntary and involuntary, for the known incubation
3 period, as determined by the U.S. Center for Disease Control and
4 Prevention (CDC), of any communicable disease which is identified
5 and declared by the CDC to be critically dangerous to public health
6 and safety; and CDC mandates, directives, instructions and protocol
7 criteria are being declared and implemented in a national effort to
8 combat the spread of the disease.”

9 **Section 3.** A new Item (71) is hereby *added* to §3301(a) of Article 3,
10 Chapter 3, Title 10, Guam Code Annotated, to read:

11 “(71) In the event of any severe communicable disease with
12 pandemic potential which is identified and declared by the U.S. Center for
13 Disease Control and Prevention (CDC) to be critically dangerous to public
14 health and safety, and CDC mandates, directives, instructions and protocol
15 criteria are being implemented in a national effort to combat the spread of
16 the disease, the disease *shall* be immediately added, and *shall not* require
17 prior promulgation by regulation as a requisite for inclusion when time is of
18 the essence in ensuring the health and safety of the public. Subsequent
19 promulgation by regulation may follow when practicable.”

20 **Section 4.** A new Subsection (c) is hereby *added* to §3310 of Article 3,
21 Chapter 3, Title 10, Guam Code Annotated, to read:

22 “(c) Notwithstanding §3309 of this Article, the Director may, in his
23 discretion and for the health and safety of the public, remove such person,
24 with or without his consent for isolation and quarantine, voluntary and
25 involuntary, for the duration of the known incubation period, as determined
26 by the U.S. Center for Disease Control and Prevention (CDC), of any severe

1 communicable disease which is identified and declared by the CDC to be
2 critically dangerous to public health and safety, and for which CDC
3 mandates, directives, instructions and protocol criteria are being declared
4 and implemented in a national effort to combat the spread of the disease.

5 (1) The Director *shall* base the minimum duration of the
6 incubation period upon the period of time determined to be
7 appropriate and necessary by the U.S. Center for Disease Control and
8 Prevention.

9 (2) The duration of isolation and quarantine for the
10 incubation period *shall* be deemed to include an additional period of
11 time as is necessary for testing and confirmation that the person does
12 not have, or no longer is the carrier of a communicable disease.”

13 **Section 5.** Subsection III.A of Section II – Procedure for Requesting
14 Voluntary Isolation, of the Procedures for Isolation and Quarantine of Chapter 10,
15 Division 1, Title 26, Guam Administrative Rules and Regulations, is hereby
16 *amended* by *adding* a new Item 4, to read:

17 **“III. Use Of Voluntary Isolation.**

18 A. Voluntary Isolation should always be used as a first option
19 *unless* the DPHSS Director under the medical advice of the Chief Medical
20 Officer has:

21 1. determined in his or her professional judgment that
22 seeking voluntary compliance would create a risk of serious harm;

23 2. determined that there is a reason to believe that the
24 person or persons is/are, or is/are suspected to be, infected with,
25 exposed to or contaminated with a communicable disease or chemical,

1 biological, or radiological agent that could spread to or contaminate
2 others if remedial action is not taken;

3 3. determined that there is a reason to believe that the
4 person or persons would pose a serious and imminent risk to the
5 health and safety of others if not detained for purposes of isolation and
6 quarantine; and

7 4. determined that there is a satisfactory medical evidence
8 providing reason to believe that although the person or persons does
9 not demonstrate or show symptoms of a communicable disease which
10 is identified and declared by the U.S. Center for Disease Control and
11 Prevention (CDC) to be critically dangerous to public health and
12 safety, and ongoing CDC mandates, directives, instructions and
13 protocol criteria are being implemented in a national effort to combat
14 the spread of the communicable disease, and that, due to significant
15 exposure to the communicable disease, the person or persons *shall*
16 nonetheless be deemed to pose a serious and imminent risk to the
17 health and safety of others if not detained for purposes of isolation and
18 quarantine for the known incubation period, as determined by the
19 CDC.”

20 **Section 6.** Section I of Section III – Procedure for Executing an
21 Emergency Detention Order, of the Procedures for Isolation and Quarantine of
22 Chapter 10, Division 1, Title 26, Guam Administrative Rules and Regulations, is
23 hereby *amended* by *adding* a new Subsection D to read:

24 “D. Incubation Period for Communicable Disease: The incubation
25 period is defined as the time from exposure to onset of disease, and when
26 limited to infectious diseases, corresponds to the time from infection with a
27 microorganism to symptom development.”

1 **Section 7.** Section IV – Use of Emergency Detention Orders, of Section
2 III – Procedure for Executing an Emergency Detention Order, of the Procedures
3 for Isolation and Quarantine of Chapter 10, Division 1, Title 26, Guam
4 Administrative Rules and Regulations, is hereby *amended* to read:

5 **“IV. Use of Emergency Detention Orders.**

6 A. If the Director orders the immediate involuntary detention of a
7 person or persons for purposes of isolation or quarantine, the Director *shall*
8 issue a written emergency detention order as soon as reasonably possible and
9 in all cases within twelve (12) hours of detention. The emergency detention
10 order shall be for a period not to exceed ten (10) days.

11 B. If the Director determines that there is satisfactory medical
12 evidence providing professional justification to believe that although the
13 person or persons does not demonstrate or show symptoms of a
14 communicable disease resulting from significant exposure to the
15 communicable disease, the person or persons *shall* nonetheless be deemed to
16 pose a serious and imminent risk to the health and safety of others if not
17 detained for purposes of isolation and quarantine for the duration of the
18 known incubation period, as determined by the CDC, for a communicable
19 disease identified and declared by the U.S. Center for Disease Control and
20 Prevention (CDC) to be critically dangerous to public health and safety, and
21 ongoing CDC mandates, directives, instructions and protocol criteria are
22 being implemented in a national effort to combat the spread of the
23 communicable disease.”

24 **Section 8.** A new Subsection (h) is hereby *added* to § 4502 of Chapter 4A,
25 Title 10, Guam Code Annotated.

1 “(h)(1) Legislative Finding and Intent. *I Liheslaturan Guåhan*
2 finds that due to the unique and extremely virulent pathogenic nature of
3 certain communicable diseases, that there is a prevailing public health and
4 safety necessity of ensuring that the dead human body which died as a result
5 of any communicable disease, which is identified and declared by the U.S.
6 Center for Disease Control and Prevention (CDC) to be critically dangerous
7 to public health and safety, then, final disposition *shall* be determined by the
8 Director.

9 (2) In the case of a dead human body which died as a result of any
10 communicable disease, which is identified and declared by the U.S. Center
11 for Disease Control and Prevention (CDC) to be critically dangerous to
12 public health and safety, then, final disposition *shall* be determined by the
13 Director.

14 Final disposition *shall* be pursuant to CDC mandates, directives,
15 instructions and protocol criteria being declared and implemented in a
16 national effort to combat the spread of the disease, to include special
17 protocols and procedures for the final disposition of human remains with a
18 continuing and extremely high contagion potential for transmission of the
19 communicable disease, as *shall* be determined and mandated by the CDC.

20 Final disposition of a dead human body, as determined necessary for
21 public health and safety by the Director, *shall* include the authority to order
22 mandatory cremation, and to further include, the authority to restrict or
23 prohibit access to the dead human body.”

24 **Section 9.** § 4505 of Chapter 4A, Title 10, Guam Code Annotated, is
25 hereby *amended*, to read:

26 “§ 4505. **Discretion of Director as to Disposition.**

1 In the protection of the public health, having consideration of the
2 cause of death or other special conditions, and as provided pursuant to
3 §4502(h) and this Chapter, the Director *shall* have ultimate authority over
4 the final disposition of the human body, and may in his discretion order such
5 form of burial or disposition of a dead human body as he deems necessary.”

6 **Section 10. Funding Authorization; Personal Protective Equipment and**
7 **Supplies.** At the discretion of *I Maga’lahi* (the Governor), the sum of One
8 Hundred Thirty Thousand Dollars (\$130,000) is hereby authorized from any
9 available funds of the Executive Branch FY 2015 Budget to the Department of
10 Public Health and Social Services for the immediate purchase of personal
11 protective equipment and supplies in advance preparation for utilization in
12 infection control measures needed to manage patients who are determined or
13 suspected to be infected (inclusive of incubation period) with an infectious
14 communicable disease such as, but not limited to, the filoviruses, Ebola or
15 Marburg, or other highly pathogenic agents with extremely high, short-term
16 mortality rates. *I Maga’lahi shall* within thirty (30) days submit a report to *I*
17 *Liheslaturan Guãhan* detailing the respective source and amount of funds
18 authorized pursuant to this Section.

19 (a) Distribution of Personal Protection Equipment and Resources.

20 The required personal protective equipment (PPE) and supplies identified
21 and purchased with the appropriation pursuant to this Section *shall* be
22 initially distributed by the Department of Public Health and Social Services
23 (DPHSS), as *shall* be determined necessary by DPHSS, to the designated
24 responding and treatment agencies pursuant to a highest needs distribution
25 allocation plan to be developed by the Department of Public Health and
26 Social Services as the lead agency, with the appropriate participation of
27 emergency planning, response, and treatment agencies and entities of the

1 government of Guam, to include, but not limited to, the Guam Office of
2 Civil Defense, the Guam Office of Homeland Security, the Guam Fire
3 Department, the Guam Memorial Hospital Authority, the Guam Customs
4 and Quarantine Agency, the A.B. Won Pat International Airport Authority
5 Guam, and the Port Authority of Guam.

6 (b) Subsequent acquisition or replenishment of PPEs and requisite
7 associated supplies by responding or treatment agencies, to include the
8 Department of Public Health and Social Services, the Guam Office of
9 Homeland Security, the Guam Fire Department, the Guam Memorial
10 Hospital Authority, the Guam Customs and Quarantine Agency, or agencies
11 of first encounter as ports of entry via the Won Pat International Airport, and
12 the Port Authority of Guam, *shall* be acquired with funds from the respective
13 agency budgets, and *shall* be accordingly pursuant to the agency's respective
14 government of Guam emergency preparedness, response, and safety plan
15 requirements for highly pathogenic agents with extremely high, short-term
16 mortality rates for any severe communicable disease with island-wide,
17 national, or international pandemic potential.

18 **Section 11. Severability.** If any provision of this Act or its application to
19 any person or circumstance is found to be invalid or contrary to law, such
20 invalidity shall not affect other provisions or applications of this Act which can be
21 given effect without the invalid provisions or application, and to this end the
22 provisions of this Act are severable.

23 **Section 12. Effective Date.** This Act *shall* become effective upon
24 enactment.