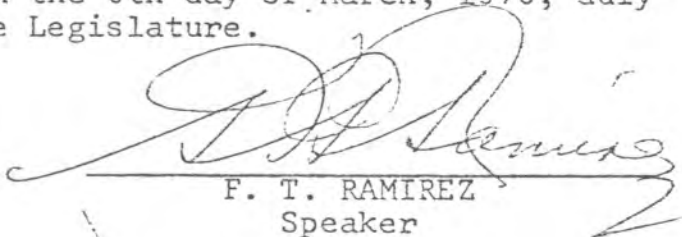
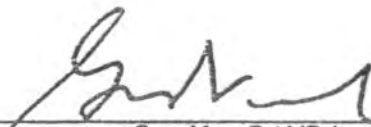


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

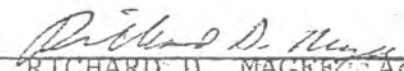
This is to certify that Bill No. 3, "An Act to amend Sub-section (b) of Section 27000 of the Government Code of Guam, to add a new Subsection (d) to Section 27130 of said Code, and to add a Chapter V to Title XXVIII of said Code to authorize the practice of acupuncture in Guam and to establish a committee to regulate licensing of acupuncture practitioners", was on the 6th day of March, 1973, duly and regularly passed by the Legislature.


F. T. RAMIREZ
Speaker

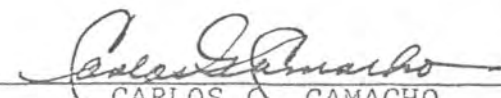
ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 12th day
of March, 1973 at 4:30 o'clock P.M.


RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:


CARLOS G. CAMACHO
Governor of Guam

DATED: MAR 21 1973
4:10 p.m.

Public Law
12-4



Bill No. 3
Substitute Bill by Committee
on Health and Welfare

Introduced by A. C. Sanchez

AN ACT TO AMEND SUBSECTION (b) OF SECTION
27000 OF THE GOVERNMENT CODE OF GUAM, TO
ADD A NEW SUBSECTION (d) TO SECTION 27130
OF SAID CODE, AND TO ADD A CHAPTER V TO
TITLE XXVIII OF SAID CODE TO AUTHORIZE
THE PRACTICE OF ACUPUNCTURE IN GUAM AND
TO ESTABLISH A COMMITTEE TO REGULATE
LICENSING OF ACUPUNCTURE PRACTITIONERS.

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

2 Section 1. Subsection (b) of Section 27000 of the
3 Government Code of Guam is hereby amended to read as follows:

4 "(b) 'The Healing Art' means the art of detecting
5 or attempting to detect the presence of any disease; of
6 determining or attempting to determine the nature and
7 state of any disease, if present; or preventing,
8 relieving, correcting or curing of or attempting to
9 prevent, relieve, correct or cure any disease; of
10 safeguarding or attempting to safeguard the life of
11 any woman or infant through pregnancy and parturition;
12 and of doing or attempting to do any of the acts
13 enumerated above: Provided, that for the purpose of
14 this Title the term 'Healing Art' does not include
15 (1) podiatry, nor (2) pharmacy, nor (3) nursing, nor
16 (4) optometry as defined in Section 27130 (c) of this
17 Title, nor (5) healing by prayer under the conditions
18 set forth in Section 27127 of this Title nor (6) acu-
19 puncture as defined in Section 27130(d) of this Title."

20 Section 2. A new Subsection (d) is hereby added to Section
21 27130 of the Government Code of Guam to read as follows:

1 "(d) 'Acupuncture' in the meaning of this Chapter
2 is defined as a therapy developed by the ancient Chinese
3 that consist of stimulation of designated points on the
4 skin by insertion of needles, application of heat,
5 massage, or a combination of these."

6 Section 3. A new Chapter V is hereby added to Title
7 XXVIII, Medical Practices, of the Government Code of Guam to
8 be designated as 'Acupuncture Practitioners'. The full text
9 of such Chapter shall read as follows:

10 "CHAPTER V

11 Acupuncture Practitioners

12 Section 27400. Practice of acupuncture defined. For
13 the purposes of this Chapter the practice of acupuncture
14 is defined in Section 27130(d) of the Government Code
15 of Guam.

16 Section 27401. License required. Except as otherwise
17 provided by law, no person shall practice acupuncture
18 in the territory either gratuitously or for pay, or shall
19 offer to so practice, or shall advertise or announce
20 himself, either publicly or privately, as prepared or
21 qualified to so practice, without having a valid license
22 obtained from the board of examiners for the practice
23 of acupuncture.

24 Section 27402. Qualifications for examination. No
25 person shall be licensed to practice acupuncture unless
26 he has passed an examination and has been found to be
27 possessed of the necessary qualifications as prescribed
28 in the rules and regulations promulgated by the board
29 of examiners for acupuncture in accordance with Section
30 27403 below.

31 Before any applicant shall be eligible for such
32 examinations he shall furnish satisfactory proof to the

1 board that:

2 (1) He (a) is a citizen of the United States;
3 or (b) if not a citizen of the United States, has
4 declared his intention to become a citizen of the
5 United States, as provided by law;

6 (2) He is a resident of the territory;

7 (3) He is of good moral character; and

8 (4) He satisfies any other requirements the
9 board of examiners for the practice of acupuncture
10 may deem necessary and pertinent to the practice of
11 acupuncture.

12 Section 27403. Board of examiners for the practice of
13 acupuncture; appointment, removal, qualifications. There
14 shall be a board of examiners for the practice of
15 acupuncture who shall be appointed by the Governor,
16 subject to confirmation by the Legislature, in accor-
17 dance with Section 27104, of the Government Code of Guam,
18 whose duty it shall be to examine all applicants for
19 license to practice acupuncture.

20 The board shall consist of five (5) persons: one (1)
21 shall be a physician or surgeon licensed under the laws of
22 the territory, one (1) shall be a licensed practitioner of
23 acupuncture, one (1) shall be a member of the legal pro-
24 fession, one (1) shall be the Director of Public Health and
25 Social Services, and one (1) an individual who is not a
26 licensed physician, practitioner of acupuncture, or attor-
27 ney but who is a resident, in good standing, of the terri-
28 tory of Guam. However, the initial board of examiners shall
29 consist of three (3) members: one (1) shall be a member of
30 the legal profession, one (1) the Director of Public Health
31 and Social Services, and one (1) a resident, in good standing,
32 of the territory of Guam. The members of the board shall
33 serve without pay but shall be reimbursed for actual

1 expenses incurred in the discharge of their duties. A
2 majority of the board shall constitute a quorum.

3 Section 27404. Powers and duties of the board. The
4 board of examiners for the practice of acupuncture shall:

5 (1) Adopt rules and regulations in accordance
6 with Section 27403 to carry out the purposes of this
7 Chapter;

8 (2) Develop standards for licensure;

9 (3) Prepare and administer examinations;

10 (4) Issue, renew, suspend, and revoke licenses;

11 (5) Register applicants or holders of a license,
12 permanent or temporary;

13 (6) Investigate and conduct hearings regarding
14 violations of this Chapter and any rules and
15 regulations of the board;

16 (7) Maintain a record of its proceedings; and

17 (8) Do all things necessary to carry out the
18 functions, powers, and duties set forth in the Chapter.

19 Section 27405. Examination; fees. No applicant shall
20 be examined under this Chapter until he has paid to the
21 board of examiners for the practice of acupuncture a
22 fee of Twenty-Five Dollars (\$25.00). Every person
23 holding a license under this Chapter shall re-register
24 with the board each year, not later than January 31,
25 and for such registration shall pay a fee of Twenty-Five
26 Dollars (\$25.00). Failure to do so shall constitute
27 a forfeiture of license, which may be restored only
28 upon written application therefor and payment to the
29 board of a fee of Fifty Dollars (\$50.00). All such
30 fees shall be deposited to the Treasurer of Guam.

31 Section 27406. Revocation or suspension of licenses.
32 Any license to practice acupuncture issued under this

1 Chapter may be revoked or suspended by the board of
2 examiners for the practice of acupuncture at any time
3 in a proceeding before the board for any one or more
4 of the following acts or omissions on the part of the
5 holder of such a license:

6 (1) Obtaining a fee on the assurance that a
7 manifestly incurable disease can be permanently
8 cured;

9 (2) Making any untruthful and improbable state-
10 ment in advertising one's acupuncture practice or
11 business;

12 (3) False, fraudulent, or deceptive advertising;

13 (4) Being convicted, whether on a plea of nolo
14 contendere or otherwise and whether or not sentence
15 or the imposition or execution of sentence has
16 been suspended, of any felony, or of a misdemeanor
17 involving moral turpitude;

18 (5) Being habitually intemperate;

19 (6) Habitually using any habit-forming drug such
20 as opium or any of its derivatives, morphine, heroin,
21 cocaine, or any other habit-forming drug;

22 (7) Procuring a license through fraud, mis-
23 representation or deceit;

24 (8) Professional misconduct or gross carelessness
25 or manifest incapacity in the practice of acupuncture.

26 If any license is revoked or suspended by the board
27 for any act or omissions listed in this section, the
28 holder of the license shall be notified in writing by
29 the board of the revocation or suspension. Any license
30 to practice acupuncture may be restored by the board
31 of examiners for the practice of acupuncture as provided
32 in rules and regulations which may be adopted by the board.

1 Section 27407. Hearings; procedure. Any proceeding
2 before the board of examiners for the practice of
3 acupuncture for the revocation or suspension of a license
4 to practice may be commenced by any person filing a sworn
5 complaint against any applicant for a license to practice
6 acupuncture or licensee with the board charging such
7 applicant or licensee as guilty of any of the acts or
8 omissions specified for the revocation of licenses or
9 unprofessional conduct in Section 27406. The board shall
10 fix a time and place for a hearing upon such charges and
11 shall cause a copy of the same, together with a notice
12 of the time and place fixed for the hearing, to be served
13 upon the accused applicant or licensee, at least fifteen
14 (15) days prior to said date of hearing. When personal
15 service cannot be made and such fact is certified on
16 oath by any person authorized to make such service, the
17 board shall cause to be published a notice of such
18 hearing once in each of three (3) consecutive weeks, the
19 last of which shall be not less than fifteen (15) days
20 prior to the date of such hearing, in a newspaper of
21 general circulation published in the territory. Attendance
22 of witnesses and the production of books, papers,
23 and documents at such hearing may be compelled by subpoena
24 issued by the board which shall be served in accordance
25 with the law applicable to the service of subpoenas upon
26 persons to appear and give testimony in court proceedings.
27 At such hearing the board shall have the power to
28 administer oaths and examine, or cause to be examined,
29 such witnesses as they may require for the conduct of
30 the hearing, and it shall not be bound by strict rules
31 of evidence or procedure in the conduct of such hearing,
32 but its determination of the issues before it shall be

1 supported by a preponderance of the evidence adduced
2 upon the hearing. At the hearing the accused licensee
3 shall have the right to appear in person or by counsel
4 or both, to produce witnesses and evidence on his or
5 her behalf, to cross-examine witnesses, and to have
6 subpoenas issued by the board. If the accused applicant
7 or licensee is found guilty of any of the charges set,
8 the board may refuse to issue an applicant a license
9 to practice acupuncture and may revoke an existing
10 license.

11 Section 27408. Injunction. The practice of acupuncture
12 by any person who has not been issued a license under
13 the provisions of this Chapter or whose license has
14 been suspended or revoked or has expired is hereby
15 declared to be contrary to the law, public policy and
16 to be inimical to the public welfare and to constitute
17 a public nuisance, and may be enjoined pursuant to a
18 request made by the board to the Attorney General of the
19 territory of Guam, to initiate procedures for such
20 injunction. Upon the filing of a petition for injunction
21 against a person violating the provisions of this Chapter,
22 the Court or any judge thereof may issue a temporary
23 injunction against the person or persons charged in the
24 action without notice or bond, enjoining such person or
25 persons from further practicing acupuncture until final
26 hearing on the matter.

27 Section 27409. Witnesses; subpoenas issued. The
28 board shall have the power to subpoena witnesses,
29 administer oaths to, and examine witnesses on any
30 relevant matter in proceedings before the board. The
31 person whose license is sought in such proceedings to
32 be revoked or suspended shall be entitled to require

1 the board to subpoena and to administer oaths to any
2 witness or witnesses who may be able to present evidence
3 relevant in such proceedings, and shall be entitled
4 to examine any such witness and any other witness in
5 such proceedings. The attendance and testimony of
6 witnesses in such proceedings may be compelled by
7 subpoena issued by the Island Court of Guam and said
8 Court is hereby authorized to issue and enforce such
9 subpoenas on petition of the board.

10 Section 27410. Recalcitrant witnesses; contempt. If
11 any person called before the board as a witness in any
12 proceeding, whether under subpoena or otherwise, except
13 as privileged by law, refuses to answer any question
14 which is relevant to the proceeding and is put to him by
15 the board, a member of the board, or the person whose
16 license is sought to be revoked or suspended in such
17 proceeding, or disobeys any order of the Island Court
18 of Guam, such person shall be cited to appear before the
19 judge to show cause why he should not be punished for
20 contempt of court.

21 Section 27411. Perjury. Any person who wilfully and
22 knowingly makes under oath any false statement in
23 connection with any such proceeding before the board shall
24 be guilty of perjury and shall be subject to the penalty
25 prescribed by law for perjury. Whenever the board is
26 satisfied that the witness has committed perjury in any
27 proceeding before the board, it shall report the same
28 to the Attorney General, who shall prosecute the witness
29 for perjury.

30 Section 27412. Penalty. Any person who violates the
31 provisions of this Chapter shall be guilty of a petty
32 misdemeanor."