

THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 303, "An Act relating to the legal capacity of minor to contract for hospital, health clinic, medical care and services", was on the 15th day of May, 1975, duly and regularly passed.

Joseph F. Ada
JOSEPH F. ADA
Speaker

ATTESTED:

Concepcion Cruz Barrett
CONCEPCION CRUZ BARRETT
Legislative Secretary

This Act was received by the Governor this 19th day
of May, 1975 at 4:25 o'clock P.M.

7a/ Ruth E. Won-Pat
RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:

Ja/ RICARDO J. BORDALLO
RICARDO J. BORDALLO
Governor of Guam

DATED: MAY 23 1975

10:57 A.M.
P.L. 13-20

THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

Bill No. 303

Introduced by C. C. Barrett

AN ACT RELATING TO THE LEGAL CAPACITY OF
MINOR TO CONTRACT FOR HOSPITAL, HEALTH
CLINIC, MEDICAL CARE AND SERVICES.

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

2 Section 1. Section 35 of the Civil Code of Guam is hereby
3 amended to read as follows:

4 "35. Minor's time, disaffirmance. In all cases
5 other than those specified in Sections 36, 37 and 37A, the
6 contract of a minor if made whilst he is under the age of
7 18 may be disaffirmed by the minor himself, either before
8 his majority or within a reasonable time afterwards, or,
9 in case of his death within that period, by his heirs or
10 person representatives, without restoring the consideration
11 to the party from whom it was received, or paying its
12 equivalent."

13 Section 2. A new Section 37A is hereby added to the Civil
14 Code of Guam, to read as follows:

15 "37A. Legal capacity of minor regarding medical care.

16 (1) Definitions. For the purpose of this Chapter,
17 the following terms shall be defined as follows:

18 (a) 'Minor' shall be any person under the
19 age of eighteen.

20 (b) 'Parent' means the natural and the legal
21 parent, and any guardian, custodian, or stepparent
22 acting in loco parentis.

1 (c) 'Medical care and services' means the
2 diagnosis, examination, prescription, and adminis-
3 tration of medication and other items in the treatment
4 of venereal diseases, pregnancy, substance abuse.
5 It shall not include surgery or any treatment to
6 induce abortion.

7 (d) 'Substance abuse' means any excessive use
8 or misuse of substances that lead to intoxication,
9 psychiatric disorder, physical disease, social
10 dysfunction associated with dependency, and damages
11 to health or social or vocational adjustment.

12 (2) Consent valid. The consent to the provision of
13 medical care and service by public and private hospitals
14 or public or private clinics, or the performance of medical
15 care and services by a physician licensed to practice
16 medicine or osteopathy, when executed by a female minor
17 who is or professes to be pregnant, or by a minor who is
18 or professes to be afflicted with a venereal disease, or by
19 a minor who suffers or professes to suffer from substance
20 abuse, shall be valid and binding as if the minor had
21 achieved his or her majority as the case may be; that is,
22 a female minor who is, or professes to be pregnant, or a
23 minor who is, or professes to be afflicted with a venereal
24 disease, or a minor who suffers or professes to suffer
25 from substance abuse, or a minor who requests, shall be
26 deemed to have, and shall have the same legal capacity to
27 act, and the same legal obligations with regard to the
28 giving of such consent to the provision of medical care
29 and services by such hospitals and such clinics, and such
30 physicians as a person of full legal age and capacity,

1 the infancy of the minor and any contrary provisions of
2 law notwithstanding, and such consent shall not be subject
3 to later disaffirmance by reason of such minority; and the
4 consent of no other person or persons (including, but not
5 limited to a spouse or parent) shall be necessary in order
6 to authorize the provision of medical care and services
7 by such hospitals and such clinics, and by such physicians
8 to the minor.

9 (3) Providing information. Public and private
10 hospitals, or public and private clinics or physicians
11 licensed to practice medicine or osteopathy shall not
12 inform the spouse or parent of any minor patient of the
13 provision of medical care and services to the minor or
14 disclose any information pertaining to such care and
15 services without the specific consent of the minor
16 patient to whom such medical care and services have
17 been provided under this Chapter.

18 (4) Financial responsibility. A minor who consents
19 to the provision of medical care and services shall
20 thereby assume financial responsibility for the costs
21 of such medical care and services. Notwithstanding any
22 other law to the contrary, parents, governmental agencies
23 or third party payers whose consent has not been obtained
24 or who have no prior knowledge that the minor has con-
25 sented to the provision of such medical care and services
26 shall not be liable for the costs incurred by virtue
27 of the minor's consent.

28 (5) Patient counseling. The treatment of venereal
29 disease, pregnancy, substance abuse, shall include
30 individual counseling for each minor patient by a
31 qualified person. Such counseling shall seek to open
32 the lines of communications between parent and child.

33 (6) This Act shall take effect immediately."