

1 i) comply with all other requirements for entry into the
2 territory;

3 (ii) remain the property of the individual or agency whose
4 property they were when granted such exemption;

5 (iii) remain free of signs or symptoms of rabies;

6 (iv) are made available for examination by an officer at
7 any reasonable time.

8 (2) Rabies Free Area. The Director shall establish a list of
9 rabies free area and will constantly review the status of
10 certified rabies free area and may remove a designated rabies
11 free area from the list if it is shown, to the satisfaction of the
12 Director, that the area has not remained free from rabies or has
13 not maintained stringent entry and quarantine requirements.
14 Dogs or cats coming from these areas will be exempted from
15 quarantine provided they comply with all other requirements
16 for entry into the territory.

17 (3) Special Veterinary Care. Dogs or cats brought to
18 Guam for the specific purpose of veterinary medical care may
19 be granted exemptions from quarantine provided:

20 (i) the dog or cat is consigned to a licensed veterinarian;

21 (ii) the dog or cat meets all other requirements for entry
22 into the territory;

23 (iii) the dog or cat is returned to its point of origin as soon
24 as it is healthy enough to travel;

25 (iv) the dog or cat remain in the custody of the treating
26 veterinarian during its entire stay in the territory.

27 (d) Import Restriction. The Director shall establish a list
28 of restricted areas based on its high incidence of rabies, and may
29 deny entry to any dog or cat coming from these areas. The
30 Director will periodically review the status of these areas and
31 may lift the entrance restriction if the incidence of rabies in this
32 area has decreased to a level acceptable to the Director.

1 (e) Entry Requirements. All incoming dogs or cats shall
2 comply with all entry requirements before they will be allowed
3 to enter the Territory. Such entry requirements shall be in
4 accordance with regulations promulgated by the Director.

5 (f) Holding Period. A dog or cat will be declared ineligible
6 to enter the territory if it fails to meet the entry requirements
7 established by the Director pursuant to Subsection (e) above.
8 Such dog or cat shall remain in the custody of the carrier in a
9 designated inspection area at the port of entry until such time as
10 it shall leave the territory of Guam, or shall be humanely
11 disposed of by the Pet Control Unit. Such holding period shall
12 in no case exceed seventy-two (72) hours without the consent of
13 the Director. Any expense incurred by the Government of
14 Guam during or as a result of such holding shall be the
15 responsibility of, and chargeable to the carrier. In addition, the
16 carrier shall be fined an amount not less than Five Hundred
17 Dollars (\$500.00) and not to exceed One Thousand Dollars
18 (\$1,000) for boarding such dog or cat without entry permit.

19 Section 34303. Observation of Suspected Dogs or Cats.

20 Any dog or cat which, in the opinion of an officer, exhibits signs
21 suggestive of rabies or any dog or cat which has bitten a person shall be
22 examined by a licensed veterinarian or, if no veterinarian is available, by a
23 qualified person authorized by the Director and shall be placed under
24 impoundment by the Pet Control Unit for a period of not less than ten (10)
25 days, or in accordance with regulations which shall be specified by the
26 Director. Any and all costs, including care and keep, shall be borne by the
27 owner of such dog or cat, if known.

28 Section 34304. Examination of Impounded or Quarantined Dogs or
29 Cats for Rabies.

30 Any impounded or quarantined dog or cat which dies or develops
31 clinical signs suggestive of rabies during the required observation period
32 shall be examined for rabies in accordance with regulations specified by the
33 Director.

34

1 Section 34405. Rabies Outbreak.

2 (a) Report to the Governor. Should a case of rabies occur in
3 Guam, the Director shall make or cause to be made, a thorough
4 investigation as to the prevalence of the disease, the probable number
5 of persons and animals exposed, the areas found to be involved and
6 the means by which the disease was introduced and shall report the
7 findings of such investigation, together with appropriate
8 recommendations, to the Governor. If rabies exists or is believed to
9 exist in Guam, the governor may, in his discretion, declare by
10 executive order a state of public health emergency due to rabies.
11 During the existence of the state of emergency due to rabies, the
12 Director may, with the approval of the Governor, promulgate such
13 regulations as he may deem necessary to control the public health
14 hazard due to rabies.

15 (b) The public health emergency status shall terminate one (1)
16 year from the date of the declaration thereof unless a public health
17 emergency due to rabies is again declared in the manner provided in
18 this section. If, however, the Governor at any time finds and
19 declares, upon recommendation of the Director, that a public health
20 emergency due to rabies has ceased to exist, its status as such shall
21 terminate upon the date of such declaration.

22 (c) Suspension of Importation of All Animals. Whenever, in the
23 opinion of the Governor, it shall be necessary for the protection of the
24 population of Guam against infectious or contagious disease, he may,
25 by executive order, suspend the importation of animals for a limited
26 period of time and may change, revoke, or renew such executive
27 order as the public good may require. During the time of such
28 suspension, the importation of any such animals shall be unlawful.

29 Section 34306. Penalties.

30 Violation of any provisions of this article or any regulations adopted
31 by the Director shall be punishable by imprisonment not to exceed one (1)
32 year or by a fine not to exceed One Thousand Dollars (\$1,000) or both.

33 SECTION 4. Transition Section.

34 The enactment of any provision of this bill shall not be cause for
35 reduction of personnel in the Pet Control Unit.

1 SECTION 5. FINANCIAL REQUIREMENT.

2 Within Ninety (90) days after the enactment of this bill into law, the
3 Director of Public Health and Social Services shall submit to the legislature
4 the financial requirements for the successful implementation of this law.

5 SECTION 6. Effective Date.

6 This Act shall become effective upon the adoption of the
7 implementing rules and regulations by the Department pursuant to the
8 Administrative Adjudication Law.

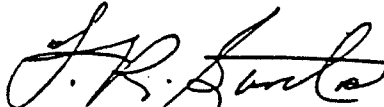
12/16/92 rev.

January 21, 1993

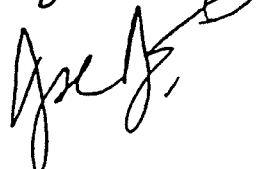
MEMORANDUM

TO: Chairperson, Committee on Health, Ecology and Welfare
FROM: Chairperson, Committee on Rules
SUBJ: Referrals - Bills No. 192 and 194

The above Bills are referred to your Committee. Please note that the referrals are subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.


FRANCISCO R. SANTOS
Acting

Attachments

Received 1-25-93


February 16, 1993

Mr. Giovanni Sgambelluri
Director
Bureau of Budget & Management Research
P.O. Box 2950
Agana, Guam 96910



TWENTY SECOND
GUAM LEGISLATURE

Dear Mr. Sgambelluri:

The Health, Ecology & Welfare Committee will hold a public hearing at the Legislative Hearing Room on Wednesday, February 24, 1993 from 3 p.m. on

Dr. DAVID L.G. SHIMIZU
Senator

Bill 192: AN ACT TO AMEND, REPEAL AND REENACT CERTAIN SECTIONS OF, AND ENACT A NEW ARTICLE AND SUBSECTIONS TO, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CONTROL AND LICENSING OF PETS, PERMITS FOR ANIMAL FACILITIES AND HUMANE ANIMAL CARE AND QUARANTINE.

CHAIRMAN:
Committee on
Health,
Ecology
and
Welfare

Bill 194: AN ACT TO DEVELOP A RESPITE CARE PROGRAM FOR INDIVIDUALS WITH CHRONIC ILLNESSES AND DISABILITIES AND TO APPROPRIATE FUND FOR SUCH PURPOSE.

Bill 140: AN ACT TO ADD A SUBSECTION (d) TO SECTION 2913.10, 10 GCA, TO PROVIDE CARE IN A NURSING HOME FACILITY FOR LYTICO OR BODIG (AMYOTROPHIC LATERAL SCLEROSIS OR PARKINSONISM-DEMENTIA) PATIENTS.

Bill 75: AN ACT RELATIVE TO ESTABLISHING A "HEMOPHILIA MEDICAL FUND PROGRAM" WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES FOR THE SPECIFIC PURPOSE OF ASSISTING HEMOPHILIAC PATIENTS.

Please prepare a fiscal note on the above bills pursuant to §9101 2 GCA Chapter 8.

324 West Soledad Ave.
Suite 202,
Agaña, Guam
96910

Telephone:

671)472-3543/44/45

Facsimile:

(671)472-3832

Sincerely,

Dr. David L.G. Shimizu

Asst. Dir.
2/16/93



(772-2825)
CARMEN SERRANO

**FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

BBMR-F7

Bill No. 192
Amendatory Bill YES NO

Date Received 2-16-93
Date Reviewed 2-22-93

Department/Agency Affected: Public Health and Social Services

Department/Agency Head: Dr. Leticia V. Espaldon

Total FY Appropriation to Date: \$51,881,487

Bill Title (preamble) : AN ACT TO AMEND, REPEAL AND REENACT CERTAIN SECTIONS OF, AND ENACT A NEW ARTICLE AND SUBSECTIONS TO, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CONTROL AND LICENSING OF PETS, PERMITS FOR ANIMALS FACILITIES AND HUMANE ANIMAL CARE AND QUARANTINE.

Change in Law: Yes

Bill's Impact on Present Program Funding:
 Increase Decrease Reallocation No Change

Bill is for: Operations Capital Improvement Other ()

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
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Health and Wealth

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	See Footnotes	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ _____
 AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	See Footnotes	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

ANALYST Paul D. Leon Guerrero

DATE _____

DIRECTOR Giovanni T. Sobell

FEB 24 1993
DATE _____



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
GOVERNMENT OF GUAM
P.O. BOX 2816
AGANA, GUAM 96910



FEB 24 1993

Senator David L.G. Shimizu
Chairperson
Committee on Health, Welfare and Ecology
Twenty-Second Guam Legislature
Suite 202
324 West Soledad Avenue
Agana, Guam 96910

Dear Senator Shimizu:

Thank you for inviting us to provide our input on Bill 192, related to control and licensing of pets, permits for Animal Facilities, Humane Animal Care and Quarantine.

As you know, Bill 192 is a precursor and a reincarnation of Bill No. 812 of the Twenty-First Guam Legislature which was passed by the previous Legislature. Unfortunately, that Bill was not approved by the Governor for other reasons (infected with an unrelated rider) not connected with the main purpose of the Bill.

As you know, Bill 812 of the 21st Legislature was developed by your Committee in close consultation with us and as well as the GAIN organization. Therefore, we wholeheartedly support Bill No. 192.

We would like to suggest some minor changes, technical in nature, which are given in the attachment. These would make Bill 192 very similar to the Bill 812 of the 21st Legislature which was passed on 31 December 1992.

Thank you again for giving us an opportunity and we would like to see the amended Bill 192 become a Public Law as soon as possible.

Sincerely,


LETICIA V. ESPALDON, M.D.
Director

Attachments



Page 1 Line 28 Delete comma after the word "by"

6 14 Reinsert (3) to read... "the person has previously observed the pet to be trespassing on land or premises not owned or possessed by the pet owner and has reported such trespass to the Pet Control Unit."

10 11 Sentence to read... "Violation of any other provision of this Article which provides that certain conduct shall be unlawful shall be punishable by a fine not less than Fifty Dollars (\$50.00), or by imprisonment not to exceed six months, or both."

11 2 Add "means" for all definitions.

11 30 Put colon after "exhibition."

12 19 Put colon after "burro."

13 2 Put colon after "manner."

13 17 Delete comma after "with."

15 17 Insert after "animals" to read... "or between animals and humans," Delete from "and" to "animals."

15 19 QUESTION. Is it suppose to be Guam Gaming Commission or the Cockpit License Board?

16 28 Insert before "any person"-- beginning of sentence-- as follows... "Except as otherwise provided"...

18 16 Insert "upon arrival" between "hours" and "and."

19 10 Delete "certified."

19 31& 32 Delete "this area has" to read... "these areas have"...

21 29 Change entire Section to read as follows...

SECTION 34306. VIOLATIONS AND PENALTIES.

A. Violations.

1. It shall be unlawful to release a dog or cat from quarantine unless authorized by the Director of Public Health and Social Services.
2. It shall be unlawful for a pet owner to bring in a dog or cat without a valid Entry Permit.
3. It shall be unlawful for a carrier to board a dog or cat on an airline without a valid Entry Permit.

B. Penalties. Except as otherwise provided herein, violation of:

1. Any provision of this Article which provides that certain conduct shall be unlawful shall be punishable by imprisonment not to exceed one year, or a fine not to exceed One Thousand Dollars (\$1,000), or both;
2. Any regulations promulgated pursuant to this Chapter which provide for criminal penalties, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000), or both.

JF 2/27/73

JAN 10 1963

POSITION STATEMENT OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
on The Enacted Bill 812 relating to Licensing and Keeping Animals

This Department supports this Act and therefore recommends to the Governor to sign the enacted bill.

This Department, in consultation with the Attorney General and GAIN, worked with the Committee on Health, Ecology and Welfare, in the preparation of and the subsequent passage on the substitute bill.

The majority on the existing provisions are retained in the Enacted Bill 812. Some of the differences are given below:

(1) The licensing of the animals becomes the sole responsibility of this department as opposed to the dual responsibility of this Department and the Department of Revenue and Taxation as it exists now.

(2) The exemption from payment of license fees and quarantine requirements have been extended to "hearing aid" dogs from the present "seeing-eye" dogs.

(3) The present law mandates the impractical requirement of leashing cats; the enacted bill removes such requirement.

(4) The present law requires the owners of many animals including kangaroos and bats to license them. The proposed law requires only cats and dogs to be licensed.

(5) The present law requires a pet to bite someone two or more times to be declared as a vicious pet whereas the proposed law reduces the required biting only once while it is not in the owner's property or it is not under physical control of a capable person.

(6) The provisions regarding quarantine are arranged in a separate article and the penalty provisions are further clarified.

In lieu of the above mentioned improvements, the Department recommends that the Governor signs this Act into law.

LETICIA V. ESPALDON, M.D.
Director

GAIN

Guam Animals in Need, Inc.

P.O. Box 22365 GMF Barrigada, Guam 96921

(671) 653-GAIN

February 24, 1993

The Honorable Dr. David Shimizu
Chairperson, Health, Ecology & Welfare Committee
22nd Guam Legislature
Agana, Guam 96910

Re: Bill No. 192, Relating to Control and Licensing of Pets, and
Other Animal Care and Quarantine Matters

Dear Senator Shimizu,

As you know, this bill was passed as Bill 812 by your committee during the 21st Guam Legislature. GAIN strongly supports it, now renumbered as 192. The present statutes are sometimes archaic, confusing and vague. This bill clarifies procedures relating to animal control, shelter operation, impoundment procedures and humane treatment generally. For example, it changes the term "commissioners" to "mayors", and clarifies the jurisdiction of animal control as it relates to domestic dogs and cats.

The continuing Mayor's Council dog roundups have shown the necessity for providing animal control officers with greater powers to enforce leash control laws; otherwise, their efforts to promote long-term observance of the laws are stymied. Section 34210 provides a simple and effective manner to enforce the animal control/licensing statutes, by allowing an animal control officer to write the offender a violation ticket, as already provided in Chapter 25 for other minor offenses. This is the most common method of animal control enforcement in most U.S. jurisdictions, and should be available to Department of Public Health officers on Guam as well.

Section 34401(b) is of particular concern to GAIN, because it allows the Director of DPH to privatize the animal care portion of the shelter operation.

Section 34116 contain several important provisions. It benefits owners who have tagged their animals, by providing a 10-day holding period and notice provisions to ensure the owner is notified his animal is at the shelter. It shortens the holding period for strays from 5 to 3 days, which will save DPH the expense of feeding unwanted animals for longer than necessary.

In GAIN's experience, three days is more than enough time for owners to reclaim their animals; indeed, if an owner is coming at all, we have found he will be there within a day to reclaim the animal.

Many people do not appear to sufficiently appreciate the public health hazard which stray animals represent, to say nothing of the unsightly aspect to tourists, of decaying carcasses along our roadsides. Section 34116 formalizes both the Director's authority to adopt animals from the shelter, and his authority to set a sterilization deposit. Exhibit 1 is a portion of a recent GAIN sterilization survey, covering personal interviews of approximately 390 adopters. The data shows the absolute necessity for setting a high sterilization deposit for adopted animals. Without this deposit, even the most well-meaning of individuals sometimes fail to sterilize their pets; the economic motive is essential to ensure this is done. GAIN's goal concerning adoptions is to achieve a 100% sterilization rate. Without this, we are simply creating more problems. The report shows that the present sterilization deposit of \$50 for cats is adequate; that of \$75 for male dogs is also sufficient. GAIN, however, has recommended to DPH that the sterilization deposit for female dogs be raised; hence the language "at least \$75" is necessary, because it may have to go higher.

Likewise, GAIN strongly supports Section 34116(f), which requires that all adult animals be sterilized before leaving the shelter. Without such provisions, the shelter becomes a revolving door, and we are contributing to the misery suffered by stray and abandoned animals.

GAIN has the following suggested changes to make in the present bill; they are in the nature of "fine-tuning".

Section 34116(c). The section underlined within brackets is redundant, because it is in the last sentence as well:

(c) The owner, as shown on the license, of any licensed pet that has been impounded shall be notified of such impoundment. [and that the pet, if not claimed with ten (10) days after such notification, may be given for adoption upon payment of the applicable per diem costs and adoption deposit or humanely destroyed.] Such notice may be delivered personally to the owner, left at his place of residence in Guam or sent by regular mail to his last known address or informed by telephone or fax as shown on the license. At the end of ten (10) days after notification, any licensed pet not claimed may be given for adoption upon payment of the applicable per diem costs and adoption deposit or humanely destroyed.

Section 34116(d). We suggest that the sentence in bold type be added to this section, so that it reads as follows:

(d) Any unlicensed pet that has been impounded shall be

kept for three (3) days and may be claimed by the owner by obtaining a license as provided in this Article and paying for the costs for care and keep. At the end of three (3) days after impoundment, any such pet not claimed may be given for adoption or humanely destroyed. Provided, however, that the Director may dispose of any unhealthy or injured animal, or animals incapable of sustaining life independent of their mother, by euthanasia irrespective of any prescribed holding period.

GAIN suggests this paragraph as protection to DPH. We frequently receive animals at the Shelter which are injured, or very sick, or too young to be weaned. The Director should have specific authorization to euthanize these animals, to avoid encountering subsequent criticism that he failed to hold them for 3 or 10 days.

Section 34116(e). We suggest that the sentence in bold type be added to this section, so that it reads as follows:

(e) A per diem charge to be fixed annually by the Director on the basis of operating costs shall be charged for every day, or part thereof, for any pet kept in the pound. Such charge shall be borne by the owner of the impounded pet, if known, and shall be included in costs to any claimant. The Director may waive the payment of per diem costs for adopted animals.

GAIN suggests this sentence to make clear that adopted animals are not necessarily subject to per diem costs, because they may not incur them. For example, many animals are surrendered to the shelter for immediate placement into GAIN's adoption program; if so, GAIN provides the food, and the public incurs no costs for their upkeep.

Section 34116(g). We suggest that the sentence in bold type be added to this section, so that it reads as follows:

(g) No dog or cat under the age of six (6) months to be given for adoption shall be released without a written agreement from the adopter guaranteeing that such animal will be sterilized. A deposit of at least Seventy-Five Dollars (\$75.00) must be paid at the time of adoption of a dog, and Fifty Dollars (\$50.00) for a cat to guarantee the sterilization. Failure to perform the sterilization shall be a forfeiture of the amount deposited and the animal shall be returned to the pound. The sterilization deposit shall be returned to the adopter if the animal dies and the adopter returns it to the shelter, or produces a veterinarian's certificate that the animal died before it could be sterilized, or if he returns the animal to the shelter, for any reason, within 60 days of adoption.

Again referring to our sterilization report, the adoption program has resulted in several thousands of dollars accruing to the government, which money will never be refunded. Many adopters whose animals died did not apply for the return of their

deposit, some because they did not understand they were entitled to it, and many others because they were too upset to bother. GAIN will make an effort to ensure people understand they are entitled to a refund, because it is only fair that the deposit be returned if the animal is undoubtedly dead.

Likewise, some adopters experienced problems with their animals, and gave them to friends instead of returning them to the shelter. This is bad because these "friends" were not screened, and there is no guarantee they will be responsible pet owners. GAIN wants people to return the animals to us; offering a clear economic incentive in the refund of their deposit will encourage this.

Section 34123. GAIN suggests that this section be revised to read as follows:

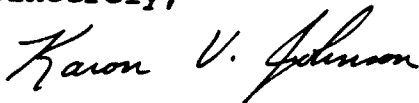
All moneys collected under provision of this Article shall be placed in a separate fund, to be administered by the Director. The excess moneys from such fund shall be used to purchase cat and dog food, litter, medicines, and other animal care supplies for the shelter's animal care program.

GAIN proposes that monies relating to animal control, licensing, adoption and quarantine be placed in a separate fund, to be administered by DPH, for two reasons. First, it will expedite the return of refunds to adopters, who frequently have to wait weeks for the Treasurer of Guam to write them a check. Second, it is likely that money will continue to be generated by the adoption program, and that this sum might add up to several hundreds of dollars a year. It seems reasonable that monies generated from shelter operations be applied to shelter expenses.

SUMMARY

GAIN strongly supports the passage of Bill 192. This is a good bill: clear, concise, and easily enforced. Its passage will be an important step towards achieving effective animal control on Guam and reducing the stray animal population.

Sincerely,



Karon V. Johnson
GAIN member

EXHIBIT 1
(Partial copy
of report)

GAIN

Guam Animals in Need, Inc.

P.O. Box 22365 GMF Barrigada, Guam 96921

(671) 653-GAIN

GAIN REPORT TO THE DEPARTMENT OF PUBLIC HEALTH ON THE DEGREE OF COMPLIANCE WITH THE STERILIZATION REQUIREMENT FOR ANIMALS ADOPTED FROM THE YIGO ANIMAL SHELTER

The Department of Public Health (DPH) and GAIN have been concerned that persons adopting animals from the Yigo Animal Shelter were not honoring the first requirement of adoption, that the animal be sterilized. The reason for our concern was that many people had not applied for the return of their sterilization deposit, which must be paid in cash to the Treasurer of Guam at the time the animal leaves the shelter. GAIN undertook the surveys described below in an effort to determine the degree of compliance with the sterilization requirement, and to learn why relatively few deposits were being refunded. This report concerns the result of those surveys, and recommends various ways in which the adoption program could be improved.

The raw data supporting this report is set forth in the appendices. Each person contacted by a GAIN volunteer is identified by name and telephone number. GAIN has the original applications, if more complete information is desired. The following criteria were used in calculating the statistical rate of compliance:

--The compliance rate is based on the number of persons actually contacted. People who have left island or could not be contacted were not counted.

--Animals reported lost or stolen were counted as not being sterilized.

--Animals which had been given to friends were counted as not being sterilized, unless the adopter had information to the contrary.

--Some people who had not yet sterilized their animals indicated they planned to. These people are counted as a "Yes" for sterilization purposes if their response appears reliable, such as they have an appointment already set up, the animal is of such an age that it was heretofore not ready for sterilization, they have previously neutered their animals, etc. We believe, for example, that when a person says the animal is on the waiting list at the military vet, this is probably truthful, because it

is easily verified.

--On a few occasions we could not contact the person, but were able to verify the sterilization through his veterinarian; if so, that fact is noted.

--Some adopters are still on-island, but would not return GAIN's calls, though upwards of a dozen messages were left. For statistical purposes, these people are treated as not having sterilized their pets.

I. SURVEY RESULTS

A. September-December 1990.

In 1991 Rebecca Diaz did a survey of persons who had adopted animals from the Shelter between September and December 1990, when the deposit was \$15. The basic data is set forth in Appendix 1. Rebecca attempted to contact 108 people; 30 could not be located; 6 had given the animal to friends, or lost it; 21 had either returned the animal to the shelter, or reported it had died; 51 had either neutered the animal(s), or were on the waiting list to do so. It was of interest to note that almost no one bothered to seek the return of their \$15 deposit; most assumed the money went to GAIN, and accordingly chose not to ask for a refund. In sum:

- (1) 89% (51/57) had neutered their animals or intended to do so.
- (2) Out of 108 people, 5 requested and received their deposits back. Thus, the DPH made a net profit of at least \$1830 during this period.

B. September 6, 1991-July 3, 1992.

On September 6, 1991 DPH raised the sterilization deposit to \$50 for both cats and dogs. In late 1992 Rebecca Diaz attempted to survey adopters for the months September-December 1991. In addition, when GAIN undertook this report I attempted to survey all adopters from February-May, 1992. The raw data from these two surveys are set forth in Appendix 2. Note that the data is incomplete, in that the survey from September to December did not attempt to ascertain whether the adopter collected his \$50 deposit.

During this period 266 fertile animals were adopted from the shelter. We could not contact the owners of 58 animals; 40 had died; 16 had been returned to the shelter; 37 (including animals lost or given to friends) were not sterilized; 115 were sterilized. We ascertained that 30 people had either not

requested or had been refused the return of their \$50 deposit.
In sum:

- (1) 75% of the animals (115/152) had been sterilized, 25% (37/152) had not.
- (2) 91% (53/58) of the cat owners had sterilized their pets; only 64% of the dog owners had done so.
- (3) DPH made a profit of \$1,500 in deposits which were never, and never will be, refunded. This is a minimum figure, and does not count the persons we were unable to contact, or the first three months of the survey, when the adopters were not queried about this.

C. June 3, 1992-October 1, 1992.

On 6/3/92 the deposit for dogs was increased to \$75; it remained \$50 for cats. I surveyed all adopters for the months of June, July, August and September 1992. Adoptions after October 1 were not queried, because most of the animals adopted are still too young to be sterilized. Indeed, as the raw data shows, many of the animals adopted in September are still a little too young, and are on waiting lists for the operation.

124 fertile animals were adopted during these four months. I was unable to contact the adopters for 11 animals; 8 animals had died; 6 had been returned to the shelter; 81 had been sterilized; 18 are counted as not sterilized. 13 people had either not requested the return of their \$75 deposit, or had been refused. In sum:

- (1) 82% of the animals (81/99) had been sterilized, 18% (18/99) had not.
- (2) 89% (32/36) of the cats were sterilized; 78% (49/63) of the dogs were sterilized.
- (3) DPH made a minimum profit of \$975 in deposits which were never, and will never be, refunded.

DANG MAI KENNELS
P.O. Box 8272 NCS
MOU 3, Guam 96912
QUALITY AT AN AFFORDABLE PRICE
(671) 653-1269
(671) 653-0160 FAX
22 FEBRUARY, 1993

DR. DAVID L. G. SHIMIZU
SENATOR
324 WEST SOLEDAD AVE
SUITE 202
AGANA, GUAM 96910
FAX 472-3832

DEAR SENATOR:

I RECEIVED THE COPY OF BILL NUMBER 192 TODAY. THANK YOU FOR PROVIDING ME THE OPPORTUNITY TO COMMENT.

THERE ARE A FEW SECTIONS THAT EITHER RAISE QUESTIONS OR COMMENTS:

SECTION 34112.

I HAVE A LITTLE TROUBLE WITH THIS SECTION. I BELIEVE THERE IS A SIMILAR LAW ALREADY IN EFFECT AND IS TOTALLY UNENFORCED. CALLING THE MAYOR OR THE PET CONTROL UNIT TO PICK UP A STRAY DOG IS A DRILL IN FUTILITY. THE STANDARD REPLY IS WE HAVE NO TRUCK OR WE HAVE NO ONE TO COME. MY QUESTION, WHY HAVE A LAW IF THE GOVERNMENT IS UNABLE OR UNWILLING TO PROVIDE THE SERVICE REQUIRED BY THE LAW?

SECTION 34121(A)
VERY AMBIGUOUS.

SECTION 34121(B)

I DON'T BELIEVE ANY OFFICER, POLICE OR OTHERWISE IS AUTHORIZED TO ENTER A PRIVATE PREMISES WITHOUT DUE PROCESS. I MAY BE WRONG, HOWEVER, THIS APPEARS TO BE UNCONSTITUTIONAL.

SECTION 34202(F)

THIS ONE IS OF SPECIAL INTEREST. IN AN OTHER SECTION OF THE BILL IT STATES ALL DOGS WILL BE LICENSED. HOWEVER, SECTION (F) INDICATES THAT KENNEL OWNERS DO NOT HAVE TO LICENSE INDIVIDUAL DOGS UNLESS THEY DESIRE TO DO SO. THIS MAKES SENSE TO ME, KENNEL DOGS ARE NOT IN THE GENERAL PUBLIC AND ARE A MENACE TO NO ONE. FOR EXAMPLE, IT COSTS US ALMOST \$900.00 DOLLARS A YEAR TO LICENSE ALL THE DOGS IN THE KENNELS PLUS THE LICENSE FEE TO OPERATE THE KENNELS AND THE SANITARY PERMIT. ADDITIONALLY, IT IS IMPOSSIBLE TO MEET THE REQUIREMENT OF HAVING A COLLAR ON EACH DOG WITH THE

TAG. THE TAGS BECOME HUNG UP IN THE KENNEL FENCES AND CAUSE PROBLEMS FOR THE DOGS. CONSEQUENTLY, THE TAGS ARE NOT PUT ON THE DOGS, BUT ARE KEPT SEPARATELY AND IDENTIFIED FOR EACH ANIMAL. I WOULD BE INTERESTED IN YOUR INTERPRETATION OF THIS SECTION.

SECTION 34205(D)

I LOVE IT.

SECTION 34302(A)

THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES HAS NOT OPERATED A QUARANTINE FOR SOME TIME. IS THE DEPARTMENT GOING TO OPEN ONE IN ACCORDANCE WITH THIS BILL? THE ONLY EXISTING QUARANTINE IS A PRIVATELY OWNED OPERATION AND IS NOT UNDER CONTRACT TO ANY GOVERNMENT AGENCY THAT I KNOW OF.

SECTION(B)

LEAVING THE DETERMINATION OF THE LENGTH OF QUARANTINE TO THE DIRECTOR IS A MISTAKE. THIS SHOULD BE DETERMINED BY THE LEGISLATURE OR SOME OTHER FORUM NOT AN INDIVIDUAL.

SECTION 34201(H)

BY SETTING THE NUMBER OF DOGS OR CATS AT 5 THE GOVERNMENT OF GUAM IS LOSING CONSIDERABLE REVENUE IN GROSS RECEIPTS TAX AND LICENSING FEES. FOR EXAMPLE, IN THE MORE EXPENSIVE BREEDS OF DOGS AN INDIVIDUAL WHO OWNS FOUR BITCHES AND ONE DOG CAN EARN A CONSIDERABLE AMOUNT OF MONEY IN ONE YEAR ON PUPPY SALES. HOWEVER, IF THEY ARE NOT A KENNELS NO LICENSE, SANITARY PERMIT OR GROSS RECEIPT TAX IS REQUIRED. AGAIN, VERY HARD TO ENFORCE, BUT THIS NUMBER SHOULD BE LOWERED.

THE BILL, IN ITSELF, IS GOOD AND LONG OVERDUE. ENFORCEMENT OF THE BILL IS ANOTHER MATTER. IF PASSED, I SEE IT GOING ON THE SHELF WITH A LOT OF OTHERS AND THE ENFORCEMENT FORGOTTEN.

AGAIN, THANK YOU FOR GIVING ME THE OPPORTUNITY TO PROVIDE MY COMMENTS. I HOPE THEY WILL BE OF SOME VALUE TO YOU. I WOULD APPRECIATE IT, IF ANY OF THE COMMENTS ARE OF VALUE TO YOU, THAT USE THEM AS YOUR OWN AND NOT AS COMING FROM DANG MAI KENNELS. WE HAVE ENOUGH TROUBLE GETTING ALONG WITH THE OTHER BREEDERS ON THE ISLAND WITHOUT ADDING FUEL TO THE FIRE.

RESPECTFULLY,


J. K. BUTTERS

**TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION**

Bill No. 192

As substituted by the Committee on Health,
Ecology and Welfare

Introduced by:

D.L.G. SHIMIZU
CTC GUTIERREZ
EP ARRIOLA
TS NELSON
JP AGUON
MZ BORDALLO
MDA MANIBUSAN
DF BROOKS
FP CAMACHO

AN ACT TO REPEAL AND REENACT ARTICLES 1 AND 2 OF CHAPTER 34 OF TITLE 10, GUAM CODE ANNOTATED, AND TO ADD A NEW TITLE 3 THERETO RELATIVE TO LICENSING AND KEEPING OF ANIMALS, AND TO ANIMAL SHELTER OPERATION.

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

1 SECTION 1. Article 1 of Chapter 34, Title 10, Guam Code Annotated is
2 hereby repealed in its entirety and reenacted as follows:
3 "Article 1. Control and Licensing of Pets

4 Section 34101. Definitions.

5 Section 34102. Pet License Required.

6 Section 34103. Pet License.

7 Section 34104. Seeing-Eye and Hearing-Aid Dogs

8 Section 34105. Issuance and Description of License.

9 Section 34106. Description of Pet License Tag

10 Section 34107. Replacement of Pet License Tag

11 Section 34108. Rabies Vaccination.

12 Section 34109. Vicious Pet.

13 Section 34110. Immediate Menace.

14 Section 34111. Pet Attacking Person

15 Section 34112. Pet Trespassing on Private Property.

16 Section 34113. Liability.

17 Section 34114. Damages by Pet: Owner Liable.

18 Section 34115. Pet Control Unit.

19 Section 34116. Dog Running at Large, Impoundment, Holding
20 Period, Sterilization and Adoption.

21 Section 34117. Impoundment.

- 1 Section 34118. Facility Operation.
- 2 Section 34119. Minimum Standards.
- 3 Section 34120. Authority to Kill Pets Running at Large.
- 4 Section 34121. Authority of Officers.
- 5 Section 34122. Wrongful Interference with Officers.
- 6 Section 34123. Disposition of Money Collected.
- 7 Section 34124. Penalties.

8

9 Section 34101. Definitions.

10 (a) "Euthanasia" means putting an animal to death by drug in a
11 manner provided by regulations of the Department of Public Health
12 and Social Services.

13 (b) "Impoundment" means strict confinement under restraint by
14 leash, cage or paddock upon premises specified by order of the
15 Director.

16 (c) "Officer" means a member of the Guam Police Department,
17 a Mayor of Guam or a person authorized by the Director.

18 (d) "Person" means any natural person, association,
19 partnership, firm, corporation or any government entity.

20 (e) "Pet" means a cat or dog.

21 (f) "Pet owner" means any person or legal entity who harbors,
22 cares for, exercises control over or knowingly permits any pet to
23 remain on premises occupied by that person or legal entity.

24 (g) "Running at large" means any dog that:

1 (1) is not restrained on private property in a manner that
2 physically prevents the dog from leaving that property or reaching
3 any public areas; or

4 (2) when on public property, or any public area, is not
5 restrained by a leash, tether or other physical control device not to
6 exceed eight (8) feet in length and under the physical control of a
7 capable person.

8 (h) "Unlicensed pet" means any pet not exempted under the
9 provisions of this Article for which the license for the current year has
10 not been issued or to which the license tag is not attached.

11 Section 34102. Pet License Required.

12 No person shall own a pet unless it is licensed and wearing a license
13 tag as provided by this Article. This shall not apply to pets under the age of
14 three (3) months, pets in quarantine or pets brought into Guam for a
15 temporary term not to exceed one (1) month for the exclusive purpose of
16 entering such pets in a show or exhibition or for obtaining special
17 veterinary care pursuant to Section 34302 (c) (3).

18 Section 34103. Pet License.

19 (a) Each pet shall be licensed by its owner.

20 (b) The license year is January first to December thirty-first.

21 (c) The owner of a pet imported into Guam shall have thirty (30) days
22 to obtain the prescribed license. Pets exempted by Section 34102 shall be
23 licensed when such exemption expires.

24 (d) The fee shall be established by the Director. The full fee shall be
25 paid for any fraction of the year for which a license is issued.

26 (e) A pet license is not transferable to another pet. The license number
27 shall be assigned to the pet and shall remain with the animal upon transfer
28 to another owner for the life of the license.

1 (f) A penalty to be established by regulation shall be charged for late
2 renewal of a license.

3 (g) Any penalty shall be in addition to the applicable license fee and
4 payable at the time of the issuance.

5 Section 34104. Seeing-Eye and Hearing-Aid Dogs.

6 A blind or deaf person owning a dog trained to aid the blind or deaf,
7 commonly called a seeing-eye or hearing-aid dog, shall be exempted from
8 payment of any license fee.

9 Section 34105. Issuance and Description of License.

10 All licenses for pets shall be issued by the Department of Public Health
11 and Social Services upon payment of the fee. The license shall be in such
12 form as the Director shall approve and shall include the following:

13 (a) The name and address of the owner;

14 (b) The expiration date of the license;

15 (c) The date of payment;

16 (d) The breed, age, sex, sterilization status (whether spayed or
17 neutered) and color of the pet;

18 (e) The serial number of the tag issued for such pet;

19 (f) The date of rabies vaccination, vaccine expiration date, the
20 type, manufacturer's name and serial number of the vaccine lot used.

21 Section 34106. Description of the Pet License Tag.

22 A tag in such form and design as shall be prescribed by the Director,
23 stating the serial number of the tag and the license year, shall be issued
24 with each license. The tag shall be attached to a collar around the neck of,
25 or to a harness worn by the pet for which the license tag was issued, except
26 when the pet is displayed in an exhibition or show. It shall be unlawful for

1 any person to attach a license tag to the collar or harness of any pet except
2 the pet which is described in the application for such license tag.

3 Section 34107. Replacement of Pet License Tag.

4 If any license tag is lost, mutilated or stolen, the pet owner to whom
5 such tag was issued shall be entitled to receive a replacement by presenting
6 to the Department of Public Health and Social Services satisfactory proof
7 that such tag was lost, mutilated or stolen. A substitute tag shall be issued
8 upon payment of a fee equal to one-half (1/2) the annual license fee.

9 Section 34108. Rabies Vaccination

10 A pet license shall be issued only upon presentation of a valid
11 certificate of vaccination against rabies providing immunity during the
12 period of licensure and signed by a licensed veterinarian. The type and
13 quantity of rabies vaccine utilized to vaccinate pets within the Territory and
14 accepted duration of immunity produced by such vaccine shall be
15 determined by regulation specified by the Director.

16 Section 34109. Vicious Pet.

17 Any pet which, while running at large, has bitten a person or persons
18 once may be declared to be a vicious pet and ordered confined or destroyed
19 by the Director.

20 Section 34110. Immediate Menace.

21 It shall be lawful for any officer, if there are no other readily available
22 means of bringing the pet under control, to kill any pet that constitutes an
23 immediate menace to any person. The officer shall turn the carcass of the
24 pet over to the Department as soon as possible for examination as
25 determined by the Director, and compile a written report and submit to the
26 Director describing the event leading to the killing and whether the said pet
27 was licensed.

28 Section 34111. Pet Attacking Person.