

1 having custody or care of a minor child shall conceal the fact of a minor child
2 having any such disease.

3 **§3322. Vaccination and immunization.** No student shall be permitted to
4 attend any public or private school, college, or university within Guam unless
5 evidence is presented to the enrolling officer of such school, college or
6 university that the student has had all required vaccinations or
7 immunizations. Required vaccinations and immunizations include but are not
8 limited to Diphtheria, Pertussis, Tetanus, Polio, Measles (Rubeola), Mumps
9 and Rubella(German Measles) or against any other communicable disease as
10 the Director shall, by regulation, require, **except** that exemption may be
11 granted to a student in a case when the vaccination or immunization would
12 be against his or her religious beliefs, or upon certification by a parent or
13 guardian of a student who is a minor that such vaccination or immunization
14 would be against their religious belief, or to a student who has been certified
15 by a licensed medical doctor that said student should be exempt from this
16 section where medical contraindication to his or her receiving a specific
17 vaccine exists. The Director may require vaccination and immunization of
18 any person or persons suspected as carriers of a communicable disease upon
19 entering or leaving Guam which the Director believes may present a risk to
20 the public health of Guam. The Director, in case of an epidemic or to control
21 a possible epidemic of a communicable disease, may direct that the general
22 population be vaccinated and immunized against said disease. A child may
23 not be enrolled in kindergarten or first grade unless that child has been
24 administered the measles, mumps, and rubella (MMR) vaccine twice or that
25 child is exempt on religious grounds or that the administration to such child is
26 medically contraindicated.

1 **§3323. Prenatal test.** Any licensed physician attending a pregnant
2 woman for a condition relating to her pregnancy during the period of
3 gestation or at delivery shall take or cause to be taken a sample of the blood
4 of such woman and submit such sample to the Department's laboratory or
5 other laboratory approved by the Director for a standard serologic test for
6 syphilis. Any other person permitted by law to attend pregnant women, but
7 not permitted by law to take blood samples, shall cause a sample of blood of
8 every pregnant woman attended by him to be taken by a duly licensed
9 physician or at a lab approved by the Director for a standard serologic test
10 for syphilis. Such samples of blood shall be taken at the time of the first visit
11 of the pregnant woman or within fourteen (14) days thereafter. Every
12 pregnant woman shall permit such samples of her blood to be taken as in this
13 section.

14 **§3324. Report as to prenatal test.** In reporting any birth or stillbirth,
15 any physician or other person required to make such reports shall state in a
16 report accompanying the certificate whether, according to his knowledge or
17 information, a blood test for syphilis has been made upon a specimen of blood
18 taken from the woman who bore the child for which the birth or stillbirth
19 certificate is filed and the approximate date when the specimen was taken.
20 The Director is authorized to investigate the circumstances surrounding the
21 birth of any baby on whose mother no serologic test, as required by the
22 provisions of this article, appears to have been taken.

23 **§3325. Prevention of blindness at childbirth.** Any physician, midwife, or
24 any other person in attendance at childbirth immediately after birth shall
25 administer a one percent (1%) silver nitrate solution to both eyes of the
26 newborn child. Preparations other than one percent (1%) silver nitrate may

1 be used only on approval of the Director and subject to such conditions and
2 restrictions as the Director may impose.

3 **§3326. Immunization audit.** Annually, the Director shall conduct an
4 immunization audit. Sample audits shall be conducted on public health clinic
5 records, private clinic records and private physicians' records to determine if:

6 (a) One (1) consolidated immunization record is posted on the
7 inside front cover of the patient's medical record if the patient is under
8 the age of eighteen (18); and

9 (b) If the record of any child found to be deficient in immunizations
10 indicates:

11 (1) That progress towards immunization is being made;

12 (2) A record of scheduled return appointment for the child; or

13 (3) A reason for the lack of immunization.

14 **§3327. Same: confidentiality.** The immunization audit shall be done by
15 the Director who may delegate his duty. The Director shall be responsible for
16 assuring that the confidentiality of individual patient records is preserved.
17 The Department shall be responsible for compiling a statistical report of the
18 audit.

19 **§3328. Autopsy.** The Director may order an autopsy to determine if the
20 deceased died of a communicable disease or whenever, in his direction, the
21 public interest justifies it.

22 **§3329. Testing for tuberculosis.** No student shall be permitted to attend
23 any public or private school, college, or university within Guam unless they
24 have on file with the enrolling officer of such school, college or university a
25 report of a Tuberculosis ("TB") skin test result.

26 (a) If the student is entering from the United States or states or its
27 territories, such test must have been conducted within one year prior to

1 enrollment. If the student is entering from an area other than the United
2 States or its states or territories, such test must have been conducted within
3 six (6) months prior to enrollment.

4 (b) If a student has had a positive TB skin test, a Certificate of
5 Tuberculosis Evaluation must be obtained from the Department. If this
6 certificate indicates that the student is TB contagious the student shall be
7 permitted entrance to school only after he or she is certified as noncontagious
8 by the Department.

9 **Article 4**

10 **Maternal and child health and children with special**
11 **health needs**

12 **§3401. Designation of Department of Public Health and Social Services**
13 **as cooperative agency.** The Department of Public Health and Social Services
14 is hereby designated as the agency to cooperate with the duly constituted
15 Federal authorities in the administration of these parts of the Social Security
16 Act which relate to maternal and child health services and the care and
17 treatment of children with special health needs and is authorized to receive
18 and expend all funds made available by the Federal government or from any
19 other source for the purpose provided in this article; **provided**, that all plans,
20 rules and regulations, or agreements adopted in connection therewith shall
21 be subject to the approval of the Governor.

22 **Article 5**

23 **Maternal and child health services**

24 **§3501. Maternal and child health programs: administration and**
25 **purposes.**

26 **§3502. Guam Plan for Maternal and Child Health**
27 **Services: formulation, adoption and approval.**

1 **§3503. Provisions to be included in Guam Plan.**

2 **§3504. Duties of Director.**

3 **§3505. Maternal and child health service funds: custody and**
4 **expenditures.**

5 **§3501. Maternal and child health programs: administration and**
6 **purposes.** (a) The Department of Public Health and Social Services (the
7 “Department”) is hereby designated as the agency to administer a maternal
8 and child health program in Guam.

9 (b) The purposes of such program shall be to develop, extend and
10 improve health services, and to provide for development of demonstration
11 services.

12 **§3502. Guam Plan for Maternal and Child Health Services:**
13 **formulation, adoption and approval.** (a) The Department hereby
14 empowered and authorized:

15 (1) To formulate, adopt and administer a detailed plan or
16 plans for the purposes specified in §3501 of this article.

17 (2) To make and adopt all such rules and regulations not
18 inconsistent with the provisions of §§3501 through 3505 of this
19 article, inclusive, or of the Social Security Act, as are or may be
20 necessary for the administration of such plan or plans and the
21 administration of this article.

22 (b) Such plan or plans and the rules and regulations when formulated
23 shall be submitted to the Secretary of Health and Human Services for
24 approval, and when approved by the Secretary shall thereupon be made
25 effective by the Department in accordance with the Administration
26 Adjudication Law.

1 **§3503. Provisions to be included in Guam Plan.** Such plan or plans shall
2 include therein provisions for:

3 (a) Financial participation by Guam.

4 (b) Administration of such plans or plans by the Department.

5 (c) Such methods of administration as are necessary for
6 efficient operation of such plan or plans.

7 (d) Maintenance of records and preparation as are necessary
8 for efficient operation of such plan or plans.

9 (e) Cooperation with medical, health, nursing and welfare
10 groups and organizations for the purpose of extending and
11 improving maternal and child health.

12 (f) Receiving and expending in the manner provided herein in
13 accordance with such plan or plans, all funds made available by the
14 Federal government or from any other source for such purposes.

15 (g) Cooperating with the Federal government, through its
16 appropriate agency or instrumentality, in developing, extending and
17 improving such services, and in the administration of such plan or
18 plans and development of demonstration services among groups in
19 special need.

20 (h) Carrying out the purposes specified in §3501 of this article.

21 **§3504. Duties of Director.** (a) The Director of Public Health and Social
22 Services (the "Director") shall be the administrative officer of the agency
23 with respect to the administration and enforcement of the provisions of this
24 article, and of the plan or plans formulated and adopted in accordance
25 therewith and all such rules and regulations necessary thereto.

1 (b) The Director is hereby empowered and directed to administer and
2 enforce all rules and regulations adopted for the efficient operations of the
3 plan or plans formulated for the purposes of this article.

4 (c) The Director shall, from time to time as directed by the Secretary of
5 Health and Human Services make such reports in such form and containing
6 such information as the Secretary of Health and Human Services shall
7 require.

8 (d) The Director shall from time to time, pursuant to the rules and
9 regulations of the Secretary of Health and Human Services and of the
10 Secretary of the Treasury, requisition and cause to be deposited with the
11 Treasurer of Guam all moneys allotted to Guam by the Federal government
12 for the purposes of this article, and shall cause to be paid out of the treasury
13 the moneys therein deposited for such purposes.

14 **§3505. Maternal and child health service funds: custody and**
15 **expenditures.** (a) The Treasurer of Guam is hereby made custodian of all
16 moneys allotted to Guam by the Federal government, or received from other
17 sources, for the purposes of maternal and child health services.

18 (b) The Treasurer shall receive and provide for the proper custody of
19 such moneys and is authorized to deposit such moneys in the same manner as
20 other public moneys are deposited.

21 (c) Such moneys shall be disbursed only upon certification by the
22 Director.

23 Article 6

24 Services for children with special health needs

25 **§3601. Program for services for children with special health needs:**
26 **administration and purposes.**

1 **§3602. Guam Plan for Services for Children with Special Health**
2 **Needs: formulation, adoption and approval.**

3 **§3603. Provisions to be included in plan.**

4 **§3604. Duties of Director.**

5 **§3605. Services for children with special health needs: custody and**
6 **expenditure.**

7 **§3606. Department authorized to enter into cooperative agreements**
8 **with Federal government.**

9 **§3601. Program for services for children with special health needs:**
10 **administration and purposes. (a) The Department of Public Health and**
11 **Social Services (the "Department") is hereby designated as the agency to**
12 **administer a program of service for children with a disability(ies) or special**
13 **health need(s).**

14 (b) The purpose of such program shall be to develop, extend, and
15 improve services for locating such children, to provide medical, surgical,
16 corrective and other services and care, to provide facilities for diagnosis,
17 hospitalization and aftercare.

18 **§3602. Guam Plan for Services for Children with Special Health**
19 **Needs: formulation, adoption and approval. (a) The Department is hereby**
20 **empowered and authorized:**

21 (1) To formulate, adopt and administer a detailed plan or
22 plans for the purposes specified in §3601 of this article.

23 (2) To make and adopt all such rules and regulations, not
24 inconsistent with the provisions of §§3601 through 3605 of this
25 article, inclusive, or of the Social Security Act, as are or may be
26 necessary for the administration of such plan or plans and the
27 administration of this Article.

1 (b) Such plan or plans and the rules and regulations, when formulated,
2 shall be submitted to the Secretary of Health and Human Services for
3 approval, and when approved by the Secretary shall thereupon be made
4 effective in accordance with the Administration Adjudication Law.

5 **§3603. Provisions to be included in plan.** Such plan or plans shall
6 include therein provisions for:

7 (a) Financial participation by Guam.

8 (b) Administration of such plan or plans by the Department.

9 (c) Such methods of administration as are necessary for
10 efficient operation of such plan or plans.

11 (d) Maintenance of records and preparation, submission and
12 filing of reports of services rendered.

13 (e) Cooperation with medical, health, nursing and welfare
14 groups and organizations, and with any agency charged with
15 administration of laws providing for vocational rehabilitation of
16 physically handicapped children.

17 (f) Receiving and expending in the manner provided herein in
18 accordance with such plan or plans, all funds made available by the
19 Federal government, or from any other source for such purposes.

20 (g) Cooperating with the Federal government, through its
21 appropriate agency or instrumentality, in developing, extending and
22 improving such services and in the administration of such plan or
23 plans.

24 (h) Carrying out the purposes specified in §3601 of this article.

25 **§3604. Duties of Director.** (a) The Director of Public Health and Social
26 Services (the "Director") shall be the administrative officer of the agency
27 with respect to the administration and enforcement of the provisions of this

1 article, and of the plan or plans formulated and adopted in accordance
2 therewith, and all such rules and regulations necessary thereto.

3 (b) The Director is hereby empowered and directed to administer and
4 enforce all rules and regulations adopted for the efficient operations of the
5 plan or plans formulated for the purposes of this article.

6 (c) The Director shall, from time to time as directed by the Secretary of
7 Health and Human Services make such reports, in such form and containing
8 such information as the Secretary of Health and Human Services shall
9 require.

10 (d) The Director of Public Health and Social Services shall from time to
11 time, pursuant to the rules and regulations of the Secretary of Health and
12 Human Services and of the Secretary of the Treasury, requisition and cause
13 to be deposited with the Treasurer of Guam all moneys allotted to Guam by
14 the Federal government for the purposes of this article, and shall cause to be
15 paid out of the treasury the moneys therein deposited for such purposes.

16 **§3605. Services for children with special health needs: custody and**
17 **expenditure.** (a) The Treasurer of Guam is hereby made custodian of all
18 moneys allotted to Guam by the Federal government, or received from other
19 sources, for the purposes of services for children with special health needs.

20 (b) The Treasurer of Guam shall receive and provide for the proper
21 custody of such moneys and is authorized to deposit such moneys in the same
22 manner as other public moneys are deposited.

23 (c) Such moneys shall be disbursed only upon certification by the
24 Director.

25 **§3606. Department authorized to enter into agreements with Federal**
26 **government.** The Department is hereby authorized to enter into a
27 cooperative agreement or agreements with the United States Department of

1 Health and Human Services prescribing the manner, terms and conditions of
2 cooperation with such Department of Health and Human Services in
3 providing for the identification, diagnosis and treatment of children with
4 special health needs. Such agreements may define the amounts which Guam
5 and the Federal government will contribute under the agreement and the
6 Department shall be bound and governed by such agreement or agreements.

7 **Article 7**

8 **U.S. Public Health Services**

9 **§3701. Designation of the Department as cooperative agency.**

10 **§3702. Public Health and Social Services Programs: administration**
11 **and purposes.**

12 **§3703. Guam Plan for Public Health Services.**

13 **§3704. Provisions to be included in Guam Plan.**

14 **§3705. Duties of Director.**

15 **§3706. Public Health Service Funds: custody and expenditures.**

16 **§3701. Designation of Department as cooperative agency.** The
17 Department of Public Health and Social Services (the "Department") is
18 hereby designated as the agency to cooperate with the United States Public
19 Health Service in the administration of those parts of the Public Health
20 Service Act, as amended, which relate to grants and services for public health
21 purposes, and is authorized to apply for, receive and expend all funds made
22 available by the Federal government, or from any other source for the
23 purposes provided in this article.

24 **§3702. Public Health Services Programs: administration and purposes.**

25 (a) The Department is hereby designated as the agency to administer U.S.
26 Public Health Services programs in Guam.

1 (b) The purpose of such programs shall be to develop, extend and
2 improve public health services.

3 **§3703. Guam Plan for Public Health Services.** (a) The Department is
4 hereby empowered and authorized:

5 (1) To formulate, adopt, subject to the approval of the
6 Governor, and administer a detailed plan or plans for the purpose
7 specified in §3702 of this article.

8 (2) To make and adopt such rules and regulations, subject to
9 the approval of the Governor, not inconsistent with the provisions of
10 §§3702 through 3706, inclusive, or of the Public Health Service Act, as
11 are or may be necessary for the administration of this article.

12 (b) Such plan or plans and the rules and regulations when
13 formulated shall be submitted to the Secretary of Health and Human
14 Services, and when approved by the Secretary shall thereupon be made
15 effective by the Department, pursuant to the Administrative
16 Adjudication Law.

17 **§3704. Provisions to be included in Guam Plan.** Such plan or plans shall
18 include therein provisions for:

19 (a) Financial participation by Guam.

20 (b) Administration of such plan or plans by the Department.

21 (c) Such methods of administration as are necessary for
22 efficient operation of such plan or plans.

23 (d) Maintenance of records and preparation, submission and
24 filing of reports of services rendered.

25 (e) Cooperation with medical, health, nursing and welfare
26 groups and organizations for the purpose of extending and
27 improving public health.

1 (f) Receiving and expending in the manner provided herein in
2 accordance with such plan or plans, all funds made available by the
3 Federal government or from any other source for such purposes.

4 (g) Cooperating with the Federal government, through its
5 appropriate agency or instrumentality, in developing, extending and
6 improving such services and in the administration of such plan or
7 plans, and development of demonstration services.

8 (h) Carrying out the purposes specified in §3702 of this article.

9 **§3705. Duties of Director.** (a) The Director of Public Health and Social
10 Services (the "Director") shall be the administrative officer of the agency
11 with respect to the administration and enforcement of the provisions of this
12 article, and of the plan or plans formulated and adopted in accordance
13 therewith and all such rules and regulations necessary thereto.

14 (b) The Director is hereby empowered and directed to administer and
15 enforce all rules and regulations adopted for the efficient operations of the
16 plan or plans formulated for the purposes of this article.

17 (c) The Director shall from time to time, as directed by the Secretary of
18 Health and Human Services, make such reports, in such form and containing
19 such information as the Secretary shall require.

20 (d) The Director shall from time to time, pursuant to the rules and
21 regulations of the Secretary of Health and Human Services, requisition and
22 cause to be deposited with the Treasurer of Guam all moneys allotted to
23 Guam by the Federal government for the purposes of this article, and shall
24 cause to be paid out of the treasury the moneys therein deposited for such
25 purposes.

26 **§3706. Public Health Service Funds: custody and expenditures.**

27 (a) The Treasurer of Guam is hereby made custodian of all moneys allotted

1 to Guam by the Federal Government, or received from other sources, for the
2 purposes of public health services.

3 (b) The Treasurer of Guam shall receive and provide for the proper
4 custody of such moneys and is authorized to deposit such moneys in the same
5 manner as other public moneys are deposited.

6 (c) Such moneys shall be disbursed only upon certification by the
7 Director."

8 **Section 3. Severability.** If any provision of this Act or the application
9 thereof, to any person or circumstances is held invalid, such invalidity shall
10 not affect other provisions or applications of the Act which can be given effect
11 without the invalid provision or application, and to this end the provisions of
12 the Act are declared to be severable.

13 **Section 4. Effective date.** This Act shall be effective the first day of the
14 third month following its approval by the Governor.

July 20, 1993

The Honorable
Joe T. San Agustin
Speaker, 22nd Guam Legislature
Agana, Guam



TWENTY SECOND
GUAM LEGISLATURE

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Ecology & Welfare, to which was referred BILL NO. 436: AN ACT TO REPEAL CHAPTER 3 AND 4; ARTICLES 6, 7 AND 8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED AND ENACT A NEW CHAPTER 3 RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES, herein reports back and recommends that **Bill No. 436 be passed as substituted by the Committee.**

_____	7	To Pass
_____	0	Not To Pass
_____	0	To The Inactive File
_____	0	Abstained
_____	2	Off-Island
_____	0	Not Available

Dr. DAVID L.G. SHIMIZU
Senator

CHAIRMAN:
Committee on
Health,
Ecology
and
Welfare

324 West Soledad Ave.
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96910

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(671)472-3832

Sincerely,

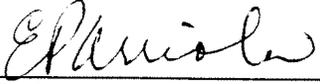
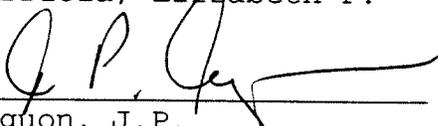
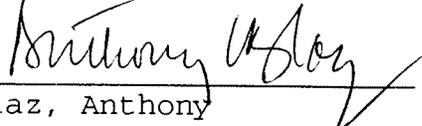
Dr. David L.G.
Shimizu

Attachments



VOTE SHEET
Committee on Health, Ecology & Welfare

Substitute Bill 436: AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6,7, AND 8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED AND ENACT A NEW CHAPTER 3 RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

SENATOR	TO PASS	TO PASS	ABSTAIN	FILE
 Shimizu, David L.G.	✓			
 Arriola, Elizabeth P.	✓			
 Aguon, J.P.	✓			
 Bordallo, Madeleine Z.	✓			
_____ Brooks, Doris F.				
 Blaz, Anthony	✓			
 Canacho, Felix P.	✓			
_____ Dierking, Herminia				
 Manibusan, Marilyn D.A.	7/19/93 ✓			

HEALTH, ECOLOGY AND WELFARE COMMITTEE

COMMITTEE REPORT ON BILL NO. 436

AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6, 7 AND 8 OF CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED AND ENACT A NEW CHAPTER 3 RELATIVE TO THE ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES.

BACKGROUND

Bill No. 436 was introduced by Senator David L. G. Shimizu on April 29, 1993 (Attachment 1), and referred to the Committee on Health, Ecology and Welfare on May 3, 1993 (Attachment 2). A Fiscal Note was requested from the Bureau of Budget and Management Research on June 25, 1993, and the Bureau requested for a waiver because "... the proposed measure is administrative in nature and does not pose a financial impact to the General Fund of the Government of Guam" (Attachment 3).

The Committee on Health, Ecology and Welfare conducted a public hearing on Friday, July 9, 1993, at the Legislative Public Hearing Room. The committee members present include: Senator David L. G. Shimizu, Chairperson; Senator John P. Aguon, member; Senator Doris Flores Brooks, member; and Senator Marilyn D. A. Manibusan, member.

TESTIMONY

The Committee heard and received written testimony only from the Director of Public Health and Social Services, Dr. Leticia V. Espaldon

(Attachment 4), whose written testimony was presented by Dr. Robert L. Haddock, Territorial Epidemiologist and Acting Chief Public Health Officer.

The Director of Public Health and Social Services' written testimony advised that the Department is in full support of Bill No 436. The Division of Public Health has always existed as an organizational unit but its mission has never been codified. Bill No. 436 will correct this situation. Also, scattered sections under the current Guam Code that are under the organizational responsibility of the Division of Public Health are placed in one comprehensive new Chapter 3 and the wording of federal programs and services have been appropriately updated.

The Director further advised that there are sections that have been revised i. e. chronic disease control would require the reporting of certain chronic diseases because currently there is no local government database for certain chronic diseases for specific public importance; measles, mumps and rubella (MMR) vaccine for school entry would require two doses and college and university students would be added to this requirement; tuberculosis testing would be required for entering students and anyone tested positive would be determined as non-contagious; and imposition of a penalty for non-reporting of diseases by physicians and other licensed health care providers.

During the public hearing, the Chairman asked if the proposed legislation would in any way result in the displacement, transfer or downgrade of any personnel or functions in the Department of Public Health and Social Services. Dr. Haddock responded by saying that to the best of his knowledge, "no". The Chairman then requested for a written certification from the Director to this effect. The Director's certification letter is noted on Attachment 5.

FINDINGS

The Committee finds that, aside from some minor amendments relative to updating the wording to federal government programs and services; requiring that certain chronic diseases be reported; requiring two doses of measles, mumps and rubella (MMR) vaccine

for school entry and making this a requirement for in-coming college and university students; requiring entering students to be tested for tuberculosis; and imposing a penalty for non-reporting of diseases; Bill No. 436 merely codifies scattered sections of the current Guam Code that are under the organizational responsibility of the Division of Public Health and place them within a new Chapter 3.

RECOMMENDATION

The Health, Ecology and Welfare Committee, having heard and received testimonies on Bill No. 436, recommends that subject bill **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE.**

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill No. 436

As substituted by the Committee on Health,
Ecology and Welfare

Introduced by:

D.L.G. Shimizu

M.D.A. Manibusan



AN ACT TO REPEAL CHAPTERS 3 AND 4; ARTICLES 6,7 AND 8 OF
CHAPTER 9; AND CHAPTER 16 OF 10 GUAM CODE ANNOTATED
AND ENACT A NEW CHAPTER 3 RELATIVE TO THE
ESTABLISHMENT OF A DIVISION OF PUBLIC HEALTH WITHIN
THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

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

2
3 Section 1. Chapters 3 and 4, Articles 6,7 and 8 of Chapter 9 and
4 Chapter 16 of 10 GCA are hereby repealed.

5
6 Section 2. A new Chapter 3 of the Guam Code Annotated is enacted to
7 read:

8 "Chapter 3

9
10 Article 1

11 Division of Public Health

12
13 Section 3101. General Provision.

14 Section 3102. Personnel.

15 Section 3103. General Duties.

16 Section 3104. Chief Administrative Officer.

17 Section 3105. Federal Grants.

18 Section 3106. Rule-Making.

19 Section 3107. Authority to Set fees.

20
21 Section 3101. General Provision.

22 There is hereby established a Division of Public Health in the

1 administered by the Director. The Division through organized
2 community effort and applied scientific and technical
3 knowledge is responsible for working towards the prevention
4 and control of disease and for promoting health throughout the
5 territory.

6
7 Section 3102. Personnel.

8 The Director is authorized to appoint such personnel to act on
9 behalf of the Director and fix their duties for the purposes of
10 carrying out the responsibilities so designated to the Division.

11
12 Section 3103. General Duties.

- 13 (a) Formulate plans and policies to address the health needs
14 of the community.
15 (b) Implement health programs and services to meet
16 identified health needs of the community.
17 (c) Conduct research and studies to identify community
18 health problems.
19 (d) Provide health services to individuals who are medically
20 and financially in need.
21 (e) Administer grants-in-aid for health programs and
22 services.
23 (f) Conduct disease surveillance and monitor activities to
24 prevent and/or identify health problems.
25 (g) Conduct health promotion and education programs.
26 (h) Serve as the "State Public Health Agency" for Guam.
27 (i) Establish standards and regulations necessary to ensure
28 quality health care and the prevention and control of
29 diseases.

30
31 Section 3104. Chief Administrative Officer.

32 The Chief Public Health Officer shall be the Chief
33 Administrative Officer of the Division.

34
35 Section 3105. Federal Grants.

36 The Division shall comply with all federal requirements and
37 procedures necessary for administration of grants-in-aid and
38 cooperative agreements.

39
40 Section 3106. Rule-Making.

41 The Director shall, in accordance with the Administrative
42 Adjudication Law, adopt rules and regulations necessary to
43 fulfill the duties of this Division.

- 1
2 Section 3107. Authority to set fees.
3 (a) The Director is authorized to establish fees for health
4 services in accordance with the Administrative
5 Adjudication Law and as may be required to qualify for
6 grants-in-aid.
7 (b) Fees established by the Department shall not be a
8 deterrent to receiving health care and shall be based on
9 ability to pay.

10
11 Article 2
12 Vital Statistics

- 13 Section 3201. General Organization.
14 Section 3202. Supervision.
15 Section 3203. Personnel.
16 Section 3204. Mayors to Aid.
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Events.

Section 3229. Penalties.

Section 3230. Severability.

Section 3231. Effective Date.

Section 3232. Burial-Transit Permits.

Section 3233. Disposition.

Section 3201. General Organization.

There is hereby established within the Department of Public Health and Social Services an Office of Vital Statistics which shall install, maintain and operate the system of vital statistics for the Territory of Guam.

SOURCE: Section 9300 GC.

Section 3202. Supervision.

The Director of Public Health and Social Services, hereinafter referred to as the Director, has general supervision of vital statistics and is responsible for the implementation of the provisions of this Chapter.

SOURCE. Section 9301 GC.

Section 3203. Personnel.

The Director shall appoint a Territorial Registrar of Vital Statistics, and such other officers and personnel as may be required to carry out the provisions of this Chapter; such employees shall be members of the classified services of the Government of Guam.

SOURCE. Section 9302 GC.

Section 3204. Mayors to Aid.

Mayors, under the direction of the President of the Mayors Council, shall assist in the implementation of this Chapter and shall be governed by this Chapter and by regulations issued by the Director under the provisions of this Chapter.

SOURCE: Section 9303 GC.

Section 3205. Report.

The Director shall make an annual report to the Governor concerning vital statistics and the enforcement of this

1 Chapter, which report shall contain a summary on the
2 municipal district basis of such statistics.

3
4 SOURCE: Section 9304 GC.

5
6 Section 3206. Regulations.

7 The Director is authorized to adopt, amend and repeal rules
8 and regulations as may be necessary in his judgment, for the
9 purpose of carrying out the provisions of this Chapter. Such
10 rules and regulations, and any other rules and regulations
11 authorized or required to be issued under the Chapter, shall be
12 promulgated in accordance with the Administrative
13 Adjudication Act.

14
15 SOURCE: Section 9305 GC, as amended by P.L. 15-90.

16
17 Section 3207. Definitions.

18
19 Unless the context clearly requires otherwise, the following
20 definitions shall apply:

21 1. Vital Statistics means records of birth, death, fetal
22 death, adoption, marriage, divorce and data related thereto.

23
24 2. System of Vital Statistics includes the registration,
25 collection, preservation, amendment and certification of vital
26 statistics records and activities related thereto, including the
27 tabulation, analysis and publication of statistical data derived
28 from such records.

29
30 3. Filing means the presentation of a certificate, report or
31 other record provided for in this Chapter of a birth, death,
32 fetal death, adoption, legitimation, marriage or divorce for
33 registration by the Office of Vital Statistics.

34
35 4. Registration means the acceptance by the Office of Vital
36 Statistics and the incorporation in its official records of
37 certificates, reports or other records provided for in this
38 Chapter, of births, deaths, fetal deaths, adoptions,
39 legitimations, marriages or divorces.

40
41 5. Live Birth means the complete expulsion or extraction from
42 its mother of a product of human conception, irrespective of
43 the duration of pregnancy, which, after such expulsion or

1 extraction, breathes or shows any other evidence of life such
2 as beating of umbilical cord [heart] or definite movement of
3 the voluntary muscles, whether or not the umbilical cord has
4 been cut or the placenta is attached.
5

6 6. Fetal Death means death prior to the complete expulsion or
7 extraction from its mother of a product of human conception,
8 irrespective of the duration of pregnancy; the death is
9 indicated by the fact that after such expulsion or extraction
10 the fetus does not breathe or show any other evidence of life
11 such as beating of the heart, pulsation of the umbilical cord or
12 definite movement of voluntary muscles.
13

14 7. Dead Body means a lifeless human body or parts of such
15 body or bones thereof from the state of which it reasonably
16 may be concluded that death recently occurred.
17

18 8. Marriage is defined as the legal union of persons of opposite
19 sex. The legality of the union may be established by civil or
20 religious means, as recognized by the laws of Guam.
21

22 9. Divorce is defined as the final legal dissolution of a
23 marriage; that is, the separation of husband and wife by a
24 judicial decree which confers on the parties the right to civil
25 and/or religious remarriage, according to the laws of Guam.
26

27 10. Physician means a person authorized or licensed to
28 practice the healing art, pursuant to the laws of Guam.
29

30 11. Attendant at Birth *is* to mean the physician, midwife, nurse
31 or other person present and assisting in the delivery of a
32 newborn.
33

34 12. Institution means any establishment, public or private,
35 which provides in-patient medical, surgical or diagnostic care
36 or treatment or nursing, custodial or domiciliary care to two
37 or more unrelated individuals, or to which persons are
38 committed by law.
39

40 13. Delayed Registration of Birth means the registration of a
41 person's non-recorded birth after the sixth year following
42 birth.
43

1 14. Abortion means the purposeful termination of a human
2 pregnancy after implantation of a fertilized ovum, by any
3 person, including the pregnant woman herself, with the
4 intention other than to necessarily produce a live birth or to
5 remove a dead unborn fetus.
6

7 SOURCE: Section 9306 GC, as amended by P.L. 15-112.
8

9 Section 3208. Duties of the Registrar.
10

11 (a) The Territorial Registrar of Vital Statistics shall:
12

13 1. Administer and enforce this Chapter and the rules and
14 regulations issued hereunder, and issue instructions for the
15 efficient administration of the territorial system of vital
16 statistics.
17

18 2. Direct and supervise the territorial-wide system of vital
19 statistics and the Office of Vital Statistics and be custodian
20 of its records.
21

22 3. Prescribe, with the approval of the Director, and distribute
23 such forms as are required by this Chapter, and the rules and
24 regulations issued hereunder.
25

26 4. Prepare and publish annual reports of vital statistics of this
27 Territory, and such other reports as may be required by the
28 Director.
29

30 (b) The Territorial Registrar of Vital Statistics may
31 delegate such functions and duties vested in him to other
32 employees of the Office of Vital Statistics as he may deem
33 necessary and expedient.
34

35 SOURCE: Section 9307 GC.
36

37 Section 3209. Forms of Certificate.
38

39 (a) In order to promote and maintain uniformity in the system
40 of vital statistics, the forms of certificates, reports and other
41 returns required by this Chapter, or by regulations adopted
42 hereunder, shall include as a minimum the items recommended
43 by the Federal agency responsible for national vital statistics,

1 subject to approval of and modification by the Director of
2 Public Health and Social Services.

3
4 (b) Each certificate, report and form required to be filed under
5 this Chapter shall have entered upon its face the date of
6 registration, duly attested.

7
8 SOURCE: Section 9308 GC.

9
10 Section 3210. Birth Registration.

11
12 (a) The birth of each and every child born in Guam shall be
13 registered within ten (10) days after birth, as hereinafter
14 provided.

15
16 (b) When a birth occurs in an institution, the person in charge
17 of the institution shall obtain the personal data, prepare the
18 certificate and file it with the Office of Vital Statistics. The
19 physician in attendance shall certify to the facts of birth and
20 provide all medical information required by the certificate
21 within five (5) days after the birth.

22
23 (c) When a birth occurs outside an institution, the certificate
24 shall be prepared and filed by one of the following in the
25 indicated order or priority:

26
27 (1) The physician in attendance at or immediately after the
28 birth, or in the absence of such a person;

29
30 (2) The midwife in attendance at or immediately after the
31 birth, or in the absence of such a person;

32
33 (3) Any other person in attendance at or immediately after the
34 birth, or in the absence of such a person;

35
36 (4) The father, the mother or in the absence of the father or
37 the inability of the mother, the Mayor of the District where the
38 birth occurred.

39
40 (d) In reporting the birth of a child, the surname of the child
41 shall be determined as follows:
42 If the mother was married either at the time of the conception
43 or birth, the name of the husband shall be entered on the

1 certificate as the father of the child and further, the surname
2 of the husband or wife shall be recorded as the surname of the
3 child unless paternity has been determined otherwise by a
4 court of competent jurisdiction, in which case, the name of the
5 father, as determined by the court, shall be entered.

6 If the mother was separated from the husband or an
7 interlocutory or final decree of divorce had been entered
8 either at the time of conception or birth and if the father of the
9 child is not the mother's husband, the person who is the father
10 of the child may acknowledge the child in a sworn statement
11 and upon the written consent of the mother, the name of the
12 man so acknowledging shall be entered on the certificate as the
13 father of the child and further, the surname of that man or
14 mother shall be recorded as the surname of the child unless
15 paternity has been determined otherwise by a court of
16 competent jurisdiction in which case, the name of the father, as
17 determined by the court shall be entered.

18 If the mother was not married either at the time of conception
19 or birth, the name of the father shall not be entered on the
20 certificate of birth without the written consent of the mother
21 and the person to be named as the father unless a
22 determination of paternity has been made by a court of
23 competent jurisdiction, in which case the name of the father
24 as determined by the court shall be entered as the surname of
25 the child.

26 In any case in which paternity of a child is determined by a
27 court of competent jurisdiction, the name of the father and
28 surname of the child shall be entered on the certificate of birth
29 in accordance with the finding and order of the court.

30 If the father is not named on the certificate of birth, no other
31 information about the father shall be entered on the certificate.

32
33 (e) It shall be the duty of the parent(s) in every case to provide
34 all information required on the birth certificate and that one
35 or the other parent shall sign said certificate to attest the
36 accuracy of the personal data entered thereon.

37
38 (f) Upon request, the Director shall accept, for the purpose of
39 recording births, certified copies of birth certificates of
40 children born outside the territory of Guam to residents of
41 Guam.

42
43 (g) When a birth occurs on a moving conveyance and the child

1 is first removed from the conveyance in this Territory, the
2 birth shall be registered in this Territory and the location
3 where the child is removed from the conveyance shall be
4 considered as the place of birth.
5

6 SOURCE: Section 9309 GC, as amended by P.L.'s 15-63 and 15-
7 90.
8

9 NOTE: Section 2 of P.L. 15-63 makes the provisions of
10 Subsection (a)(4) retroactive.
11

12 Section 3211. Foundling Registration; Infants of Unknown
13 Parentage.

14 (a) Whoever assumes custody of a living infant of unknown
15 parentage shall report on a form and in the manner prescribed
16 by the Territorial Registrar of Vital Statistics, within seven
17 (7) days, the following information:
18

19 (1) The date and place of finding;

20 (2) Sex, color or race, and approximate age of child;

21 (3) Name and address of the person or institution with whom
22 the child has been placed for care;

23
24 (4) Name given to the child by the custodian; and
25

26 (5) Other data as may be required by the Territorial Registrar
27 of Vital Statistics.
28

29 (b) The place where the child was found shall be entered as the
30 place of birth, and the date of birth shall be determined by
31 approximation.
32

33 (c) A report registered under this Section shall constitute the
34 certificate of birth for the infant.
35

36 (d) If the child is identified and a certificate of birth is found
37 or obtained, any report registered under this Section shall be
38 sealed and filed and may be opened only by order of a court of
39 competent jurisdiction.
40

41 SOURCE: Section 9310 GC.
42

43 Section 3212. Delayed Registration.

1
2 (a) Birth:

3 (1) When a birth of a person born in the Territory of Guam has
4 not been registered, a certificate may be filed in accordance
5 with the regulations of the Office of Vital Statistics. Such
6 certificate shall be registered subject to such evidentiary
7 requirements as the Office of Vital Statistics shall by
8 regulations prescribe to substantiate the alleged facts of birth.
9

10 (2) Certificates of birth registered seven (7) years or more
11 after the date of occurrence shall be marked "Delayed" and
12 show on their face the date of delayed registration.
13

14 (3) In all instances of delayed birth registration, the following
15 facts concerning the person whose birth is to be registered are
16 required and must be established:

17 a. Date of birth; b. Place of birth; and c. Parentage.
18

19 (4) When an applicant does not submit the minimum
20 documentation required in the regulation for delayed
21 registration, or when the Territorial Registrar of Vital
22 Statistics finds reason to question the validity or adequacy of
23 the certificate or the documentary evidence, the Territorial
24 Registrar shall not register the delayed certificate and shall
25 advise the applicant of the reasons for this action.
26

27 (5) If the person whose birth is to be recorded be a child under
28 the age of eighteen (18), the birth certificate shall be signed
29 by one of the following in the indicated order of priority:
30

31 a. The attendant at birth;

32 b. By either parent;

33 c. By the child's guardian; or
34

35 d. By relatives in the immediate degree of kindred,
36 provided that each person signing a certificate shall attest
37 under oath to his belief in the truth of the statements made
38 concerning the age, birthplace, and parentage of the person
39 whose birth is being recorded.
40
41

42
43 (6) If the person whose birth is to be recorded be of legal age,

1 the date of birth and place of birth shall be supported by at
2 least two (2) documents of which only one may be an affidavit;
3 the facts of parentage must be supported by at least one
4 document which may be one of the two (2) submitted as
5 evidence of the other facts.

6
7 (b) Death and Marriage:

8
9 (1) When a death or marriage in Guam has not been
10 registered, a certificate may be filed in accordance with
11 regulations of the Office of Vital Statistics. Such certificate
12 shall be registered subject to such evidentiary requirements
13 as the Office shall by regulations prescribe to substantiate the
14 alleged facts of death or marriage.

15
16 (2) Certificates of death and marriage registered one (1)
17 year or more after the date of occurrence shall be marked
18 "Delayed" and shall show on their face the date of the delayed
19 registration.

20
21 SOURCE: Section 9311 GC.

22
23 Section 3213. Judicial Procedure to Establish Facts of Birth.

24
25 (a) If a delayed certificate of birth is rejected under the
26 provision of Section 3212, a petition may be filed with the
27 Superior Court of Guam for an order establishing a record of
28 the date and place of birth and the parentage of the person
29 whose birth is to be registered.

30
31 (b) Such petition shall allege:

32 (1) That the person for whom delayed certificate of birth is
33 sought was born in the territory of Guam;

34 (2) That no record of birth can be found in the Office of Vital
35 Statistics;

36 (3) That diligent efforts by the petitioner have failed to obtain
37 the evidence required in accordance with Section 3212.

38 (4) That the Territorial Registrar of Vital Statistics
39 has refused to register a delayed certificate of birth; and

40 (5) Such other allegations as may be required.

41
42 (c) The petition shall be accompanied by a statement of the
43 registration official made in accordance with Subsection (a)(4)

1 of Section 3212, and all documentary evidence which was
2 submitted to the registration official in support of such
3 registration. The petition shall be sworn to by the petitioner.
4

5 (d) The court shall fix a time and place for hearing the petition
6 and shall give the registration official who refused to register
7 the petitioner's delayed certificate of birth (5) days' notice of
8 said hearing. Such official or his authorized representative,
9 may appear and testify in the proceedings.

10
11 (e) If the Court from the evidence presented finds that the
12 person for whom a delayed certificate of birth is sought was
13 born on Guam, it shall make findings as to place and date of
14 birth, parentage and such other findings as the case may
15 require, and shall issue an order on a form prescribed and
16 furnished by the Registrar of Vital Statistics to establish a
17 record of birth. This order shall include the birth data to be
18 registered, a description of the evidence presented in the
19 manner prescribed by Section 3212 of this Chapter, and the
20 date of the Court's action.

21
22 (f) The clerk of the Superior Court shall forward each such
23 order to the Territorial Registrar of Vital Statistics not later
24 than the tenth (10th) day of the calendar month following the
25 month in which it was entered. Such order shall be registered
26 by the Territorial Registrar of Vital Statistics and shall
27 constitute the record of birth, from which copies may be
28 issued in accordance with Section 3225 of this Chapter.
29

30 SOURCE: Section 9312 GC.

31
32 Section 3214. Court Reports of Adoption.

33
34 (a) For each adoption decreed by a court of competent
35 jurisdiction, the court shall require the preparation of a
36 certificate of adoption on a form prescribed and furnished by
37 the Territorial Registrar of Vital Statistics. The certificate
38 shall include such facts as are necessary to locate and identify
39 the certificate of birth of the person adopted; provide
40 information necessary to establish a new certificate of birth
41 of the person adopted, and shall identify the order of adoption
42 and be certified by the clerk of court.
43

1 (b) The certificate of adoption shall be filed with the original
2 record of birth, which shall remain as a part of the permanent
3 records of the Office of Vital Statistics.
4

5 (c) Whenever an adoption decree is amended or annulled, the
6 clerk of the court shall prepare a certificate thereof, which
7 shall include such facts as are necessary to identify the
8 original adoption report, and the facts amended in the adoption
9 decree as shall be necessary to properly amend the birth
10 record.
11

12 (d) When the Territorial Registrar of Vital Statistics receives
13 a record of adoption or annulment of adoption or amendment
14 thereof from a court for a person born elsewhere, such record
15 shall be forwarded to the appropriate registration authority in
16 the place of birth of the child adopted.
17

18 SOURCE: Section 9313 GC.
19

20 Section 3215. New Certification of Birth Following Adoption,
21 Legitimation and Paternity Determination.
22

23 (a) The Territorial Registrar of Vital Statistics shall establish
24 a new certificate of birth for a person born in the Territory of
25 Guam when he receives one (1) of the following:
26

27 (1) An adoption report as provided in section 3214, or a
28 certified copy of the decree of adoption, together with the
29 information necessary to identify the original certificate of
30 birth and to establish a new certificate of birth; (except that a
31 new certificate of birth shall not be established, if so
32 requested by the court decreeing the adoption, the adoptive
33 parents or the adopted person).
34

35 (2) An affidavit of acknowledgment of paternity signed by both
36 parents; or
37

38 (3) A court order determining paternity.
39

40 (b) When a new certificate of birth is established, the actual
41 place and date of birth shall be shown. It shall be substituted
42 for the original certificate of birth:
43

1 (1) Thereafter, the original certificate and the evidence of
2 adoption, paternity or legitimation shall not be subject to
3 inspection, except upon court order or as provided by
4 regulations.
5

6 (2) Upon receipt of notice of annulment of adoption, the
7 original certificate of birth shall be restored to its place in
8 the files and the new certificate and evidence shall not be
9 subject to inspection, except upon court order.
10

11 (c) If no certificate of birth is on file for the person for whom
12 a new certificate is to be established under this section, a
13 delayed certificate of birth shall be filed with the Office of
14 Vital Statistics as provided in Subsection 3212 or 3213 of
15 this Chapter. Before a new certificate of birth is established,
16 exception that when the date and place of birth and parentage
17 have been established in the adoption proceeding, a delayed
18 certificate shall not be required.
19

20 (d) When a new certificate of birth is established by the
21 Territorial Registrar of Vital Statistics, all copies of the
22 original certificate of birth in the custody of the Office of Vital
23 Statistics, will be sealed from inspection and opened only upon
24 court order or as provided by regulation.
25

26 SOURCE: Section 9314 GC, as amended by P.L. 15-90.
27

28 COMMENT: The language of Subsection (3), as amended by P.L.
29 15-90, is very obscure. One supposes by deleting "that" from
30 the second sentence it might convey more clearly, though still
31 imprecisely, the intended meaning.
32

33 Section 3216. Death Registration.
34

35 (a) A death certificate for each death which occurs on Guam
36 shall be filed with the Office of Vital Statistics.
37

38 (b) The Mayor, upon receiving information of any death within
39 his district, shall report the same immediately to the Office
40 of Vital Statistics, on a prescribed form, provided:
41

42 a. If the place of death is unknown, a death report shall be
43 filed by the Mayor of the district in which a dead body is found

1 and the place where the body is found shall be shown as the
2 place of death; further
3

4 b. That if death occurs in a moving conveyance, a death report
5 shall be filed by the Mayor of the district in which the dead
6 body was first removed from such conveyance and the location
7 where the body is removed from the conveyance shall be
8 shown as the place of death or if taken to an institution, the
9 death certificate shall be filed by the person in charge of that
10 institution.
11

12 c. Death in an institution shall be reported to the Office of
13 Vital Statistics by the person in charge of that institution.
14

15 (d) Any person who first assumes custody of a dead human
16 body shall report same and file a death certificate with the
17 Office of Vital Statistics. He shall obtain the personal data from
18 the next of kin or the best qualified person or source available
19 and shall obtain the medical certification of cause of death
20 from the person responsible therefor.
21

22 (e) The medical certification shall be completed and signed
23 within twenty-four (24) hours after death by the physician in
24 charge of the patient's care for the illness or condition which
25 resulted in death, except when the patient has received no
26 medical attention within seventy-two (72) hours prior to
27 death or when inquiry is required in accordance with the Chief
28 Medical Examiner's Act, Article 2 of Chapter 12 of this Title.
29

30 (f) When death occurred without medical attendance as set
31 forth in Paragraph (e) of this Section, or when inquiry is
32 required by the Chief Medical Examiner Act, the Medical
33 Examiner or his duly authorized representative shall
34 investigate the cause of death and shall complete and sign the
35 medical certification within twenty-four (24) hours after
36 taking charge of the case.
37

38 (g) Upon request, the Director shall accept, for purposes of
39 recording deaths, certified copies of death certificates of
40 resident's of Guam who died outside the territory of Guam.
41

42 (h) When a death is presumed to have occurred within the
43 Territory but the body cannot be located, a death certificate

1 may be prepared by the Territorial Registrar upon receipt of an
2 order from the court of competent jurisdiction, which shall
3 include the finding of facts required to complete the death
4 certificate. Such a death certificate shall be marked
5 "presumptive" and shall show on its face the date of
6 registration and shall identify the court and date of decree.
7

8 SOURCE: Section 9315 GC, as amended by P.L. 15-90.
9

10 Section 3217. Fetal Death Registration.
11

12 (a) A fetal death report for each fetal death which occurs
13 in Guam after twenty (20) complete weeks of
14 gestation or more or when a fetus weighs three hundred fifty
15 (350) grams or more, shall be filed with the Office of Vital
16 Statistics within twenty-four (24) hours after such delivery
17 and prior to the removal of the disposition of said fetus;
18 provided:

19
20 (1) that if the place of fetal death is unknown, a fetal death
21 certificate shall be filed by the Mayor of the village in which
22 the dead fetus was found; or
23

24 (2) that if a fetal death occurs in a moving conveyance, a fetal
25 death report shall be filed by the Mayor of the village in
26 which the dead fetus was first removed or if to an institution,
27 the fetal death report shall be filed by the person in
28 charge of that institution.
29

30 (b) Any physician, midwife or other person in attendance at or
31 after the delivery of a dead fetus shall file a fetal death report.
32 He shall obtain the personal data from the next of kin or the
33 best qualified person or source available.
34

35 (c) The medical certification shall be completed and signed
36 within twenty-four (24) hours after delivery by the physician
37 in attendance at or after delivery, except when inquiry is
38 required by the Chief Medical Examiner Act, Chapter II, Title
39 XVII of the Government Code of Guam.
40

41 (d) When a fetal death occurs without medical attendance upon
42 the mother at or after deliver, or when inquiry is required by
43 the Medical Examiner Act, the Medical Examiner shall

1 investigate the cause of fetal death, and shall complete and
2 sign the medical certification within twenty-four (24) hours
3 after taking charge of the case.
4

5 SOURCE: Section 9316 GC, as amended by P.L. 15-90.
6

7 Section 3218. Abortion Report.
8

9 (a) An individual abortion report for each abortion shall be
10 completed by mother's attending physician. The report shall be
11 confidential and it shall not contain the name of the woman
12 involved. This report shall include:
13

- 14 (1) the patient number;
- 15 (2) the name and address of the abortion facility or hospital;
- 16 (3) the date of the abortion;
- 17 (4) the zip code or other residential identification of the
18 pregnant woman;
- 19 (5) the age of the pregnant woman;
- 20 (6) the ethnic origin of the pregnant woman;
- 21 (7) the marital status of the pregnant woman;
- 22 (8) the number of previous pregnancies;
- 23 (9) the number of years of education of the pregnant woman;
- 24 (10) the number of living children;
- 25 (11) the number of previous induced abortions;
- 26 (12) the date of the last induced abortion;
- 27 (13) the date of the last live birth;
- 28 (14) the method of contraception used, if any, at the time of
29 conception;
- 30 (15) the date of the beginning of the last menstrual period;
- 31 (16) the medical condition of the woman at the time of
32 abortion;
- 33 (17) the RH type of the pregnant woman;
- 34 (18) the type of abortion procedure used;
- 35 (19) the complications, if any;
- 36 (20) the type of procedure done after the abortion;
- 37 (21) the type of family planning recommended;
- 38 (22) the type of additional counseling given, if any;
- 39 (23) the signature of attending physician; and
- 40 (24) the certification provided for in this Section.
41

42 (b) An individual complication report for any post-abortion
43 care performed upon a woman shall be completed by the

1 physician providing such post-abortion care. This report shall
2 include:

- 3
4 (1) the date of the abortion;
5 (2) the name and the address of the abortion facility or
6 hospital where the abortion was performed; and
7 (3) the nature of the abortion complication diagnosed or
8 treated.

9
10 (c) All abortion reports shall be signed by the attending
11 physician and shall be submitted to the Guam Memorial
12 Hospital Medical Records Section within thirty (30) days from
13 the date of the abortion. All complication reports shall be
14 signed by the physician providing the post abortion care and
15 submitted to the Guam Memorial Hospital Medical Records
16 Section within thirty (30) days from the date of the post-
17 abortion care.

18
19 (d) A copy of the abortion report shall be made a part of the
20 medical record of the patient of the facility or hospital in
21 which the abortion was performed.

22
23 (e) The Guam Memorial Hospital Medical Records Section shall
24 be responsible for collecting all abortion reports and
25 complication reports, and collating and evaluating all data
26 gathered therefrom, and shall annually publish a statistical
27 report based on such data, from abortions performed in the
28 previous calendar year.

29
30 (f) The Guam Memorial Hospital Medical Records Section shall
31 make available to physicians performing abortions in the
32 territory of Guam, forms for both abortion reports and post-
33 abortion care reports, as provided in Subsection (a) and (b) in
34 this Section.

35
36 (g) All information in abortion reports and post-abortion care
37 reports and the reports themselves shall be confidential.
38 Information and records may be disclosed only in
39 communications between qualified professional persons in the
40 provision of services or in statistical form for research
41 purposes as required by Subsection (e) of this Section.

42
43 (h) Any person who releases confidential information in

1 violation of Subsection (g) of this Section shall be guilty of a
2 misdemeanor.

3
4 (i) Any person may bring an action against an individual who
5 has willfully and knowingly released confidential information
6 about such person in violation of Subsection (g) of this Section
7 for the greater of the following amounts:

- 8
9 (1) Five Hundred Dollars (\$500.00); or
10 (2) Three (3) times the amount of actual damages, if any,
11 sustained by the plaintiff; reasonable attorney's fees and the
12 costs of the action. It is not a prerequisite to an action under
13 this Subsection that the plaintiff suffer or be threatened with
14 actual damages.

15
16 SOURCE: Section 9316.1 GC, added by P.L. 15-112.

17
18 Section 3219. Extension of Time.

19
20 The Office of Vital Statistics may, by regulations, and upon
21 such conditions as it may prescribe to assure compliance with
22 the purposes of this Chapter, provide for the extension of the
23 periods prescribe in Subsection 3216 and 3217 for the filing
24 of death certificates, fetal death report and medical
25 certification of cause of death in cases in which compliance
26 with the applicable prescribed period would result in undue
27 hardship.

28
29 SOURCE: Section 9317 GC.

30
31 Section 3220. Marriage Registration.

32
33 (a) A record of each marriage performed on Guam shall be
34 filed with the Territorial Registrar of Vital Statistics as
35 provided in this Section.

36
37 (b) The officer who issues the marriage license shall prepare
38 the license and certificate on the form prescribed and
39 furnished by the Office of Vital Statistics upon the basis of
40 information obtained from the parties to be married, who
41 shall attest to the information by their signatures.

42
43 (c) Every person authorized by the laws of Guam to perform a

1 marriage shall certify the fact of marriage and file the record
2 of such marriage with the Office of Vital Statistics within ten
3 (10) days after the ceremony. This certificate shall be signed
4 by the witnesses, and another signed copy shall be given to the
5 parties marrying.
6

7 (d) The officer issuing marriage licenses shall complete and
8 forward to the Territorial Registrar of Vital Statistics, on or
9 before the fifteenth (15th) day of each month, copies of the
10 applications and licenses filed with him during the preceding
11 calendar month.
12

13 (e) The Director shall accept, for the purpose of recordation,
14 certified copies of records of marriages performed outside the
15 territory of Guam in which one or both parties are residents of
16 Guam.
17

18 SOURCE: Section 9318 GC.
19

20 Section 3221. Court Reports of Divorce and Annulment of
21 Marriage.
22

23 (a) For each divorce and annulment of marriage granted by
24 the courts of Guam, a report of each shall be filed with the
25 Office of Vital Statistics by the clerk of court.
26

27 (b) On or before the fifteenth (15th) day of each month, the
28 clerk of court shall forward to the Office of Vital Statistics
29 the report of each divorce and annulment of marriage granted
30 during the preceding calendar month and such related reports
31 as may be required by regulations issued under this Chapter.
32

33 (c) The information necessary to prepare the report shall be
34 furnished with the petition to the clerk of court by the parties,
35 petitioner or their legal representative on forms prescribed
36 and furnished by the Territorial Registrar of Vital Statistics.
37

38 SOURCE: Section 9319 GC.
39

40 Section 3222. Correction and Amendment of Vital Records.
41

42 (a) A certificate or record registered under this Chapter may
43 be amended only in accordance with this Chapter and

1 regulations thereunder, adopted by the Department of Public
2 Health and Social Services to protect the integrity and
3 accuracy of vital statistics records.
4

5 (b) A certificate that is amended under this Section shall be
6 marked "Amended," except as provided in Paragraph (a) in this
7 Section. The date of amendment and a summary description of
8 the evidence submitted in support of the amendment shall be
9 endorsed on or made a part of the record. The Office of Vital
10 Statistics shall prescribe by regulation the conditions under
11 which additions or minor corrections shall be made to birth
12 certificates within one (1) year after the date of birth without
13 the certificates being considered as amended.
14

15 (c) Upon receipt of a certified copy of a court order changing
16 the name of a person born in Guam, and upon request of such
17 person or his parent, guardian or legal representative, the
18 Office of Vital Statistics shall amend the certificate of birth
19 to reflect the new name.
20

21 (d) Upon request and receipt of a sworn acknowledgment of
22 paternity of a child born out of wedlock, signed by both
23 parents, the Territorial Registrar of Vital Statistics shall
24 amend a certificate of birth to show such paternity, if
25 paternity is not shown on the certificate. The surname of the
26 child shall then be changed to that of the father, but the
27 certificate shall not be marked "Amended".
28

29 (e) Upon receipt of a sworn statement from the physician
30 performing the surgery certifying the sex of an individual has
31 been changed by surgical procedure, and upon written request
32 of an individual born in this territory, the sex of the individual
33 shall be amended on the birth certificate to reflect such
34 change. The name of the individual may be changed in
35 accordance with Subsection (c) of this Section.
36

37 SOURCE: Section 9320 GC, as amended by P.L. 15-90.s
38

39 Section 3223. Reproduction of Records.
40

41 To preserve original documents, the Territorial Registrar of
42 Vital Statistics is authorized to prepare typewritten,
43 photographic or other reproductions of original records and

1 files in his office. Such reproductions, when certified by him
2 and sealed with official government seal, shall be accepted as
3 the original and official record.
4

5 SOURCE: Section 9321 GC.
6

7 Section 3224. Same: Microfilm.
8

9 To preserve original records, the Territorial Registrar is
10 authorized and directed to microfilm all vital records. All such
11 reproductions shall be equally admissible as competent
12 evidence in all courts of the Territory or in any administrative
13 proceeding as the original itself whether the original is in
14 existence or not.
15

16 SOURCE: Section 9321.1 GC, added by P.L. 15-90.
17

18 Section 3225. Disclosure of Records.
19

20 (a) To protect the integrity, the confidentiality, the validity
21 and the evidentiary value of Vital Statistics Records, to insure
22 their proper use and to insure the efficient and proper
23 administration of the Vital Statistics system, it shall be
24 unlawful for any person to permit inspection of, or to disclose
25 information contained in Vital Statistics Records, or to copy
26 or issue a copy of all or part of any such record, except as
27 authorized by regulation or as provided for by this Chapter.
28

29 (b) The Office of Vital Statistics may authorize the disclosure
30 of data contained in Vital Statistics Records for research
31 purposes, provided that request for such be approved
32 beforehand by the Director.
33

34 (c) Information in Vital Statistics Records, such as birth
35 occurring out of wedlock or length of pregnancy, may not be
36 disclosed except as provided for in this Chapter, by regulation
37 or upon court order.
38

39 (d) Appeals from decisions of the Territorial Registrar
40 refusing to disclose information, or to permit inspection of or
41 copying of records under the authority of this Section and
42 regulations issued hereunder shall be made to the Director,
43 whose decisions shall be binding upon the Territorial

1 Registrar.

2
3 SOURCE: Section 9322 GC.

4
5 Section 3226. Copies of Data from Vital Records.

6
7 In accordance with Section 3225 of this Chapter, and the
8 regulations adopted pursuant thereto:

9
10 (a) The Office of Vital Statistics shall upon request, issue a
11 certified copy of any certificate or record in his custody or of
12 a part thereof. Each copy issued shall show the date of
13 registration; and copies issued from records marked "Delayed,"
14 "Amended" or "Court Order" shall be similarly marked and
15 show the effective date.

16
17 (b) A certified copy of a certificate or any part thereof, issued
18 in accordance with Subsection (a), shall be considered for all
19 purposes the same as the original, and shall be prima facie
20 evidence of the facts therein stated, provided that the
21 evidentiary value of the certificate or record filed more than
22 one (1) year after the event, or a record which has been
23 amended shall be determined by the judicial or administrative
24 body or official before whom the certificate is offered as
25 evidence.

26
27 (c) The National Center for Health Statistics shall be furnished
28 such copies or data as it may require for national statistics;
29 provided that the government of Guam shall be reimbursed for
30 the cost of furnishing such data; and provided further that such
31 data shall not be used for other than statistical purposes by
32 the National Center for Health Statistics unless so authorized
33 by the Office of Vital Statistics.

34
35 (d) Federal or state governmental branches and other public or
36 private agencies may, upon request, be furnished copies of data
37 for statistical purposes upon such terms or conditions as may
38 be prescribed by the Office of Vital Statistics.

39
40 (e) No person shall prepare or issue any certificate which
41 purports to be an original, certified copy or copy of a
42 certificate of birth, death or fetal death, except as authorized
43 in this Chapter or regulations adopted hereunder.

1
2 SOURCE: Section 9323 GC.

3
4 Section 3227. Fees for Copies.

5
6 (a) The Director shall, by regulation, establish fees for
7 certified copies of certificates or records issued; for search
8 of the files or records when no copy or information is
9 available; for processing a change of name by court order and
10 other means; for amending records and filing a delayed
11 certificate of birth or marriage.

12
13 (b) Fees collected under this Section by the Office of Vital
14 Statistics shall be deposited in the General Fund of the
15 government of Guam according to procedures established by
16 law governing collections.

17
18 SOURCE: Section 9324 GC, as amended by P.L. 15-90.

19
20 Section 3228. Duty to Furnish Information Relative to Vital
21 Events.

22
23 Any person having knowledge of the facts, shall furnish such
24 information as he may possess regarding any birth, death, fetal
25 death, marriage or divorce, upon demand of the Territorial
26 Registrar of Vital Statistics.

27
28 SOURCE: Section 9325 GC.

29
30 Section 3229. Penalties.

31
32 (a)

33 (1) Any person who willfully and knowingly makes any false
34 statement in a report, record or certificate required to be
35 filed under this Chapter or in an application for amendment
36 thereof or who willfully and knowingly supplies false
37 information intending that such information be used in the
38 preparation of any such report, record or certificate, or
39 amendment thereof; or

40
41 (2) Any person who without lawful authority and with intent
42 to deceive, makes, alters, amends or mutilates any report,
43 record or certificate required to be filed under this Chapter or

1 certified copy of such report, record or certificate; or
2

3 (3) Any person who willfully and knowingly uses or attempts
4 to use or furnish to another for use, for any purpose of
5 deception, any certificate, record, report or certified copy
6 thereof so made, altered, amended or mutilated; or
7

8 (4) Any person who, with the intention to deceive, willfully
9 uses or attempts to use any certificate of birth or certified
10 copy of a record of birth, knowing that such certificate or
11 certified copy was issued upon a record which is false in
12 whole or in part, or which relates to the birth of another
13 person; or
14

15 (5) Any person who willfully and knowingly furnishes a
16 certificate of birth or certified copy of a record of birth with
17 the intention that it be used by a person other than the person
18 to whom the record of birth relates, shall be guilty of a
19 misdemeanor.
20

21 (b)

22 (1) Any person who refuses to provide information required by
23 this Chapter; or
24

25 (2) Any person who willfully and knowingly transports or
26 accepts for transportation; interment or other disposition a
27 dead body without an accompanying permit as required by this
28 Chapter; or
29

30 (3) Any person who willfully neglects or violates any of the
31 provisions of this Chapter, or refuses to perform any of the
32 duties imposed upon him by this Chapter, shall be guilty of a
33 petty misdemeanor.
34

35 SOURCE: Section 9326 GC, as amended by P.L.'s 13-187 and 15-
36 90.
37

38 Section 3230. Severability.
39

40 If any provision of this Act or the application thereof, to any
41 person or circumstances is held invalid, such invalidity shall
42 not affect other provisions or applications of the Act which
43 can be given effect without the invalid provision or

1 application, and to this end the provisions of the Act are
2 declared to be severable.

3
4 SOURCE: Section 9327 GC.

5
6 Section 3231. Effective Date.

7
8 This Act shall be effective the first day of the third month
9 following its approval by the Governor.

10
11 SOURCE: Section 9328 GC.

12
13 Section 3232. Burial-Transit Permits.

14
15 (a) No dead human body or fetus attaining twenty (20) weeks
16 of gestation or more shall be buried, deposited in a crypt,
17 mausoleum or vault, cremated, removed from Guam or
18 otherwise disposed of, unless a burial-transit permit has first
19 been issued therefore by the Office of Vital Statistics. Such
20 permit shall be presented to the person in charge of the
21 cemetery, crematorium or other place of disposition, and shall
22 be promptly returned by him to the Office of Vital Statistics
23 after such burial, cremation or other disposition with a
24 certification that the body was disposed of in accordance with
25 the burial-transit permit.

26
27 (b) The Territorial Registrar shall not issue a burial-transit
28 permit for the disposition of any dead body in any place other
29 than in a cemetery, crematorium, crypt or mausoleum which is
30 in compliance with the regulations for cemeteries,
31 crematoriums, crypts or mausoleums established by the
32 Director. Each burial-transit permit shall include the cemetery
33 plot number, crypt number or other information which will
34 designate the exact location where the body has been
35 dispositioned.

36
37 (c) The Territorial Registrar shall issue burial-transit permits
38 for disposition of bodies outside the territory of Guam or for
39 burial at sea only when such disposition complies with
40 regulations established by the Director for this purpose.

41
42 (d) Any person first assuming custody of a dead body or fetus
43 shall obtain a burial-transit prior to final disposition or

1 removal from Guam within seventy-two (72) hours after death.

2
3 (e) Burial-transit permit shall be issued provided that first a
4 certificate of death or fetal death has been filed with the
5 Office in accordance with Subsection 3216 and 3217 of this
6 Chapter.

7
8 (f) A permit issued under the law of any state which
9 accompanies a dead human body or fetus brought into Guam
10 for final disposition shall be the authority to dispose of said
11 body or fetus; provided, that the Director, in the protection of
12 the public health, having consideration of the cause of death or
13 other special conditions, may, in his discretion, order such form
14 of burial or disposition of a dead body or fetus as he deems
15 necessary.

16
17 (g) No dead human body or remains shall be disinterred for
18 reburial or other purpose from any cemetery, crypt,
19 mausoleum or vault without a permit from the Office of Vital
20 Statistics. Such disinterments must comply with regulations
21 established by the Director of the disinterment of human
22 bodies or remains.

23
24 SOURCE: Section 9329, as amended by P.L. 15-90.

25
26 Section 3233. Disposition.

27
28 (a) The right to control the disposition of a dead human body
29 and the duty of burial or other disposition and the liability for
30 the reasonable cost thereof devolves upon the following in the
31 order named:

32
33 (1) the surviving spouse of the decedent;

34
35 (2) the surviving child or children of the decedent;

36
37 (3) the surviving parent or parents of the decedent; and

38
39 (4) the person or persons, respectively, in the next degrees of
40 kindred, in the order named by the laws of Guam as entitled to
41 succeed the estate of the decedent; provided that the liability
42 for the cost of burial or other disposition shall be primarily
43 upon the estate of the decedent.

1
2 (b) Where the duty of burial or other disposition of the dead
3 human body does not devolve upon any other person in Guam,
4 or if such person cannot after reasonable diligence be found
5 within Guam, the Director shall arrange for the burial or other
6 disposition of such body.
7

8 SOURCE: Section 9330 GC, as amended by P.L. 15-90.
9

10 Article 3
11 Disease Control
12

- 13 Section 3301. Definitions.
14 Section 3302. Duty to Report.
15 Section 3303. Same: Dispensaries, Hospitals, Etc.
16 Section 3304. Same: Laboratories.
17 Section 3305. Same: Keeper of Boarding or Lodging Houses.
18 Section 3306. Same: Master of Vessels; Captain of Aircraft.
19 Section 3307. Investigation.
20 Section 3308. Same: Access to Records, Reports, Etc.
21 Section 3309. Isolation and Quarantine: Regulations.
22 Section 3310. Same: Authority of Director.
23 Section 3311. Placarding.
24 Section 3312. Violation of Isolation or Quarantine.
25 Section 3314. Disinfection of Premises.
26 Section 3315. Destruction of Property.
27 Section 3316. Compensation.
28 Section 3317. Closing of Schools.
29 Section 3318. Disposal of Bodies.
30 Section 3319. Responsibility of Person in Charge of Minor.
31 Section 3320. Willful Exposure.
32 Section 3321. Concealing Disease.
33 Section 3322. Vaccination and Immunization.
34 Section 3323. Prenatal Test.
35 Section 3324. Reports as to Prenatal Test.
36 Section 3325. Prevention of Blindness at Childbirth.
37 Section 3326. Immunization Audit.
38 Section 3327. Same: Confidentiality.
39 Section 3328. Autopsy.
40 Section 3329. Testing for Tuberculosis.
41 Section 3330. Failure to Report.
42

43 Section 3301. Definitions.

- 1 As used in this Chapter:
2 (a) Communicable Disease includes any of the following
3 diseases or conditions which are dangerous to public health:
4
5 1. Acquired Immune Deficiency Syndrome (AIDS)
6 2. Amebiasis (amoebic dysentery);
7 3. Anthrax;
8 4. Brucellosis (Undulant fever);
9 5. Chancroid;
10 6. Chickenpox;
11 7. Cholera;
12 8. Clonorchiasis (liver-fluke);
13 9. Conjunctivitis, acute infectious (pink eye);
14 10. Dengue;
15 11. Diarrhea of newborn (epidemic infantile);
16 12. Diphtheria;
17 13. Encephalitis, primary (infectious);
18 14. Erysipelas;
19 15. Favus;
20 16. Filariasis;
21 17. Fish (ciguatera) poisoning;
22 18. Fish (scombroid) poisoning;
23 19. Glanders (Farcy);
24 20. Gonorrhea;
25 21. Gonorrheal Ophthalmia;
26 22. Granuloma inguinale;
27 23. Hepatitis A (Infectious)
28 24. HIV-seropositive condition;
29 25. Hepatitis B (Serum);
30 26. Hookworm Disease;
31 27. Impetigo Contagious (in institution);
32 28. Influenza;
33 29. Kerato-Conjunctivitis (Infectious);
34 30. Leprosy (Hansen's Disease);
35 31. Leptospirosis (Weil's disease or Hemorrhagic Jaundice);
36 32. Malaria;
37 33. Measles (Rubeola);
38 34. Melioidosis
39 35. Meningitis, aseptic;
40 36. Meningitis, cerebrospinal (Meningococcic);
41 37. Meningitis, other infectious;
42 38. Mononucleosis, infectious;
43 39. Mumps;