

- 1 40. Paratyphoid Fever;
- 2 41. Pertussis (Whooping cough);
- 3 42. Plague;
- 4 43. Poliomyelitis, acute anterior (Infantile paralysis);
- 5 44. Psittacosis-ornithosis;
- 6 45. Puerperal septicemia;
- 7 46. Rabies;
- 8 47. Relapsing Fever;
- 9 48. Rheumatic Fever (active);
- 10 49. Rickettsial Disease;
- 11 50. Ringworm of the scalp (Tinea Capitis);
- 12 51. Rubella (German Measles);
- 13 52. Salmonellosis;
- 14 53. Scabies;
- 15 54. Scarlet Fever;
- 16 55. Septic sore throat (streptococcus);
- 17 56. Shigellosis (Bacillary dysentery);
- 18 57. Smallpox;
- 19 58. Syphilis;
- 20 59. Tetanus;
- 21 60. Trachoma;
- 22 61. Trichinosis;
- 23 62. Tuberculosis (Pulmonary);
- 24 63. Tuberculosis (other than Pulmonary);
- 25 64. Tularemia;
- 26 65. Typhoid Fever;
- 27 66. Typhus Fever;
- 28 67. Yaws;
- 29 68. Yellow Fever
- 30 69. Any other disease deemed by the Director to be dangerous
- 31 to the public health may be added by regulation.

32  
33 (b) Chronic Disease includes any of the following diseases or  
34 conditions:

- 35 1. Amyotrophic lateral sclerosis
- 36 2. Parkinsonism dementia
- 37 3. Parkinson's disease
- 38 4. Any other disease deemed by the Director to be dangerous
- 39 to the public health may be added by regulation;

40  
41 (c) Isolation means the separation of persons suffering a  
42 communicable disease or carriers of such a disease from other  
43 persons for the period of communicability in such places and

1 under such conditions as will prevent the transmission of the  
2 causative agent; and  
3

4 (d) Quarantine means the limitation of freedom of movement  
5 of those who have been exposed to a communicable disease,  
6 whether a person or animal, for a period of time equal to the  
7 longest usual incubation period of the disease, in such manner  
8 as to prevent effective contacts with those not so exposed.  
9 SOURCE: Section 9400 GC; Amended by P.L. 20-11:1.

10  
11 Section 3302. Duty to Report.

12  
13 Any person licensed or registered to practice any healing art  
14 under Chapter 12 of this Title who has knowledge of or  
15 suspects the presence of any communicable or chronic disease  
16 or any other disease dangerous to the public health, shall  
17 report the same to the Director within forty-eight (48) hours  
18 after diagnosis, unless a different time is prescribed by  
19 regulation, together with the name, age, village of residence  
20 and sex of the person afflicted, the house or other place in  
21 which such person may be found, and such other information  
22 as may be required by regulation.  
23

24 SOURCE: Section 9400.1 GC.

25  
26 Section 3303. Same: Dispensaries, Hospitals, Etc.

27  
28 The superintendent, chief medical officer, nurse in charge or  
29 other person in charge of any hospital, clinic, dispensary,  
30 infirmary, medical aid station or other establishment  
31 providing medical care, either to the general public or  
32 otherwise, who has knowledge of the presence of any  
33 communicable or chronic disease or any other disease  
34 dangerous to the public health shall report the same to the  
35 Director in accordance with Section 3302. When the patient is  
36 hospitalized, the person in charge of the hospital in which he  
37 is hospitalized shall make the report.  
38

39 SOURCE: Section 9400.2 GC.

40  
41 Section 3304. Same: Laboratories.

42  
43 The Director, administrator, chief officer or other person in

1 charge of any laboratory, public or private, performing any test  
2 or examinations upon persons or their blood, urine, feces or  
3 any other body products shall, upon identification or suspected  
4 identification of an etiologic agent, antigen, antibody or any  
5 other substance or combination of substances generally  
6 accepted as being diagnostic of the presence of a  
7 communicable disease, shall report same to the Director in  
8 accordance with Section 3302.  
9

10 SOURCE: Section 9400.3 GC.

11  
12 Section 3305. Same: Keeper of Boarding or Lodging Houses.

13  
14 Any owner, keeper or other person in charge of the operation  
15 of a hotel, boarding house or dormitory shall immediately  
16 report to the Director the presence therein of any person he  
17 has reason to believe to be sick of, or to have died of any  
18 contagious, infectious, communicable or other disease  
19 dangerous to the public health.  
20

21 SOURCE: Section 9400.4 GC.

22  
23 Section 3306. Same: Master of Vessels; Captain of Aircraft.

24  
25 Any master of a vessel or captain of an aircraft, shall  
26 immediately report to the Director or his representative the  
27 presence aboard such vessel or aircraft of any person he has  
28 reason to believe to be sick of or to have died of any  
29 communicable disease.  
30

31 SOURCE: Section 9400. GC.

32  
33 Section 3307. Investigation.

34  
35 When a complaint is made or a reasonable belief exists that a  
36 communicable disease or other disease dangerous to the public  
37 health prevails in any house or elsewhere which has not been  
38 reported, the Director shall make an inspection for the purpose  
39 of discovering whether any such disease exists.  
40

41 SOURCE: Section 9400.6 GC.

42  
43 Section 3308. Same: Access to Records, Reports, Etc.

1  
2 When the Director has reason to believe that a communicable  
3 disease exists but that full and complete information as  
4 required by Section 3302 of this Chapter has not been  
5 provided, the Director or his representative may examine any  
6 and all records or reports deemed necessary to fully  
7 investigate the disease.

8  
9 SOURCE: Section 9400.7 GC.

10  
11 Section 3309. Isolation and Quarantine: Regulations.

12  
13 Isolation and quarantine shall be imposed in accordance with  
14 regulations. Such regulations shall designate the disease for  
15 which isolation or quarantine is necessary, and such other  
16 requirements concerning diagnosis, treatment, release and  
17 other pertinent matters as may be necessary.

18  
19 SOURCE: Section 9400.8 GC.

20  
21 Section 3310. Same: Authority of Director.

22  
23 (a) Notwithstanding Section 3309, when a person has or is  
24 suspected of having or is suspected of being a carrier of any  
25 communicable disease or any other disease dangerous to the  
26 public health, the Director may impose isolation of such person  
27 and may impose quarantine on anyone who has had contact  
28 with such person. The extent and duration of isolation and  
29 quarantine imposed in a given case and release therefrom shall  
30 be within the discretion of the Director depending upon the  
31 disease. The Director may, in his discretion, determine the  
32 persons subject to isolation and quarantine, specify the places  
33 or areas to which or in which they are restricted in their  
34 movements, prescribe other conditions and requirements to be  
35 observed, decide the duration of isolation and quarantine and  
36 release therefrom and issue other necessary instructions. He  
37 shall insure that provisions are made for medical observation  
38 of such persons as frequently as necessary during isolation and  
39 quarantine or amend the degree thereof and other restrictions  
40 imposed in connection therewith at any time.

41  
42 (b) When a person has or is suspected of having or is  
43 suspected of being a carrier of any communicable disease or

1 any other disease dangerous to the public health, the Director  
2 may, in his discretion and for the safety of the public, remove  
3 such person, with or without his consent, to a licensed hospital  
4 or other designated premises for the purpose of isolation and  
5 treatment until the disease is no longer communicable by such  
6 person. If the Director should determine that removal of such  
7 person is not practicable, such person may be allowed to  
8 remain where he is and the Director may take such measures  
9 as he may deem advisable to provide for his care for the public  
10 health by way of isolation and quarantine.

11  
12 SOURCE: Section 9400.9 GC.

13  
14 Section 3311. Placarding.

15  
16 When a person has been isolated or quarantined and is  
17 restricted thereby to his residence or other building, the  
18 Director may place in a conspicuous position on the exterior of  
19 the premises where such person is isolated or quarantined a  
20 placard having printed on it in large letters the name of the  
21 disease and warning all unauthorized persons to remain off the  
22 premises. Such placard shall be in both English and Chamorro  
23 and in any other languages the Director deems appropriate. No  
24 person shall remove, deface or destroy such placard until  
25 authorized by the Director. Except as authorized by the  
26 Director or regulation, no person shall enter or leave any  
27 premises which has been placarded.

28  
29 SOURCE: Section 9400.10 GC.

30  
31 Section 3312. Violation of Isolation or Quarantine.

32  
33 No person who has been isolated or quarantined shall leave the  
34 premises or area to which he has been restricted without the  
35 written permission of the Director until he has been released  
36 from such isolation or quarantine.

37  
38 SOURCE: Section 9400.11 GC.

39  
40 Section 3313. Chief of Police.

41  
42 Upon the request of the Director, it shall be the duty of the  
43 Chief of Police to act and assist in the enforcement of

1 isolation and quarantine, using such force as may be  
2 reasonably necessary.

3  
4 SOURCE: Section 9400.12 GC.

5  
6 Section 3314. Disinfection of Premises.

7  
8 The Director may, if he deems it advisable, order the premises  
9 and contents thereof in which any person has been ill or has  
10 died of a communicable disease or any other room, building,  
11 premises or area, any contents thereof, which may be infective  
12 by contact with any communicable disease, to be disinfected  
13 and purified in such manner as he may direct. It shall be the  
14 duty of the owner or occupant of such premises to comply with  
15 any such order.

16  
17 SOURCE: Section 9400.13 GC.

18  
19 Section 3315. Destruction of Property.

20  
21 The Director may destroy any infective clothing, bedding or  
22 other article which cannot be made safe by disinfection. He  
23 shall furnish to the owner thereof a receipt showing the  
24 number, character, condition and estimated value of the article  
25 so destroyed. A copy of such receipt shall be retained by the  
26 Director.

27  
28 SOURCE: Section 9400.14 GC.

29  
30 Section 3316. Compensation.

31  
32 Upon the presentation of the original receipt for articles  
33 destroyed under section 3315 and approval by the Attorney  
34 General, the Director shall pay to the owner of such property,  
35 out of such appropriations of the Department of Public Health  
36 and Social Services as may be available, the value of such  
37 destroyed articles.

38  
39 SOURCE: Section 9400.15 GC.

40  
41 Section 3317. Closing of School.

42  
43 During an epidemic or threatening epidemic or when a

1 dangerous communicable disease is unusually prevalent, the  
2 Director may close any public or private school and prohibit  
3 any public or private gathering for such time as may be  
4 necessary in the interest of the public health.  
5

6 SOURCE: Section 9400.16 GC.  
7

8 Section 3318. Disposal of Bodies.  
9

10 The Director, in his discretion, may require that the body of a  
11 person, who has died of a communicable disease or any other  
12 disease dangerous to the public health, be buried or cremated  
13 immediately or within such period of time and in conformity  
14 with such procedures for the protection of the public health,  
15 as he may designate.  
16

17 SOURCE: Section 9400.17 GC.  
18

19 Section 3319. Responsibility of Person in Charge of Minor.  
20

21 Where any person suffering from a communicable disease is  
22 required to remain isolated or quarantined or to do or refrain  
23 from doing any act or thing whereby spread of the disease may  
24 be enhanced or such person because of his tender age or of  
25 physical or mental disability is unable to comprehend or  
26 comply with such requirements, it shall be the duty of the  
27 parent, guardian or other person, including any attendant  
28 having such patient under his care, custody or control to  
29 comply or cause compliance with the isolation or quarantine so  
30 imposed and pertinent provisions of this Chapter.  
31

32 SOURCE: Section 9400.18 GC.  
33

34 Section 3320. Willful Exposure.  
35

36 No person having a communicable disease or any other disease  
37 dangerous to the public health or being in charge of any other  
38 person afflicted with such a disease, shall willfully expose  
39 himself or such person in any public place, street or highway  
40 except as may be authorized by the Director.  
41

42 SOURCE: Section 9400.19 GC.  
43

1 Section 3321. Concealing Disease.

2  
3 No person shall conceal any person having any communicable  
4 disease or any other disease dangerous to the public health,  
5 including any venereal disease. No parent, guardian or other  
6 person having custody or care of a minor child shall conceal  
7 the fact of a minor child having any such disease.  
8

9 SOURCE: Section 9400.20 GC.

10  
11 Section 3322. Vaccination and Immunization

12  
13 No student shall be permitted to attend any public or private  
14 school, college, or university within the Territory unless  
15 evidence is presented to the enrolling officer of such school,  
16 college or university that the student has had all required  
17 vaccinations or immunizations. Required vaccinations and  
18 immunizations include but are not limited to Diphtheria,  
19 Pertussis, Tetanus, Polio, Measles (Rubeola), Mumps and  
20 Rubella (German Measles) or against any other communicable  
21 disease as the Director shall, by regulation, require, except  
22 that exemption may be granted to the student in a case when  
23 the vaccination or immunization would be against his/her  
24 religious beliefs or upon certification by a parent or  
25 guardian of a student who is a minor that such vaccination or  
26 immunization would be against their religious belief or a  
27 student that has been certified by a licensed medical doctor  
28 that said student shall be exempt from this section where  
29 medical contraindication to receiving a specific vaccine  
30 exists. The Director may require vaccination and immunization  
31 of any person or persons suspected as carriers of a  
32 communicable disease upon entering or leaving the Territory  
33 which the Director believes may present a risk to the public  
34 health of the Territory. The Director, in case of an epidemic or  
35 to control a possible epidemic of a communicable disease, may  
36 direct that the general population be vaccinated and  
37 immunized against said disease. A child may not be enrolled in  
38 kindergarten or first grade unless that child has been  
39 administered the measles, mumps, and rubella (MMR) vaccine  
40 twice or that child is exempt on religious grounds or because  
41 medically contraindicated.  
42

43 SOURCE: Section 9400.21 GC.



1  
2 Section 3323. Prenatal Test.  
3

4 Any licensed physician attending a pregnant woman for  
5 condition relating to her pregnancy during the period of  
6 gestation or at delivery shall take or cause to be taken a  
7 sample of the blood of such woman and submit such sample to  
8 the Department of Public Health and Social Services laboratory  
9 or other laboratory approved by the Director for a standard  
10 serologic test for syphilis. Any other person permitted by law  
11 to attend pregnant women, but not permitted by law to take  
12 blood samples, shall cause a sample of blood of every pregnant  
13 woman attended by him to be taken by a duly licensed  
14 physician or at a lab approved by the Director of the  
15 Department of Public Health and Social Services for a standard  
16 serologic test for syphilis. Such samples of blood shall be  
17 taken at the time of the first visit of the pregnant woman or  
18 within fourteen (14) days thereafter. Every pregnant woman  
19 shall permit such samples of her blood to be taken as in this  
20 Section.

21  
22 SOURCE: Section 9400.23 GC.  
23

24 Section 3324. Report as to Prenatal Test.  
25

26 In reporting any birth or stillbirth, any physician or other  
27 person required to make such reports shall state in a report  
28 accompanying the certificate whether, according to his  
29 knowledge or information, a blood test for syphilis has been  
30 made upon a specimen of blood taken from the woman who  
31 bore the child for which the birth or stillbirth certificate is filed  
32 and the approximate date when the specimen was taken. The  
33 Director is authorized to investigate the circumstances  
34 surrounding the birth of any baby on whose mother no  
35 serologic test, as required by the provisions of this Subchapter,  
36 appears to have been taken.  
37

38 SOURCE: Section 9400.23 GC.  
39

40 Section 3325. Prevention of Blindness at Childbirth.  
41

42 Any physician, midwife, or any other person in attendance at  
43 childbirth immediately after birth shall administer the one

1 percent (1%) silver nitrate solution to both eyes of the  
2 newborn child. Preparations other than one percent (1%) silver  
3 nitrate may be used only on approval of the Director and  
4 subject to such conditions and restrictions as the Director  
5 may impose.

6  
7 SOURCE: Section 9400.24 GC.

8  
9 Section 3326. Immunization Audit.

10  
11 Annually, the Director shall conduct an immunization audit.  
12 The sample audits shall be conducted on public health clinic  
13 records, private clinic records and private physicians' records  
14 to determine if:

15  
16 (a) One (1) consolidated immunization record is posted on the  
17 inside front cover of the patient's medical record if the  
18 patient is under the age of eighteen (18); and

19  
20 (b) That the record of any child found to be deficient in  
21 immunizations indicates:

- 22  
23 (1) that progress towards immunization is being made;  
24 (2) a record of scheduled return appointment for the child; or  
25 (3) a reason for the lack of immunization.  
26

27 SOURCE: Section 9400.25 GC.

28  
29 Section 3327. Same: Confidentiality.

30  
31 The immunization audit shall be done by the Director who may  
32 delegate his duty. The Director shall be responsible for  
33 assuring that the confidentiality of individual patient records  
34 is preserved. The Department of Public Health and Social  
35 Services shall be responsible for compiling a statistical  
36 report of the audit.  
37

38 SOURCE: Section 9400.26 GC.

39  
40 Section 3328. Autopsy

41  
42 The Director may order an autopsy to determine if the  
43 deceased died of a communicable disease or whenever, in his

1 direction, the public interest justifies it.

2  
3 SOURCE: Section 9400.27 GC.

4  
5 Section 3329. Testing for Tuberculosis.

6  
7 No student shall be permitted to attend any public or private  
8 school, college, or university within the Territory of Guam  
9 unless they have on file with the enrolling officer of such  
10 school, college or university a report of a Tuberculosis (TB)  
11 skin test result.

12  
13 (a) If the student is entering from the United States or its  
14 territories, such test must have been conducted within one  
15 year prior to enrollment. If the student is entering from an  
16 area other than the United States or its territories, such test  
17 must have been conducted within six months prior to  
18 enrollment.

19  
20 (b) If a student has had a positive TB skin test, a Certificate of  
21 Tuberculosis Evaluation must be obtained from the Department  
22 of Public Health and Social Services. If this certificate  
23 indicates that the student is TB contagious the student shall  
24 be permitted entrance to school only after he/she is certified  
25 as non-contagious by the Department of Public Health and  
26 Social Services.

27  
28 Section 3330. Failure to Report.

29  
30 Any person licensed or registered to practice any healing art  
31 under Chapter 12 of this Title who refuses or neglects to  
32 report to the Director the presence of a known or suspected  
33 disease dangerous to the public health shall be liable for a fine  
34 of not more than \$500.00, except that for a second or  
35 subsequent offense, such person shall be guilty of a  
36 misdemeanor.

37  
38 Article 4

39 Maternal and Child Health and Children with Special  
40 Health Needs

41  
42 Section 3401. Designation of Department of Public Health and  
43 Social Services as Cooperative Agency.

1  
2 The Department of Public Health and Social Services is hereby  
3 designated as the agency to cooperate with the duly  
4 constituted Federal authorities in the administration of these  
5 parts of the Social Security Act which relate to the maternal  
6 and child health services and the care and treatment of  
7 children with special health needs and is authorized to receive  
8 and expend all funds made available by the Federal  
9 Government or from any other source for the purpose provided  
10 in this Chapter, provided that all plans, rules and regulations,  
11 or agreements adopted in connection therewith shall be subject  
12 to the approval of the Governor.  
13

14 SOURCE: Section 9900 GC.  
15

16 Article 5  
17 Maternal and Child Health Services  
18

19 Section 3501. Maternal and Child Health Programs:

20 Administration:

21 Purposes.

22 Section 3502. Guam Plan for Maternal and Child Health  
23 Services:

24 Formulation, Adoption and Approval.

25 Section 3503. Provision to be Included in Guam Plan.

26 Section 3504. Duties of Director of Public Health and Social  
27 Services.

28 Section 3505. Maternal and Child Health Service Funds:

29 Custody: Expenditures.  
30

31 Section 3501. Maternal and Child Health Programs:

32 Administration: Purposes.  
33

34 (a) The Department of Public Health and Social Services is  
35 hereby designated as the agency to administer a maternal and  
36 child health program in Guam.  
37

38 (b) The purpose of such program shall be to develop, extend  
39 and improve health services, and to provide for development  
40 of demonstration services.  
41

42 SOURCE: Section 9901.1 GC.  
43

1 Section 3502. Guam Plan for Maternal and Child Health  
2 Services: Formulation, Adoption and Approval.  
3

4 (a) The Department of Public Health and Social Services is  
5 hereby empowered and authorized:  
6

7 (1) To formulate, adopt and administer a detailed plan or plans  
8 for the purposes specified in 3501.  
9

10 (2) To make and adopt all such rules and regulations not  
11 inconsistent with the provisions of Section 3501-3505,  
12 inclusive, or of the Social Security Act, as are or may be  
13 necessary for the administration of such plan or plans and the  
14 administration of this Article.  
15

16 (b) Such plan or plans and the rules and regulations when  
17 formulated shall be submitted to the Secretary of Health and  
18 Human Services for approval, and when approved by the  
19 Secretary shall thereupon be made effective by the Department  
20 of Public Health and Social Services in accordance with the  
21 Administration Adjudication Act for the purposes of this  
22 Article.  
23

24 SOURCE: Section 9900.2 GC.  
25

26 Section 3503. Provision to be Included in Guam Plan.  
27

28 Such plan or plans shall include therein provisions for:  
29

30 (a) Financial participation by Guam.  
31

32 (b) Administration of such plans or plans by the Department of  
33 Public Health and Social Services.  
34

35 (c) Such methods of administration as are necessary for  
36 efficient operation of such plan or plans.  
37

38 (d) Maintenance of records and preparation as are necessary  
39 for efficient operation of such plan or plans.  
40

41 (e) Cooperation with medical, health, nursing and welfare  
42 groups and organizations for the purpose of extending and  
43 improving maternal and child health.

1  
2 (f) Receiving and expending in the manner provided herein in  
3 accordance with such plan or plans, all funds made available by  
4 the Federal Government or from any other source for such  
5 purposes.  
6

7 (g) Cooperating with the Federal Government, through its  
8 appropriate agency or instrumentality, in developing,  
9 extending and improving such services, and in the  
10 administration of such plan or plans and development of  
11 demonstration services among groups in special need.  
12

13 (h) Carrying out the purposes specified in 3501.  
14

15 SOURCE: Section 9900.3 GC.  
16

17 Section 3504. Duties of Director of Public Health and Social  
18 Services.  
19

20 (a) The Director of Public Health and Social Services shall be  
21 the administrative officer of the agency with respect to the  
22 administration and enforcement of the provisions of this  
23 Article, and of the plan or plans formulated and adopted in  
24 accordance therewith and all such rules and regulations  
25 necessary thereto.  
26

27 (b) The Director of Public Health and Social Services is hereby  
28 empowered and directed to administer and enforce all rules  
29 and regulations adopted for the efficient operations of the plan  
30 or plans formulated for the purposes of this Article.  
31

32 (c) The Director of Public Health and Social Services, shall,  
33 from time to time as directed by the Secretary of Health and  
34 Human Services make such reports, in such form and  
35 containing such information as the Secretary of Health and  
36 Human Services shall require.  
37

38 (d) The Director of Public Health and Social Services shall  
39 from time to time, pursuant to the rules and regulations of the  
40 Secretary of Health and Human Services and of the Secretary  
41 of the Treasury requisition and cause to be deposited with the  
42 Treasurer of Guam all moneys allotted to Guam by the Federal  
43 Government for the purposes of this Article, and shall cause to

1 be paid out of the  
2 treasury the moneys therein deposited for such purposes.

3  
4 SOURCE: Section 9900.4 GC.

5  
6 Section 3505. Maternal and Child Health Service Funds:  
7 Custody:  
8 Expenditures.

9  
10 (a) The Treasurer of Guam is hereby made custodian of all  
11 moneys allotted to Guam by the Federal Government, or  
12 received from other sources, for the purposes of maternal and  
13 child health services.

14  
15 (b) The Treasurer shall receive and provide for the proper  
16 custody of such moneys and is authorized to deposit such  
17 moneys in the same manner as other public moneys are  
18 deposited.

19  
20 (c) Such moneys shall be disbursed only upon certification by  
21 the Director of Public Health and Social Services.

22  
23 SOURCE: Section 9900.5 GC.

24  
25 Article 6

26 Services for Children with Special Health Needs

27  
28 Section 3601. Program for Services for Children with Special  
29 Health Needs: Administration: Purposes.

30 Section 3602. Guam Plan for Services for Children with Special  
31 Health Needs: Formulation, Adoption and Approval.

32 Section 3603. Provision to be Included in Plan.

33 Section 3604. Duties of Director of Public Health and Social  
34 Services.

35 Section 3605. Services for Children with Special Health Needs:  
36 Custody: Expenditure.

37 Section 3606. Department of Public Health and Social Services  
38 Authorized to Enter into Cooperative Agreements with  
39 Federal Government.

40  
41 Section 3601. Program for Services for Children with Special  
42 Health Needs: Administration: Purposes.

1 (a) The Department of Public Health and Social Services is  
2 hereby designated as the agency to administer a program of  
3 service for children with a disability(ies) or special health  
4 need(s).

5  
6 (b) The purpose of such program shall be to develop, extend,  
7 and improve services for locating such children, and for  
8 providing for medical, surgical, corrective and other services  
9 and care, and providing facilities for diagnosis, hospitalization  
10 and aftercare.

11  
12 SOURCE: Section 9901 GC.

13  
14 Section 3602. Guam Plan for Services for Children with  
15 Special  
16 Health Needs: Formulation, Adoption and Approval.

17  
18 (a) The Department of Public Health and Social Services is  
19 hereby empowered and authorized:

20  
21 (1) To formulate, adopt and administer a detailed plan or plans  
22 for the purposes specified in 3601.

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

29  
30 (b) Such plan or plans and the rules and regulations, when  
31 formulated, shall be submitted to the Secretary of Health and  
32 Human Services for approval, and when approved by the  
33 Secretary shall thereupon be made effective in accordance  
34 with the Administration Adjudication Act for the purposes of  
35 this Article.

36  
37 SOURCE: Section 9901.1 GC.

38  
39 Section 3603. Provision to be Included in Plan.

40  
41 Such plan or plans shall include therein provisions for:

42  
43 (a) Financial participation by Guam.



1  
2 (b) Administration of such plan or plans by the Department of  
3 Public Health and Social Services.

4  
5 (c) Such methods of administration as are necessary for  
6 efficient operation of such plan or plans.

7  
8 (d) Maintenance of records and preparation, submission and  
9 filing of reports of services rendered.

10  
11 (e) Cooperation with medical, health, nursing and welfare  
12 groups and organizations, and with any agency charged with  
13 administration of laws providing for vocational rehabilitation  
14 of physically handicapped children.

15  
16 (f) Receiving and expending in the manner provided herein in  
17 accordance with such plan or plans, all funds made available by  
18 the Federal Government, or from any other source for such  
19 purposes.

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

25  
26 (h) Carrying out the purposes specified in 3601.

27  
28 SOURCE: Section 9901.2 GC.

29  
30 Section 3604. Duties of Director of Public Health and Social  
31 Services.

32  
33 (a) The Director of Public Health and Social Services shall be  
34 the administrative office of the agency with respect to the  
35 administration and enforcement of the provision of this  
36 Article, and of the plan or plans formulated and adopted in  
37 accordance therewith, and all such rules and regulations  
38 necessary thereto.

39  
40 (b) The Director of Public Health and Social Services is hereby  
41 empowered and directed to administer and enforce all rules  
42 and regulations adopted for the efficient operations of the plan  
43 or plans formulated for the purposes of this Article.

1  
2 (c) The Director of Public Health and Social Services shall,  
3 from time to time as directed by the Secretary of Health and  
4 Human Services make such reports, in such form and  
5 containing such information as the Secretary of Health and  
6 Human Services shall require.  
7

8 (d) The Director of Public Health and Social Services shall  
9 from time to time, pursuant to the rules and regulations of the  
10 Secretary of Health and Human Services and of the Secretary  
11 of the Treasury, requisition and cause to be deposited with the  
12 Treasurer of Guam all moneys allotted to Guam by the Federal  
13 Government for the purposes of this Article, and shall cause to  
14 be paid out of the treasury the moneys therein deposited for  
15 such purposes.  
16

17 SOURCE: Section 9901.3 GC.  
18

19 Section 3605. Services for Children With Special Health Needs:  
20 Custody: Expenditure.  
21

22 (a) The Treasurer of Guam is hereby made custodian of all  
23 moneys allotted to Guam by the Federal Government, or  
24 received from other sources, for the purposes of services for  
25 children with special health needs.  
26

27 (b) The Treasurer of Guam shall receive and provide for the  
28 proper custody of such moneys and is authorized to deposit  
29 such moneys in the same manner as other public moneys are  
30 deposited.  
31

32 (c) Such moneys shall be disbursed only upon certification by  
33 the Director of Public Health and Social Services.  
34

35 SOURCE: Section 9901.4 GC.  
36

37 Section 3606. Department of Public Health and Social Services  
38 Authorized to Enter into Agreements with Federal Government.  
39

40 The Department of Public Health and Social Services is hereby  
41 authorized to enter into a cooperative agreement or  
42 agreements with the Department of Health and Human Services  
43 prescribing the manner, terms and conditions of cooperation

1 with the Department of Health and Human Services in  
2 providing for the identification, diagnosis and treatment of  
3 children with special health needs. Such agreements may  
4 define the amounts which the Territory of Guam and the  
5 Federal Government will contribute under the agreement and  
6 the Department of Public Health and Social Services shall be  
7 bound and governed by such agreement or agreements.  
8

9 SOURCE: Section 9901.5 GC.

10  
11 Article 7  
12 U.S. Public Health Services  
13

14 Section 3701. Designation of the Department of Public Health  
15 and Social Services as Cooperative Agency.

16 Section 3702. Public Health and Social Services Programs:  
17 Administration: Purposes.

18 Section 3703. Guam Plan for Public Health Services.

19 Section 3704. Provisions to be Included in Guam Plan.

20 Section 3705. Duties of Director of Public Health and Social  
21 Services.

22 Section 3706. Public Health Service Funds: Custody:  
23 Expenditures. Section 3707. References.

24 Section 3708. Transfer.

25 Section 3709. Appropriations.  
26

27 Section 3701. Designation of Department of Public Health and  
28 Social Services as Cooperative Agency.  
29

30 The Department of Public Health and Social Services is hereby  
31 designated as the agency to cooperate with the United States  
32 Public Health Service in the administration of those parts of  
33 the Public Health Service Act, as amended, which relate to  
34 grants and services for public health purposes, and is  
35 authorized to apply for, receive and expend all funds made  
36 available by the Federal Government, or from any other source  
37 for the purposes provided in this Chapter.  
38

39 SOURCE: Section 9925 GC.  
40

41 Section 3702. Public Health Services Programs:  
42 Administration: Purposes.  
43

1 (a) The Department of Public Health and Social Services is  
2 hereby designated as the agency to administer U.S. Public  
3 Health Services programs in the Territory of Guam.  
4

5 (b) The purpose of such programs shall be to develop, extend  
6 and improve public health services.  
7

8 SOURCE: Section 9925.1 GC.  
9

10 Section 3703. Guam Plan for Public Health Services.  
11

12 (a) The Department of Public Health and Social Services is  
13 hereby empowered and authorized:  
14

15 (1) To formulate, adopt, subject to the approval of the  
16 Governor, and administer a detailed plan or plans for the  
17 purpose specified in section 3702.  
18

19 (2) To make and adopt such rules and regulations, subject to  
20 the approval of the Governor, not inconsistent with the  
21 provisions of section 3702 and section 3706, inclusive, or of  
22 the Public Health Service Act, as are or may be necessary for  
23 the administration of this Chapter.  
24

25 (b) Such plan or plans and the rules and regulations when  
26 formulated shall be submitted to the Secretary of Health and  
27 Human Services, and when approved by the Secretary shall  
28 thereupon be made effective by the Department of Public  
29 Health and Social Services for the purposes of this Chapter.  
30

31 SOURCE: Section 9925.2 GC.  
32

33 Section 3704. Provisions to be Included in Guam Plan.  
34

35 Such plan or plans shall include herein provisions for:  
36

37 (a) Financial participation by Guam.  
38

39 (b) Administration of such plan or plans by the Department of  
40 Public Health and Social Services.  
41

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

1  
2 (d) Maintenance of records and preparation, submission and  
3 filing of reports of services rendered.  
4

5 (e) Cooperation with medical, health, nursing and welfare  
6 groups and organizations for the purpose of extending and  
7 improving public health.  
8

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

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

20 (h) Carrying out the purposes specified in Section 3702.  
21 [Subsection (2) amended by P.L. 7-101, approved February 26,  
22 1964, effective July 11, 1964.]  
23

24 SOURCE: Section 9925.3 GC.  
25

26 Section 3705. Duties of Director of Public Health and Social  
27 Services.  
28

29 (a) The Director of Public Health and Social Services shall be  
30 the administrative officer of the agency with respect to the  
31 administration and enforcement of the provisions of this  
32 Chapter, and of the plan or plans formulated and adopted in  
33 accordance therewith and all such rules and regulations  
34 necessary thereto.  
35

36 (b) The Director of Public Health and Social Services is hereby  
37 empowered and directed to administer and enforce all rules  
38 and regulations adopted for the efficient operations of the plan  
39 or plans formulated for the purposes of this Chapter.  
40

41 (c) The Director of Public Health and Social Services shall  
42 from time to time, as directed by the Secretary of Health and  
43 Human Services, make such reports, in such form and

1 containing such information as the Secretary shall require.  
2

3 (d) The Director of Public Health and Social Services shall  
4 from time to time, pursuant to the rules and regulations of the  
5 Secretary of Health and Human Services, requisition and cause  
6 to be deposited with the Treasurer of Guam all moneys allotted  
7 to the Territory of Guam by the Federal Government for the  
8 purposes of this Chapter, and shall cause to be paid out of the  
9 treasury the moneys therein deposited for such purposes.

10  
11 SOURCE: Section 9925.4 GC.

12  
13 Section 3706. Public Health Service Funds: Custody and  
14 Expenditures.

15  
16 (a) The Treasurer of Guam is hereby made custodian of all  
17 moneys, allotted to Guam by the Federal Government, or  
18 received from other sources, for the purposes of public health  
19 services.

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

25  
26 (c) Such moneys shall be disbursed only upon certification by  
27 the Director of Public Health and Social Services.

28  
29 SOURCE: Section 9925.5 GC.

30  
31 Section 3707. Reference.

32  
33 Unless otherwise specifically provided, every reference in  
34 law, order or regulation to the Director of Medical Services or  
35 the Department of Medical Services concerning a public health  
36 or welfare function, duty or subject shall mean the Director of  
37 Public Health and Social Services or the Department of Public  
38 Health and Social Services, respectively, any such reference to  
39 the Director of Medical Services or the Department of Medical  
40 Services concerning a Guam Memorial Hospital function, duty  
41 or subject shall mean the administrator of the Guam Memorial  
42 Hospital or Guam Memorial Hospital respectively.  
43

1 SOURCE: Section 9925.6 GC.

2  
3 Section 3708. Transfer.

4  
5 All property, facilities, equipment, supplies, records and files  
6 pertaining to and used in connection with the operation and  
7 administration of public health and welfare, and all personnel  
8 used in the administration and operation of public health and  
9 welfare, are transferred and assigned to the Department of  
10 Public Health and Social Services. All property, facilities,  
11 equipment, supplies, records and files pertaining to and used in  
12 connection with operation and administration of Guam  
13 Memorial Hospital and all personnel used in the administration  
14 and operation of Guam Memorial Hospital are transferred to  
15 that instrumentality.

16  
17 SOURCE: Section 9925.7 GC.

18  
19 Section 3709. Appropriations.

20  
21 Any appropriation made for the fiscal year ending June 30,  
22 1965, for the operation of the Department of Medical Services  
23 shall be apportioned so that moneys allocated for public health  
24 and welfare operations shall be transferred to the Department  
25 of Public Health and Social Services and all moneys allocated  
26 for the operation of Guam Memorial Hospital shall be  
27 transferred to that instrumentality."

28  
29 SOURCE: Section 9925.8 GC."

30  
31 7/16/93  
32



log 4/10

Committees:

May 3, 1993

CHAIRPERSON:

Rules

MEMORANDUM

VICE CHAIRPERSON:

TO: Chairperson, Committee on Health, Ecology and Welfare

Ways & Means

FROM: Chairperson, Committee on Rules

MEMBER:

SUBJ: Referral - Bill No. 436

Economic-Agricultural Development, and Insurance

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

Education

Based on Subsection 6.04.06.02, Rule VI, of the Standing Rules, upon completion of your Committee findings, if favorable action is recommended, please refer this Bill to the Committee on Ways and Means for their review.

Electrical Power and Consumer Protection

Federal and Foreign Affairs

It is requested that you inform the Committee on Rules of the sequential referral date to the Committee on Ways and Means. Thank you for your cooperation.

General Governmental Operations and Micronesian Affairs

Health, Ecology and Welfare

**HERMINIA D. DIERKING**

Judiciary and Criminal Justice

Attachment

Tourism and Transportation

cc: Committee on Ways & Means  
(For Information Only)

Youth, Senior Citizens and Cultural Affairs





BUREAU OF BUDGET & MANAGEMENT RESEARCH  
OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910



GIOVANNI T. SGAMBELLURI  
Director

JUL 08 1993

The Bureau requests that Bill Nos. 436 be granted a waiver pursuant to Public Law 12-229 for the following reason(s).

Bill No. 436 intends to repeal chapters 3 and 4; articles 6,7, and 8 of chapter 9; and chapter 16 of 10 GCA 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. The proposed measure is administrative in nature and does not pose a financial impact to the General Fund of the Government of Guam.

Giovanni T. Sgambelluri *JS*  
Director

*JS*  
*6/7*  
*93*

COMMENTS ON 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.

The Department is in full support of Bill 436. I want to specifically thank Senator Shimizu and his staff for their interest and work in preparing this Bill for a public hearing. The Division of Public Health has always existed as an organizational unit within the Department. However, the Division and its mission is not recognized in the Guam Code. Bill 436 will correct this situation (reference Article 1).

Bill 436 also takes scattered sections of the current Guam Code that are under the organizational responsibility of the Division of Public Health and places them within the new Chapter 3. Those sections are Article 2 Vital Statistics, Article 3 Disease Control, Article 4 Maternal and Child Health and Children With Special Health Needs, Article 5 Maternal and Child Health Services, Article 6 Services for Children With Special Health Needs, and Article 7 U.S. Public Health Services.

Articles 4 through 7 pertaining to federal government programs and services were reviewed by Region IX Public Health Services and program wording is now appropriately updated as presented in Bill 436 i.e. Crippled Children's Services is now referred to as Children With Special Health Needs.

Section 3301 (b) and Section 3302 of Article 3 have been revised in Bill 436 to include provision for reporting of certain chronic diseases. This became particularly important because there is currently no requirement for reporting and therefore there is no local government database for certain chronic diseases of specific public importance.

Section 3322 of Article 3 includes the new requirement for two doses of measles, mumps, and rubella (MMR) vaccine for school entry. Wording was also changed to include college and university students in the general immunization requirements for students entering public and private schools.

Section 3329 has been added which will require entering students to be tested for tuberculosis and any student with a positive test must be determined as non-contagious.

Section 3330 has been added to impose a penalty for non-reporting of diseases. Public Health uses the reports of physicians and other licensed health care providers to monitor the occurrence of infectious diseases and other diseases of concern. Changes alert the Department to implement preventive and/or control measures and

thereby protect the health of the community. Currently, there is no penalty for non-reporting.

Reviews of the draft Bill were made by the Division. Despite this we still missed certain typographical errors. Attached is a summary of those corrections that are needed. With these corrections we fully endorse this proposed legislation and once again thank you for your continued perseverance in preparing and bringing this proposed legislation to hearing. We look forward to your assistance in bringing Bill 436 to the Legislature for passage.



*per* LETICIA V. ESPALDON, M.D.  
DIRECTOR  
Date 7/9/93

CORRECTIONS TO BILL 436

Page 3, line 13 change Commissioners to Mayors

Page 6, lines 19-21 to read:

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

Page 8, lines 31-32 delete

Page 9, insert after line 15 the following:

If the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as the father unless a determination of paternity has been made by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered. In every case, however, the legal surname of the mother shall be entered as the surname of the child.

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

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

Page 12, line 34 change capital S to s

Page 15-16 starting on line 39 place parentheses around section letter i.e. (c), (d), (e), (f), (g) and (h)

Page 16, line 39 to read:

(a) A fetal death report for each fetal death which occurs

Page 17, line 5 to read:

report shall be filed by the Mayor of the village in which

Page 17, line 9 and line 11 change word certificate to report

Page 17, line 15 and 16 to read:

after the delivery of a dead fetus shall file a fetal death report. He shall obtain the personal data from the next of kin

Page 17, line 26 the word deliver should be delivery

Page 17, line 37 change her to the mother's

Page 18, line 17 to read:  
(17) the RH type of the pregnant woman;

~~Page 20, lines 8-9~~ to read:  
of death certificates, fetal death reports and medical certifications of cause of death in cases in which compliance

Page 20, line 22 to read:  
the license and certificate on the form prescribed and

Page 21, line 26 to read:  
(a) A certificate or record registered under this Chapter may

Page 23, line 8 to read:  
unlawful for any person to permit inspection of, or to disclose

Page 25, line 7-8 omit letter i at end, change capital I on word information

Page 25, line 36 to read:  
uses or attempts to use any certificate of birth or certified

Page 26, line 25 to read:  
person or circumstances is held invalid, such invalidity shall

Page 27, line 5 change word crematory to crematorium

Page 27, line 11 place a hyphen between words burial and transit

Page 28, line 1 omit comma

~~Page 29, line 14~~ change or to of

Page 30, line 9 to read:  
21. Gonorrhoeal Ophthalmia;

Page 31, line 22 correct spelling of word dangerous

Page 38, line 23 change or to and

Page 39, line 40 add s to word record at the end of the line

Page 44, line 42 correct spelling of word Treasurer

Page 51, line 32 add comma after word Services



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

GOVERNMENT OF GUAM  
P.O. BOX 2816  
AGANA, GUAM 96910



JUL 15 1993

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

Dear Senator Shimizu:

This is in response to your request at the hearing on July 9, 1993, for specific assurances in reference to Bill 436.

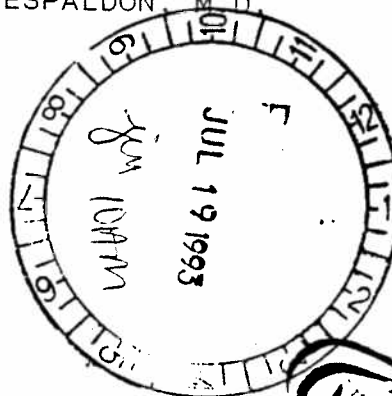
Bill 436 was reviewed by mid-level management/supervisory personnel from the Division of Public Health. The provisions of Bill 436 do not constitute any reorganization within the Department or the Division of Public Health and there are no job changes or reductions as a result of this proposed legislation.

A new question did arise last week however regarding the reporting of chronic diseases and the wording of Sections 3101 (b), 3302, and 3303. Therefore, we are requesting a legal opinion regarding this matter and will provide this to you when it is received.

Thank you once again for your support and assistance in hearing Bill 436. For any further information, please contact Karen Cruz, Chief Public Health Officer at 734-7305.

Sincerely,


  
LETICIA V. ESPALDON, M.D.  
Director



APR 30 '93

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) REGULAR SESSION

Bill No. 436 (LS)  
Introduced by:

D.L.G. Shimizu 

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  
23 Department of Public Health and Social Services to be  
24 administered by the Director. The Division through organized  
25 community effort and applied scientific and technical  
26 knowledge is responsible for working towards the prevention



1 and control of disease and for promoting health throughout the  
2 territory.

3  
4 Section 3102. Personnel.

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

9 Section 3103. General Duties.

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

28 Section 3104. Chief Administrative Officer.

29 The Chief Public Health Officer shall be the Chief  
30 Administrative Officer of the Division.  
31

32 Section 3105. Federal Grants.

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

37 Section 3106. Rule-Making.

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

42 Section 3107. Authority to set fees.

- 43 (a) The Director is authorized to establish fees for health

1 services in accordance with the Administrative  
2 Adjudication Law and as may be required to qualify for  
3 grants-in-aid.

4 (b) Fees established by the Department shall not be a  
5 deterrent to receiving health care and shall be based on  
6 ability to pay.  
7

8 Article 2  
9 Vital Statistics

- 10 Section 3201. General Organization.  
11 Section 3202. Supervision.  
12 Section 3203. Personnel.  
13 Section 3204. Commissioners to Aid.  
14 Section 3205. Report.  
15 Section 3206. Regulations.  
16 Section 3207. Definitions.  
17 Section 3208. Duties of the Registrar.  
18 Section 3209. Forms of Certificates.  
19 Section 3210. Birth Registration.  
20 Section 3211. Foundling Registration; Infants of Unknown  
21 Parentage.  
22 Section 3212. Delayed Registration.  
23 Section 3213. Judicial Procedure to Establish Facts of Birth.  
24 Section 3214. Court Reports of Adoption.  
25 Section 3215. New Certification of Birth Following Adoption,  
26 Legitimation and Paternity Determination  
27 Section 3216. Death Registration.  
28 Section 3217. Fetal Death Registration.  
29 Section 3218. Abortion Report.  
30 Section 3219. Extension of Time.  
31 Section 3220. Marriage Registration.  
32 Section 3221. Court Reports of Divorce and Annulment of  
33 Marriage.  
34 Section 3222. Correction and Amendment of Vital Records.  
35 Section 3223. Reproduction of Records.  
36 Section 3224. Same: Microfilm.  
37 Section 3225. Disclosure of Records.  
38 Section 3226. Copies of Data from Vital Records.  
39 Section 3227. Fees for Copies.  
40 Section 3228. Duty to Furnish Information Relative to Vital  
41 Events.  
42 Section 3229. Penalties.  
43 Section 3230. Severability.

1 Section 3231. Effective Date.  
2 Section 3232. Burial-Transit Permits.  
3 Section 3233. Disposition.  
4

5 Section 3201. General Organization.  
6 There is hereby established within the Department of Public  
7 Health and Social Services an Office of Vital Statistics which  
8 shall install, maintain and operate the system of vital  
9 statistics for the Territory of Guam.  
10

11 SOURCE: Section 9300 GC.  
12

13 Section 3202. Supervision.  
14 The Director of Public Health and Social Services, hereinafter  
15 referred to as the Director, has general supervision of vital  
16 statistics and is responsible for the implementation of the  
17 provisions of this Chapter.  
18

19 SOURCE. Section 9301 GC.  
20

21 Section 3203. Personnel.  
22 The Director shall appoint a Territorial Registrar of Vital  
23 Statistics, and such other officers and personnel as may be  
24 required to carry out the provisions of this Chapter; such  
25 employees shall be members of the classified services of the  
26 Government of Guam.  
27

28 SOURCE. Section 9302 GC.  
29

30 Section 3204. Mayors to Aid.  
31 Mayors, under the direction of the President of the Mayors  
32 Council, shall assist in the implementation of this Chapter and  
33 shall be governed by this Chapter and by regulations  
34 issued by the Director under the provisions of this Chapter.  
35

36 SOURCE: Section 9303 GC.  
37

38 Section 3205. Report.  
39 The Director shall make an annual report to the Governor  
40 concerning vital statistics and the enforcement of this  
41 Chapter, which report shall contain a summary on the  
42 municipal district basis of such statistics.  
43

1 SOURCE: Section 9304 GC.

2  
3 Section 3206. Regulations.

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

11  
12 SOURCE: Section 9305 GC, as amended by P.L. 15-90.

13  
14 Section 3207. Definitions.

15  
16 Unless the context clearly requires otherwise, the following  
17 definitions shall apply:

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

20  
21 2. System of Vital Statistics includes the registration,  
22 collection, preservation, amendment and certification of vital  
23 statistics records and activities related thereto, including the  
24 tabulation, analysis and publication of statistical data derived  
25 from such records.

26  
27 3. Filing means the presentation of a certificate, report or  
28 other record provided for in this Chapter of a birth, death,  
29 fetal death, adoption, legitimation, marriage or divorce for  
30 registration by the Office of Vital Statistics.

31  
32 4. Registration means the acceptance by the Office of Vital  
33 Statistics and the incorporation in its official records of  
34 certificates, reports or other records provided for in this  
35 Chapter, of births, deaths, fetal deaths, adoptions,  
36 legitimations, marriages or divorces.

37  
38 5. Live Birth means the complete expulsion or extraction from  
39 its mother of a product of human conception, irrespective of  
40 the duration of pregnancy, which, after such expulsion or  
41 extraction, breathes or shows any other evidence of life such  
42 as beating of umbilical cord [heart] or definite movement of  
43 the voluntary muscles, whether or not the umbilical cord has

1           been cut or the placenta is attached.  
2

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

10  
11           7. Dead Body means a lifeless human body or parts of such  
12           body or bones thereof from the state of which it reasonably  
13           may be concluded that death recently occurred.  
14

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

19           9. Divorce is defined as the final legal dissolution of a  
20           decree which confers on the parties the right to civil and/or  
21           religious remarriage, according to the laws of Guam.  
22

23           10. Physician means a person authorized or licensed to  
24           practice the healing art, pursuant to the laws of Guam.  
25

26           11. Attendant at Birth *is* to mean the physician, midwife, nurse  
27           or other person present and assisting in the delivery of a  
28           newborn.  
29

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

36           13. Delayed Registration of Birth means the registration of a  
37           person's non-recorded birth after the sixth year following  
38           birth.  
39

40           14. Abortion means the purposeful termination of a human  
41           pregnancy after implantation of a fertilized ovum, by any  
42           person, including the pregnant woman herself, with the  
43           intention other than to necessarily produce a live birth or to

1 remove a dead unborn fetus.  
2

3 SOURCE: Section 9306 GC, as amended by P.L. 15-112.  
4

5 Section 3208. Duties of the Registrar.  
6

7 (a) The Territorial Registrar of Vital Statistics shall:  
8

9 1. Administer and enforce this Chapter and the rules and  
10 regulations issued hereunder, and issue instructions for the  
11 efficient administration of the territorial system of vital  
12 statistics.  
13

14 2. Direct and supervise the territorial-wide system of vital  
15 statistics and the Office of Vital Statistics and be custodian  
16 of its records.  
17

18 3. Prescribe, with the approval of the Director, and distribute  
19 such forms as are required by this Chapter, and the rules and  
20 regulations issued hereunder.  
21

22 4. Prepare and publish annual reports of vital statistics of this  
23 Territory, and such other reports as may be required by the  
24 Director.  
25

26 (b) The Territorial Registrar of Vital Statistics may  
27 delegate such functions and duties vested in him to other  
28 employees of the Office of Vital Statistics as he may deem  
29 necessary and expedient.  
30

31 SOURCE: Section 9307 GC.  
32

33 Section 3209. Forms of Certificate.  
34

35 (a) In order to promote and maintain uniformity in the system  
36 of vital statistics, the forms of certificates, reports and other  
37 returns required by this Chapter, or by regulations adopted  
38 hereunder, shall include as a minimum the items recommended  
39 by the Federal agency responsible for national vital statistics,  
40 subject to approval of and modification by the Director of  
41 Public Health and Social Services.  
42

43 (b) Each certificate, report and form required to be filed under

1 this Chapter shall have entered upon its face the date of  
2 registration, duly attested.

3  
4 SOURCE: Section 9308 GC.

5  
6 Section 3210. Birth Registration.

7  
8 (a) The birth of each and every child born in Guam shall be  
9 registered within ten (10) days after birth, as hereinafter  
10 provided.

11  
12 (b) When a birth occurs in an institution, the person in charge  
13 of the institution shall obtain the personal data, prepare the  
14 certificate and file it with the Office of Vital Statistics. The  
15 physician in attendance shall certify to the facts of birth and  
16 provide all medical information required by the certificate  
17 within five (5) days after the birth.

18  
19 (c) When a birth occurs outside an institution, the certificate  
20 shall be prepared and filed by one of the following in the  
21 indicated order or priority:

22  
23 (1) The physician in attendance at or immediately after the  
24 birth, or in the absence of such a person;

25  
26 (2) The midwife in attendance at or immediately after the  
27 birth, or in the absence of such a person;

28  
29 (3) Any other person in attendance at or immediately after the  
30 birth, or in the absence of such a person;  
31 the inability of the mother, the Mayor of the District where the  
32 birth occurred.

33  
34 (4) The father, the mother or in the absence of the father or  
35 the inability of the mother, the Mayor of the District where the  
36 birth occurred.

37  
38 (d) In reporting the birth of a child, the surname of the child  
39 shall be determined as follows:  
40 If the mother was married either at the time of the conception  
41 or birth, the name of the husband shall be entered on the  
42 certificate as the father of the child and further, the surname  
43 of the husband or wife shall be recorded as the surname of the

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

17 (e) It shall be the duty of the parent(s) in every case to provide  
18 all information required on the birth certificate and that one  
19 or the other parent shall sign said certificate to attest the  
20 accuracy of the personal data entered thereon.  
21

22 (f) Upon request, the Director shall accept, for the purpose of  
23 recording births, certified copies of birth certificates of  
24 children born outside the territory of Guam to residents of  
25 Guam.  
26

27 (g) When a birth occurs on a moving conveyance and the child  
28 is first removed from the conveyance in this Territory, the  
29 birth shall be registered in this Territory and the location  
30 where the child is removed from the conveyance shall be  
31 considered as the place of birth.  
32

33 SOURCE: Section 9309 GC, as amended by P.L.'s 15-63 and 15-  
34 90.  
35

36 NOTE: Section 2 of P.L. 15-63 makes the provisions of  
37 Subsection (a)(4) retroactive.  
38

39 Section 3211. Foundling Registration; Infants of Unknown  
40 Parentage.

41 (a) Whoever assumes custody of a living infant of unknown  
42 parentage shall report on a form and in the manner prescribed  
43 by the Territorial Registrar of Vital Statistics, within seven



1 (7) days, the following information:  
2

3 (1) The date and place of finding;

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

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

7  
8 (4) Name given to the child by the custodian; and  
9

10 (5) Other data as may be required by the Territorial Registrar  
11 of Vital Statistics.  
12

13 (b) The place where the child was found shall be entered as the  
14 place of birth, and the date of birth shall be determined by  
15 approximation.  
16

17 (c) A report registered under this Section shall constitute the  
18 certificate of birth for the infant.  
19

20 (d) If the child is identified and a certificate of birth is found  
21 or obtained, any report registered under this Section shall be  
22 sealed and filed and may be opened only by order of a court of  
23 competent jurisdiction.  
24

25 SOURCE: Section 9310 GC.  
26

27 Section 3212. Delayed Registration.  
28

29 (a) Birth:

30 (1) When a birth of a person born in the Territory of Guam has  
31 not been registered, a certificate may be filed in accordance  
32 with the regulations of the Office of Vital Statistics. Such  
33 certificate shall be registered subject to such evidentiary  
34 requirements as the Office of Vital Statistics shall by  
35 regulations prescribe to substantiate the alleged facts of birth.  
36

37 (2) Certificates of birth registered seven (7) years or more  
38 after the date of occurrence shall be marked "Delayed" and  
39 show on their face the date of delayed registration.  
40

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

1 a. Date of birth; b. Place of birth; and c. Parentage.  
2

3 (4) When an applicant does not submit the minimum  
4 documentation required in the regulation for delayed  
5 registration, or when the Territorial Registrar of Vital  
6 Statistics finds reason to question the validity or adequacy of  
7 the certificate or the documentary evidence, the Territorial  
8 Registrar shall not register the delayed certificate and shall  
9 advise the applicant of the reasons for this action.

10  
11 (5) If the person whose birth is to be recorded be a child under  
12 the age of eighteen (18), the birth certificate shall be signed  
13 by one of the following in the indicated order of priority:  
14

15 a. The attendant at birth;

16  
17 b. By either parent;

18  
19 c. By the child's guardian; or  
20

21 d. By relatives in the immediate degree of kindred,  
22 provided that each person signing a certificate shall attest  
23 under oath to his belief in the truth of the statements made  
24 concerning the age, birthplace, and parentage of the person  
25 whose birth is being recorded.  
26

27 (6) If the person whose birth is to be recorded be of legal age,  
28 the date of birth and place of birth shall be supported by at  
29 least two (2) documents of which only one may be an affidavit;  
30 the facts of parentage must be supported by at least one  
31 document which may be one of the two (2) submitted as  
32 evidence of the other facts.  
33

34 (b) Death and Marriage:

35  
36 (1) When a death or marriage in Guam has not been  
37 registered, a certificate may be filed in accordance with  
38 regulations of the Office of Vital Statistics. Such certificate  
39 shall be registered subject to such evidentiary requirements  
40 as the Office shall by regulations prescribe to substantiate the  
41 alleged facts of death or marriage.  
42

43 (2) Certificates of death and marriage registered one (1)

1 year or more after the date of occurrence shall be marked  
2 "Delayed" and shall show on their face the date of the delayed  
3 registration.  
4

5 SOURCE: Section 9311 GC.  
6

7 Section 3213. Judicial Procedure to Establish Facts of Birth.  
8

9 (a) If a delayed certificate of birth is rejected under the  
10 provision of Section 3212, a petition may be filed with the  
11 Superior Court of Guam for an order establishing a record of  
12 the date and place of birth and the parentage of the person  
13 whose birth is to be registered.  
14

15 (b) Such petition shall allege:

- 16 (1) That the person for whom delayed certificate of birth is  
17 sought was born in the territory of Guam;  
18 (2) That no record of birth can be found in the Office of Vital  
19 Statistics;  
20 (3) That diligent efforts by the petitioner have failed to obtain  
21 the evidence required in accordance with Section 3212.  
22 (4) That the Territorial Registrar of Vital Statistics  
23 has refused to register a delayed certificate of birth; and  
24 (5) Such other allegations as may be required.  
25

26 (c) The petition shall be accompanied by a statement of the  
27 registration official made in accordance with Subsection (a)(4)  
28 of Section 3212, and all documentary evidence which was  
29 submitted to the registration official in support of such  
30 registration. The petition shall be sworn to by the petitioner.  
31

32 (d) The court shall fix a time and place for hearing the petition  
33 and shall give the registration official who refused to register  
34 the petitioner's delayed certificate of birth (S) days' notice of  
35 said hearing. Such official or his authorized representative,  
36 may appear and testify in the proceedings.  
37

38 (e) If the Court from the evidence presented finds that the  
39 person for whom a delayed certificate of birth is sought was  
40 born on Guam, it shall make findings as to place and date of  
41 birth, parentage and such other findings as the case may  
42 require, and shall issue an order on a form prescribed and  
43 furnished by the Registrar of Vital Statistics to establish a