

termination of the declaration of a state of public health emergency. The public health authority may terminate the off-island appointments at any time or for any reason provided that any such termination will not jeopardize the health, safety, and welfare of the people of Guam.

(2) The public health authority may waive any or all licensing requirements, permits, or fees required by the Code of Guam and applicable orders, rules, or regulations for health care providers from other jurisdictions to practice in Guam.

(3) Any off-island emergency health care provider appointed pursuant to this Section shall not be held liable for any civil damages as a result of medical care or treatment related to the response to the public health emergency unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of the patient.

(c) Personnel to perform duties of medical examiner or coroner. To authorize the medical examiner or coroner to appoint and prescribe the duties of such emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(1) The appointment of emergency assistant medical examiners or coroners may be for a limited or unlimited time, but shall not exceed the termination of the declaration of a state of public health emergency. The medical examiner or coroner may terminate such emergency appointments at any time or for any reason, provided that any such

termination will not impede the performance of the duties of the office.

(2) The medical examiner or coroner may waive licensing requirements, permits, or fees required by Guam code and applicable orders, rules, or regulations for the performance of these duties.

(3) Any emergency assistant medical examiner or coroner appointed pursuant to this Section and acting without malice and within the scope of the prescribed duties shall be immune from civil liability in the performance of such duties.

ARTICLE VII PUBLIC INFORMATION REGARDING PUBLIC HEALTH EMERGENCY

Section 19701. Dissemination of information. The public health authority shall inform the people of Guam when a state of public health emergency has been declared or terminated, how to protect themselves during a state of public health emergency, and what actions are being taken to control the emergency.

(a) **Means of dissemination.** The public health authority shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public.

(b) **Languages.** If the public health authority has reason to believe there are large numbers of people on Guam who lack sufficient skills in English to understand the information, the public health authority shall make reasonable efforts to provide the information in the primary languages of those people as well as in English.

(c) **Accessibility.** The provision of information shall be made in a

manner accessible to individuals with disabilities.

Section 19702. Access to mental health support personnel. During and after the declaration of a state of public health emergency, the public health authority shall provide information about and referrals to mental health support personnel to address psychological responses to the public health emergency.

ARTICLE VIII MISCELLANEOUS

Section 19801. Titles. For the purposes of this Act, titles and subtitles of Articles, Sections, and Subsections are instructive, but not binding.

Section 19802. Rules and regulations. The public health authority and other affected agencies are authorized to promulgate and implement such rules and regulations as are reasonable and necessary to implement and effectuate the provisions of this Act. The public health authority and other affected agencies shall have the power to enforce the provisions of this Act through the imposition of fines and penalties, the issuance of orders, and such other remedies as are provided by law, but nothing in this Section shall be construed to limit specific enforcement powers enumerated in this Act.

Section 19803. Financing and expenses.

(a) **Transfer of funds .** *I Maga'låhen Guahån* may transfer from the General Fund up to One Hundred Thousand Dollars (\$100,000.00) monthly as an emergency appropriation upon the declaration of a public health emergency and upon notification to the United States Centers for Disease Control (CDC), to address, mitigate, or abate any catastrophic disease control situations relating to

the spread or outbreak of communicable diseases or for any biological threats to mankind. *I Maga'låhen Guåhan* is allowed to utilize this emergency appropriation up to three (3) consecutive months per emergency notification to CDC and at such time shall be subject to *I Liheslaturan Guåhan's* appropriation. Notice of any transfer shall be delivered to the Speaker and the Committee of Ways and Means of *I Liheslaturan Guåhan* by *I Maga'låhen Guåhan* within ten (10) days after such transfer.

(b) **Conditions** . A transfer of funds by *I Maga'låhen Guahån* under the provisions of this Section may be made only when one or more of the following conditions exist:

(1) No appropriation or other authorization is available to meet the public health emergency.

(2) An appropriation is insufficient to meet the public health emergency.

(3) Federal monies available for such a public health emergency require the use of local or other public monies.

(c) **Expenses**. All expenses incurred by the government of Guam during a state of public health emergency shall be subject to the following limitations:

(1) No expense shall be incurred against the monies authorized under this Section, without the general approval of *I Maga'låhen Guahån*.

(2) The aggregate amount of all expenses incurred pursuant to this Section shall not exceed ~~Five~~^{Six} Hundred Thousand Dollars (\$600,000.00) for any fiscal year. Any amounts in excess is subject to *I*

Liheslaturan Guåhan's appropriation

Section 19804. Liability.

(a) **Immunity.** Neither the government of Guam, nor, except in cases of gross negligence or willful misconduct, *I Maga'låhen Guahån*, the public health authority, or any other government or local official referenced in this Act, is liable for the death of or any injury to persons, or damage to property, as a result of complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act during a state of public health emergency.

(b) **Private liability.**

(1) During a state of public health emergency, any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons, together with that person's successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege, or other permission, or for negligently causing loss of, or damage to, the property of such person.

(2) During a state of public health emergency, any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the government of Guam or its political subdivisions under

the provisions of this Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

(3) During a state of public health emergency, any private person, firm or corporation and employees and agents of such person, firm or corporation, who

I MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN

FLOOR AMENDMENTS/CHANGES

Bill No. SB360

EB Calor

Senator Proposing Amendment

(Below for Senator to complete)

Please describe proposed amendment, including where change to occur:

Delete pgs 49 to end of p. 50 Starting with the words: Section 19804.
Replace deletion with the attached pages 56 to 59.

L.C. to make tech. correction & re-number pgs.

(Below only for Clerk of Legislature's use and processing))

Date 12/30, 2002

Floor Amendment No. 1 of a total of _____ changes on above Bill.

Votes For Amendment: _____ Votes Against Amendment: _____

AMENDMENT PASSED:

Amendment Failed: _____

Amendment Withdrawn: _____

APPROVED AS TO FORM PASSED

[Signature]
AUTHOR OF AMENDMENT

Concur (initial)

[Signature]
Clerk of Legislature

Speaker

____ Ass't. Amend. Clerk

____ Engrossment Staff

10 **Section 19804. Liability.**

11 (a) **Immunity.** Neither the government of Guam, nor,
12 except in cases of gross negligence or willful misconduct, *I*
13 *Maga'låhen Guåhan*, the public health authority, or any other
14 government or local official referenced in this Act, is liable for the
15 death of or any injury to persons, or damage to property, as a result
16 of complying with or attempting to comply with this Act or any rule
17 or regulations promulgated pursuant to this Act during a state of
18 public health emergency.

19 (b) **Private Liability.**

20 (1) During a state of public health emergency, any
21 person owning or controlling real estate or other premises who
22 voluntarily and without compensation grants a license or
23 privilege, or otherwise permits the designation or use of the
24 whole or any part or parts of such real estate or premises for
25 the purpose of sheltering persons, together with that person'

1 successors in interest, if any, shall not be civilly liable for
2 negligently causing the death of, or injury to, any person on or
3 about such real estate or premises under such license,
4 privilege, or other permission, or for negligently causing loss
5 of, or damage to, the property of such person.

6 (2) During a state of public health emergency, any private
7 person, firm or corporation and employees and agents of such
8 person, firm or corporation in the performance of a contract with,
9 and under the direction of, the government of Guam or its political
10 subdivisions under the provisions of this Act shall not be civilly
11 liable for causing the death of, or injury to, any person or damage to
12 any property except in the event of gross negligence or willful
13 misconduct.

14 (3) During a state of public health emergency, any private
15 person, firm or corporation and employees and agents of such
16 person, firm or corporation, who renders assistance or advice at the
17 request of the government of Guam or its political subdivisions
18 under the provisions of this Act shall not be civilly liable for causing
19 the death of, or injury to, any person or damage to any property
20 except in the event of gross negligence or willful misconduct.

21 (4) The immunities provided in this Subsection shall not
22 apply to any private person, firm, or corporation or employees and
23 agents of such person, firm, or corporation whose act or omission
24 caused in whole or in part the public health emergency and who
25 would otherwise be liable therefor.

1 **Section 19805. Compensation.**

2 **(a) Taking.** Compensation for property shall be made
3 only if private property is lawfully taken or appropriated by a public
4 health authority for its temporary or permanent use during a state of
5 public health emergency declared by *I Maga'låhen Guåhan* pursuant
6 to this Act.

7 **(b) Actions.** Any action against the government of Guam
8 with regard to the payment of compensation shall be brought in the
9 courts of Guam in accordance with existing court laws and rules, or
10 any such rules that may be developed by the courts for use during a
11 state of public health emergency.

12 **(c) Amount.** The amount of compensation shall be
13 calculated in the same manner as compensation due for taking of
14 property pursuant to non-emergency eminent domain procedures, as
15 provided in Chapter 15 of Title 21, Guam Code Annotated, except
16 that the amount of compensation calculated for items obtained under
17 Section 19505 shall be limited to the costs incurred to produce the
18 item.

19 **Section 19806. Severability.** The provisions of this Act are
20 severable. If any provision of this Act or its application to any person or
21 circumstances is held invalid in a federal or local court having jurisdiction,
22 the invalidity will not affect other provisions or applications of this Act that
23 can be given effect without the invalid provision or application.

24 **Section 19807. Saving Clause.** This Act does not explicitly

1 preempt other laws or regulations that preserve to a greater degree the
2 powers of *I Maga'lâhen Guâhan* or public health authority, provided such
3 laws or regulations are consistent, and do not otherwise restrict or
4 interfere, with the operation or enforcement of the provisions of this Act.

5 **Section 19808. Conflicting laws.**

6 (a) **Federal Supremacy.** This Act does not restrict any
7 person from complying with federal law or regulations.

8 (b) **Prior Conflicting Acts.** In the event of a conflict
9 between this Act and other local laws or regulations concerning
10 public health powers, the provisions of this Act apply.

11 **Section 19809. Effective Date.** The provisions of this Act shall
12 take effect upon signature of *I Maga'lâhen Guâhan*."

13 **Section 3. Severability.** If any provision of this Law or its application to
14 any person or circumstance is found to be invalid or contrary to law, such
15 invalidity shall not affect other provisions or application, and to this end the
16 provisions of this Law severable.

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

Bill No. 2700 (COR)

Introduced by:

E. B. Calvo *EBC*
A.R. Unpingco *U*
L.F. Kasperbauer

**AN ACT TO ADD A NEW CHAPTER 19 TO DIVISION 1, OF
TITLE 10 OF THE GUAM CODE ANNOTATED RELATIVE
TO "ISLAN GUAHÅN EMERGENCY HEALTH POWERS
ACT" FOR EMERGENCY HEALTH THREATS,
INCLUDING THOSE CAUSED BY BIOTERRORISM
REQUIRING THE EXERCISE OF GOVERNMENT
POWERS AND FUNCTIONS TO RESPOND RAPIDLY AND
EFFECTIVELY TO POTENTIAL OR ACTUAL PUBLIC
HEALTH EMERGENCIES FOR THE COMMON GOOD.**

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

2 **Section 1.** Legislative Intent

3 **Section 2.** A new Chapter 19 is added to Division 1 of Title 10 of the Guam
4 Code Annotated.

5

6

ARTICLE I

7

TITLE, FINDINGS, PURPOSES, AND DEFINITIONS

8

Section 19101. Short title

9

Section 19102. Legislative findings

10

Section 19103. Purposes

11

Section 19104. Definitions

- 1 (c) I Liheslaturan Guahån
- 2 (d) Content of termination order

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4 **ARTICLE V**

5 **SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH**

6 **EMERGENCY: MANAGEMENT OF PROPERTY**

7

8 Section 19501. Emergency measures concerning facilities and

9 materials

- 10 (a) Facilities
- 11 (b) Materials

12 Section 19502. Access to and control of facilities and property -

13 generally

- 14 (a) Use of materials and facilities
- 15 (b) Use of health care facilities
- 16 (c) Control of materials
- 17 (d) Control of roads and public areas

18 Section 19503. Safe disposal of infectious waste

- 19 (a) Adopt measures
- 20 (b) Control of facilities
- 21 (c) Use of facilities
- 22 (d) Identification

23 Section 19504. Safe disposal of human remains

- 24 (a) Adopt measures
- 25 (b) Possession
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- 27 (d) Control of facilities
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31 Section 19505. Control of health care supplies.

- 32 (a) Procurement
- 33 (b) Rationing
- 34 (c) Priority
- 35 (d) Distribution

36 Section 19506. Compensation

37 Section 19507. Destruction of property

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1
2 **ARTICLE VI**
3 **SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH**
4 **EMERGENCY: PROTECTION OF PERSONS**

- 5 Section 19601. Protection of persons
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13 (c) Cooperation
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15 Section 19605. Procedures for isolation and quarantine
16 (a) Temporary isolation and quarantine without notice
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19 (d) Proceedings
20 (e) Court to appoint counsel and consolidate claims
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25 (c) Chain of custody
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29 (a) Access
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- 10 Section 19803. Financing and expenses
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 - 18 (a) Taking
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 - 24 (a) Federal supremacy
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- 26 Section 19809. Effective date.

27 **Section 3. Severability**
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29 **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that there is a
30 health, moral, social and ethical obligation for the government to responsibly abate and
31 mitigate the spread of catastrophic communicable diseases within the island. A state of
32 a public health emergency has been recently declared by *I Maga'lahen Guåhan* relating
33 to a measles outbreak. This outbreak has catastrophic implications to the health and well
34 being of the people. In 1994, a similar outbreak manifested where 280 people were

1 suspected, probable, or confirmed to have contracted measles. This outbreak required
2 the hospitalization of 23 individuals with three related deaths. The control of
3 communicable diseases is a priority of Guam. However, potential outbreaks occur in
4 circumstances where the island is not readily prepared to contain the disease. As a result,
5 an emergency situation arises requiring *I Maga'láhen Guåhan* to mobilize required
6 resources to head off a catastrophic situation.

7 The spread of communicable diseases not only occurs in circumstances by natural
8 human contact. As a result of the 911 incident, Guam as an instrumentality of the free
9 world and of the United States of America is prone to terroristic attacks to mankind. In
10 the wake of the tragic events of September 11, 2001, our nation realizes that the
11 government's foremost responsibility is to protect the health, safety, and well being of
12 its citizens. New and emerging dangers including emergent and resurgent infectious
13 diseases and incidents of civilian mass casualties pose serious and immediate threats to
14 the population. A renewed focus on the prevention, detection, management, and
15 containment of public health emergencies is thus called for. Emergency health threats,
16 including those caused by bioterrorism and epidemics, require the exercise of essential
17 government functions. The government of Guam is responsible for safeguarding the
18 health, security, and well being of its people, the local government must be able to
19 respond, rapidly and effectively, to public health emergencies. The *Islan Guahån*
20 *Emergency Health Powers Act* (the "Act") therefore grants specific emergency powers
21 to *I Maga'láhen Guahån* and public health authorities.

22 The Act requires the development of a comprehensive plan to provide a
23 coordinated, appropriate response in the event of a public health emergency. It facilitates
24 the early detection of a health emergency by authorizing the reporting and collection of
25 data and records, and allows for immediate investigation by granting access to

1 individuals' health information under specified circumstances. During a public health
2 emergency, the government of Guam and local officials are authorized to use and
3 appropriate property as necessary for the care, treatment, and housing of patients, and
4 to destroy contaminated facilities or materials. They are also empowered to provide care,
5 testing and treatment, and vaccination to persons who are ill or who have been exposed
6 to a contagious disease, and to separate affected individuals from the population at large
7 to interrupt disease transmission. At the same time, the Act recognizes that Guam's
8 ability to respond to a public health emergency must respect the dignity and rights of
9 persons. The exercise of emergency health powers is designed to promote the common
10 good. Emergency powers must be grounded in a thorough scientific understanding of
11 public health threats and disease transmission. Guided by principles of justice, the
12 government of Guam has a duty to act with fairness and tolerance towards individuals
13 and groups.

14 The Act thus provides that, in the event of the exercise of emergency powers, the
15 civil rights, liberties, and needs of infected or exposed persons will be protected to the
16 fullest extent possible consistent with the primary goal of controlling serious health
17 threats. Public health laws and our courts have traditionally balanced the common good
18 with individual civil liberties. The Act strikes such a balance. It provides the government
19 of Guam and other local officials with the ability to prevent, detect, manage, and contain
20 emergency health threats without unduly interfering with civil rights and liberties. The
21 Act seeks to ensure a strong, effective, and timely response to public health
22 emergencies, while fostering respect for individuals from all groups and backgrounds.
23 Although modernizing public health law is an important part of protecting the population
24 during public health emergencies, the public health system itself needs improvement.
25 Preparing for a public health emergency requires a well trained public health workforce,

1 efficient data systems, and sufficient laboratory capacity.

2 **Section 2.** A new Chapter 19 is added to Division 1 of Title 10 of the Guam
3 Code Annotated.

4 **“CHAPTER 19**
5 **ARTICLE I**
6 **TITLE, FINDINGS, PURPOSES, AND DEFINITIONS**
7

8 **Section 19101. Short title.** This Act may be cited as the “Islan Guahån
9 Emergency Health Powers Act.”

10 **Section 19102. Legislative findings.** I Liheslaturan Guahån finds that:

11 (a) The government must do more to protect the health, safety, and
12 general well being of its citizens.

13 (b) New and emerging dangers including emergent and resurgent
14 infectious diseases and incidents of civilian mass casualties pose serious and
15 immediate threats.

16 (c) A renewed focus on the prevention, detection, management, and
17 containment of public health emergencies is needed.

18 (d) Emergency health threats, including those caused by bioterrorism
19 may require the exercise of extraordinary government powers and functions.

20 (e) The government of Guam must have the ability to respond, rapidly
21 and effectively, to potential or actual public health emergencies.

22 (f) The exercise of emergency health powers must promote the common
23 good.

24 (g) Emergency health powers must be grounded in a thorough scientific
25 understanding of public health threats and disease transmission.

26 (h) Guided by principles of justice and antidiscrimination, it is the duty

1 of the government of Guam to act with fairness and tolerance towards individuals
2 and groups.

3 (i) The rights of people to liberty, bodily integrity, and privacy must be
4 respected to the fullest extent possible consistent with maintaining and preserving
5 the public's health and security.

6 (j) This Act is necessary to protect the health and safety of the citizens
7 of Guam.

8 **Section 19103. Purposes.** The purposes of this Act are:

9 (a) To require the development of a comprehensive plan to provide for
10 a coordinated, appropriate response in the event of a public health emergency.

11 (b) To authorize the reporting and collection of data and records, the
12 management of property, the protection of persons, and access to communications.

13 (c) To facilitate the early detection of a health emergency, and allow for
14 immediate investigation of such an emergency by granting access to individuals'
15 health information under specified circumstances.

16 (d) To grant The government of Guam and local officials the authority
17 to use and appropriate property as necessary for the care, treatment, vaccination,
18 and housing of patients, and to destroy contaminated facilities or materials.

19 (e) To grant The government of Guam and local officials the authority
20 to provide care, treatment, and vaccination to persons who are ill or who have
21 been exposed to contagious diseases, and to separate affected individuals from the
22 population at large to interrupt disease transmission.

23 (f) To ensure that the needs of infected or exposed persons are properly
24 addressed to the fullest extent possible, given the primary goal of controlling
25 serious health threats.

1 (g) To provide The government of Guam and local officials with the
2 ability to prevent, detect, manage, and contain emergency health threats without
3 unduly interfering with civil rights and liberties.

4 **Section 19104. Definitions.**

5 (a) “**Bioterrorism**” is the intentional use of any microorganism, virus,
6 infectious substance, or biological product that may be engineered as a result of
7 biotechnology, or any naturally occurring or bioengineered component of any such
8 microorganism, virus, infectious substance, or biological product, to cause death,
9 disease, or other biological malfunction in a human, an animal, a plant, or another
10 living organism in order to influence the conduct of government or to intimidate
11 or coerce a civilian population.

12 (b) “**Chain of custody**” is the methodology of tracking specimens for the
13 purpose of maintaining control and accountability from initial collection to final
14 disposition of the specimens and providing for accountability at each stage of
15 collecting, handling, testing, storing, and transporting the specimens and reporting
16 test results.

17 (c) “**Contagious disease**” is an infectious disease that can be transmitted
18 from person to person.

19 (d) “**Health care facility**” means any non-federal institution, building,
20 or agency or portion thereof, whether public or private (for-profit or nonprofit) that
21 is used, operated, or designed to provide health services, medical treatment, or
22 nursing, rehabilitative, or preventive care to any person or persons. This includes,
23 but is not limited to: ambulatory surgical facilities, home health agencies, hospices,
24 hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long
25 term care facilities, medical assistance facilities, mental health centers, outpatient

1 facilities, public health centers, rehabilitation facilities, residential treatments
2 facilities, skilled nursing facilities, and adult day-care centers. This also includes,
3 but is not limited to, the following related property when used for or in connection
4 with the foregoing: laboratories; research facilities; pharmacies; laundry facilities;
5 health personnel training and lodging facilities; patient, guest, and health personnel
6 food service facilities; and offices and office buildings for persons engaged in
7 health care professions or services.

8 (e) **“Health care provider”** is any person or entity who provides health
9 care services including, but not limited to, hospitals, medical clinics and offices,
10 special care facilities, medical laboratories, physicians, pharmacists, dentists,
11 physician assistants, nurse practitioners, registered and other nurses, paramedics,
12 emergency medical or laboratory technicians, and ambulance and emergency
13 medical workers.

14 (f) **“Infectious disease”** is a disease caused by a living organism or
15 other pathogen, including a fungus, bacteria, parasite, protozoan, or virus. An
16 infectious disease may, or may not, be transmissible from person to person, animal
17 to person, or insect to person.

18 (g) **“Infectious waste”** is:

19 (i) **“biological waste,”** which includes blood and blood products,
20 excretions, exudates, secretions, suctioning and other body fluids, and
21 waste materials saturated with blood or body fluids;

22 (ii) **“cultures and stocks,”** which includes etiologic agents and
23 associated biologicals, including specimen cultures and dishes and devices
24 used to transfer, inoculate, and mix cultures, wastes from production of
25 biologicals and serums, and discarded live and attenuated vaccines;

1 (iii) **“pathological waste,”** which includes biopsy materials and all
2 human tissues, anatomical parts that emanate from surgery, obstetrical
3 procedures, necropsy or autopsy and laboratory procedures, and animal
4 carcasses exposed to pathogens in research and the bedding and other
5 waste from such animals, but does not include teeth or formaldehyde or
6 other preservative agents; and

7 (iv) **“sharps ,”** which includes needles, I.V. tubing with needles
8 attached, scalpel blades, lancets, breakable glass tubes, and syringes that
9 have been removed from their original sterile containers.

10 (h) **“Isolation”** is the physical separation and confinement of an
11 individual or groups of individuals who are infected or reasonably believed to be
12 infected with a contagious or possibly contagious disease from non-isolated
13 individuals, to prevent or limit the transmission of the disease to non-isolated
14 individuals.

15 (i) **“Mental health support personnel”** includes, but is not limited to,
16 psychiatrists, psychologists, social workers, and volunteer crisis counseling
17 groups.

18 (j) **“Organized militia”** includes the Guam National Guard, the army
19 national guard, the air national guard, or any other military force organized under
20 the laws of Guam or through empowerment of the Organic Act of Guam.

21 (k) **“Protected health information”** is any information, whether oral,
22 written, electronic, visual, or any other form, that relates to an individual’s past,
23 present, or future physical or mental health status, condition, treatment, service,
24 products purchased, or provision of care, and that reveals the identity of the
25 individual whose health care is the subject of the information, or where there is a

1 reasonable basis to believe such information could be utilized (either alone or with
2 other information that is, or should reasonably be known to be, available to
3 predictable recipients of such information) to reveal the identity of that individual.

4 (l) **“Public health authority”** is the Department of Public Health and
5 Social Services; or any local government agency that acts principally to protect or
6 preserve the public’s health; or any person directly authorized to act on behalf of
7 the Department of Public Health and Social Services or local public health agency.
8 The determination of the “Public health authority” shall be determined by I
9 Maga’låhen Guahån, based on the circumstances of the public health emergency.
10 The “public health authority” shall be appointed by I Maga’låhen Guahån within
11 the Executive Order declaring a public health emergency.

12 (m) A **“public health emergency”** is an occurrence or imminent threat
13 of an illness or health condition that:

14 (1) Is believed to be caused by any of the following:

15 (i) bioterrorism;

16 (ii) the appearance of a novel or previously controlled or
17 eradicated infectious agent or biological toxin;

18 (iii) a natural disaster relative to an act of God caused by a
19 typhoon, earthquake, tsunami, flood or intra terrestrial collision;

20 (iv) a chemical attack or accidental release; or

21 (v) a nuclear attack or accident; and

22 (2) poses a high probability of any of the following harms:

23 (i) a large number of deaths in the affected population;

24 (ii) a large number of serious or long-term disabilities in the
25 affected population; or

1 (iii) widespread exposure to an infectious or toxic agent that
2 poses a significant risk of substantial future harm to a large number
3 of people in the affected population.

4 (n) **“Public safety authority”** means the Guam Police Department; or
5 any local government agency that acts principally to protect or preserve the public
6 safety; or any person directly authorized to act on behalf of the Guam Police
7 Department or local agency.

8 (o) **“Quarantine ”** is the physical separation and confinement of an
9 individual or groups of individuals, who are or may have been exposed to a
10 contagious or possibly contagious disease and who do not show signs or
11 symptoms of a contagious disease, from non-quarantined individuals, to prevent
12 or limit the transmission of the disease to non-quarantined individuals.

13 (p) **“Specimens ”** include, but are not limited to, blood, sputum, urine,
14 stool, other bodily fluids, wastes, tissues, and cultures necessary to perform
15 required tests.

16 (q) **“Tests”** include, but are not limited to, any diagnostic or investigative
17 analyses necessary to prevent the spread of disease or protect the public’s health,
18 safety, and welfare.

19 (r) **“Superior Court of Guam”** is the court designated by the Public
20 Health Emergency Plan under Article II of this Act when a public health
21 emergency has been declared.
22

1 to serve as emergency judges regarding matters of isolation and quarantine
2 as described in this Act;

3 (6) The method of evacuating populations, and housing and
4 feeding the evacuated populations;

5 (7) The identification and training of health care providers to
6 diagnose and treat persons with infectious diseases;

7 (8) The vaccination of persons, in compliance with the provisions
8 of this Act;

9 (9) The treatment of persons who have been exposed to or who
10 are infected with diseases or health conditions that may be the cause of a
11 public health emergency.

12 (10) The safe disposal of infectious wastes and human remains in
13 compliance with the provisions of this Act;

14 (11) The safe and effective control of persons isolated, quarantined,
15 vaccinated, tested, or treated during a state of public health emergency;

16 (12) Tracking the source and outcomes of infected persons;

17 (13) Ensuring that each city and county within Guam identifies the
18 following:

19 (i) sites where persons can be isolated or quarantined in
20 compliance with the conditions and principles for isolation or
21 quarantine of this Act;

22 (ii) sites where medical supplies, food, and other essentials
23 can be distributed to the population;

24 (iii) sites where public health and emergency workers can
25 be housed and fed; and

1 (iv) routes and means of transportation of people and
2 materials;

3 (14) Cultural norms, values, religious principles, and traditions that
4 may be relevant; and

5 (15) Other measures necessary to carry out the purposes of this
6 Act.

7 (b) **Distribution.** The Commission shall distribute this plan to those who
8 will be responsible for its implementation, other interested persons, and the public,
9 and seek their review and comments.

10 (c) **Review.** The Commission shall annually review its plan for
11 responding to a public health emergency.

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**ARTICLE III
MEASURES TO DETECT AND TRACK PUBLIC HEALTH
EMERGENCIES**

17

Section 19301. Reporting.

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(a) **Illness or health condition.** A health care provider, coroner, or medical examiner shall report all cases of persons who harbor any illness or health condition that may be potential causes of a public health emergency. Reportable illnesses and health conditions include, but are not limited to, the diseases caused by the biological agents listed in 42 C.F.R. § 72, app. A (2000) and any illnesses or health conditions identified by the public health authority.

(b) **Pharmacists.** In addition to the foregoing requirements for health care providers, a pharmacist shall report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may

1 be potential causes of a public health emergency. Prescription-related events that
2 require a report include, but are not limited to:

3 (1) an unusual increase in the number of prescriptions or over-the-
4 counter pharmaceuticals to treat conditions that the public health authority
5 identifies through regulations;

6 (2) an unusual increase in the number of prescriptions for
7 antibiotics; and

8 (3) any prescription that treats a disease that is relatively
9 uncommon or may be associated with bioterrorism.

10 (c) **Manner of reporting.** The report shall be made electronically or in
11 writing within *twenty-four (24) hours* to the public health authority. The report
12 shall include as much of the following information as is available: the specific
13 illness or health condition that is the subject of the report; the patient's name, date
14 of birth, sex, race, occupation, and current home and work addresses (including
15 village); the name and address of the health care provider, coroner, or medical
16 examiner and of the reporting individual, if different; and any other information
17 needed to locate the patient for follow-up. For cases related to animal or insect
18 bites, the suspected locating information of the biting animal or insect, and the
19 name and address of any known owner, shall be reported.

20 (d) **Animal diseases.** Every veterinarian, livestock owner, veterinary
21 diagnostic laboratory director, or other person having the care of animals shall
22 report animals having or suspected of having any diseases that may be potential
23 causes of a public health emergency. The report shall be made electronically or in
24 writing within *twenty-four (24) hours* to the public health authority and shall
25 include as much of the following information as is available: the specific illness

1 or health condition that is the subject of the report; the suspected locating
2 information of the animal, the name and address of any known owner, and the
3 name and address of the reporting individual.

4 (e) **Laboratories.** For the purposes of this Section, the definition of
5 “**health care provider**” shall include any on-island and off-island military United
6 States Department of Defense operated or off-island medical laboratories,
7 provided that such laboratories have agreed to the reporting requirements of
8 Guam. Results must be reported by the laboratory that performs the test, but an
9 on-island laboratory that sends specimens to an off-island laboratory is also
10 responsible for reporting results.

11 (f) **Enforcement.** The public health authority may enforce the provisions
12 of this Section in accordance with the laws of Guam, federal laws applicable to
13 Guam and any other rules and regulations.

14 **Section 19302. Tracking.** The public health authority shall ascertain the
15 existence of cases of an illness or health condition that may be potential causes of a
16 public health emergency; investigate all such cases for sources of infection and to ensure
17 that they are subject to proper control measures; and define the distribution of the illness
18 or health condition. To fulfill these duties, the public health authority shall identify
19 exposed individuals as follows:

20 (a) **Identification of individuals.** Acting on information developed in
21 accordance with Section 19301 of this Act, or other reliable information, the
22 public health authority shall identify all individuals thought to have been exposed
23 to an illness or health condition that may be a potential cause of a public health
24 emergency.

25 (b) **Interviewing of individuals.** The public health authority shall

1 counsel and interview such individuals where needed to assist in the positive
2 identification of exposed individuals and develop information relating to the
3 source and spread of the illness or health condition. Such information includes the
4 name and address (including city and county) of any person from whom the illness
5 or health condition may have been contracted and to whom the illness or health
6 condition may have spread.

7 (c) **Examination of facilities or materials.** The public health authority
8 shall, for examination purposes, close, evacuate, or decontaminate any facility or
9 decontaminate or destroy any material when the authority reasonably suspects that
10 such facility or material may endanger the public health.

11 (d) **Enforcement.** The public health authority may enforce the provisions
12 of this Section in accordance with existing enforcement rules and regulations. An
13 order of the public health authority given to effectuate the purposes of this Section
14 shall be enforceable immediately by the public safety authority.

15 **Section 19303. Information sharing.**

16 (a) Whenever the public safety authority or other government of Guam
17 agency learns of a case of a reportable illness or health condition, an unusual
18 cluster, or a suspicious event that may be the cause of a public health emergency,
19 it shall immediately notify the public health authority.

20 (b) Whenever the public health authority learns of a case of a reportable
21 illness or health condition, an unusual cluster, or a suspicious event that it
22 reasonably believes has the potential to be caused by bioterrorism, it shall
23 immediately notify the public safety authority, Civil Defense, Guam Memorial
24 Hospital Authority, Department of Customs and Quarantine and federal health and
25 public safety authorities.

1 plans apply and the use or distribution of any supplies, equipment, and materials and
2 facilities assembled, stockpiled, or available pursuant to this Act.

3 (a) **Emergency powers.** During a state of public health emergency, I
4 Maga'låhen Guahån may:

5 (1) Through an executive order suspend, the provisions of any
6 regulatory statute prescribing procedures for conducting local business, or
7 the orders, rules and regulations of any government of Guam agency, to the
8 extent that strict compliance with the same would prevent, hinder, or delay
9 necessary action (including emergency purchases) by the public health
10 authority to respond to the public health emergency, or increase the health
11 threat to the population.

12 (2) Utilize all available resources of the government of Guam, as
13 reasonably necessary to respond to the public health emergency.

14 (3) Transfer the direction, personnel, or functions of the
15 government of Guam departments and agencies in order to perform or
16 facilitate response and recovery programs regarding the public health
17 emergency.

18 (4) Mobilize all or any part of the organized militia into service.
19 An executive order directing the organized militia to report for active duty
20 shall state the purpose for which it is mobilized and the objectives to be
21 accomplished.

22 (5) Provide aid to and seek aid from the federal government in
23 accordance with any emergency compact made with the government of
24 Guam.

25 (6) Seek aid from the federal government in accordance with

1 federal programs or requirements.

2 (b) **Coordination.** The public health authority shall coordinate all
3 matters pertaining to the public health emergency response of Guam. The public
4 health authority shall have primary jurisdiction, responsibility, and authority for:

5 (1) Planning and executing public health emergency assessment,
6 mitigation, preparedness response, and recovery for Guam;

7 (2) Coordinating public health emergency response between
8 Federal and local authorities;

9 (3) Collaborating with relevant federal government authorities,
10 elected officials of other states, private organizations or companies;

11 (4) Coordinating recovery operations and mitigation initiatives
12 subsequent to public health emergencies; and

13 (5) Organizing public information activities regarding public
14 health emergency response operations.

15 (c) **Identification.** After the declaration of a state of public health
16 emergency, special identification for all public health personnel working during
17 the emergency shall be issued as soon as possible. The identification shall indicate
18 the authority of the bearer to exercise public health functions and emergency
19 powers during the state of public health emergency. Public health personnel shall
20 wear the identification in plain view.

21 **Section 19404. Enforcement.** During a state of public health emergency, the
22 public health authority may request assistance in enforcing orders pursuant to this Act
23 from the public safety authority. The public safety authority may request assistance from
24 the organized militia in enforcing the orders of the public health authority.

25 **Section 19405. Termination of declaration.**

1 (a) **Executive order.** I Maga'lâhen Guahân shall terminate the
2 declaration of a state of public health emergency by executive order upon finding
3 that the occurrence of an illness or health condition that caused the emergency no
4 longer poses a high probability of a large number of deaths in the affected
5 population, a large number of incidents of serious permanent or long-term
6 disability in the affected population, or a significant risk of substantial future harm
7 to a large number of people in the affected population.

8 (b) **Automatic termination.** Notwithstanding any other provision of this
9 Act, the declaration of a state of public health emergency shall be terminated
10 automatically after thirty (30) days unless renewed by I Maga'lâhen Guahân under
11 the same standards and procedures set forth in this Article. Any such renewal shall
12 also be terminated automatically after thirty (30) days unless renewed by the I
13 Maga'lâhen Guahân under the same standards and procedures set forth in this
14 Article.

15 (c) **I Liheslaturan Guahân.** By a majority vote, I Liheslaturan Guahân
16 may terminate the declaration of a state of public health emergency at any time
17 from the date of original declaration upon finding that the occurrence of an illness
18 or health condition that caused the emergency does not or no longer poses a high
19 probability of a large number of deaths in the affected population, a large number
20 of incidents of serious permanent or long-term disability in the affected population,
21 or a significant risk of substantial future harm to a large number of people in the
22 affected population. Such a termination by I Liheslaturan Guahân shall override
23 any renewal by the I Maga'lâhen Guahân.

24 (d) **Content of termination order.** All orders or legislative actions

1 terminating the declaration of a state of public health emergency shall indicate the
2 nature of the emergency, the area(s) that was threatened, and the conditions that
3 make possible the termination of the declaration.
4

5 **ARTICLE V**
6 **SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH**
7 **EMERGENCY: MANAGEMENT OF PROPERTY**
8

9 **Section 19501. Emergency measures concerning facilities and materials.** The
10 public health authority may exercise, for such period as the state of public health
11 emergency exists, the following powers over facilities or materials

12 (a) **Facilities.** To close, direct and compel the evacuation of, or to
13 decontaminate or cause to be decontaminated any facility of which there is
14 reasonable cause to believe that it may endanger the public health.

15 (b) **Materials.** To decontaminate or cause to be decontaminated, or
16 destroy any material of which there is reasonable cause to believe that it may
17 endanger the public health.

18 **Section 19502. Access to and control of facilities and property - generally.** The
19 public health authority may exercise, for such period as the state of public health
20 emergency exists, the following powers concerning facilities, materials, roads, or public
21 areas

22 (a) **Use of materials and facilities.** To procure, by condemnation or
23 otherwise, construct, lease, transport, store, maintain, renovate, or distribute
24 materials and facilities as may be reasonable and necessary to respond to the
25 public health emergency, with the right to take immediate possession thereof. Such

1 materials and facilities include, but are not limited to, communication devices,
2 carriers, real estate, fuels, food, and clothing.

3 (b) **Use of health care facilities.** To require a health care facility to
4 provide services or the use of its facility if such services or use are reasonable and
5 necessary to respond to the public health emergency as a condition of licensure,
6 authorization or the ability to continue doing business in Guam as a health care
7 facility. The use of the health care facility may include transferring the
8 management and supervision of the health care facility to the public health
9 authority for a limited or unlimited period of time, but shall not exceed the
10 termination of the declaration of a state of public health emergency.

11 (c) **Control of materials.** To inspect, control, restrict, and regulate by
12 rationing and using quotas, prohibitions on shipments, allocation, or other means,
13 the use, sale, dispensing, distribution, or transportation of food, fuel, clothing and
14 other commodities, as may be reasonable and necessary to respond to the public
15 health emergency.

16 (d) **Control of roads and public areas.**

17 (1) To prescribe routes, modes of transportation, and destinations
18 in connection with evacuation of persons or the provision of emergency
19 services.

20 (2) To control or limit ingress and egress to and from any stricken
21 or threatened public area, the movement of persons within the area, and the
22 occupancy of premises therein, if such action is reasonable and necessary
23 to respond to the public health emergency.

24 **Section 19503. Safe disposal of infectious waste.** The public health authority

1 may exercise, for such period as the state of public health emergency exists, the
2 following powers regarding the safe disposal of infectious waste.

3 (a) **Adopt measures.** To adopt and enforce measures to provide for the
4 safe disposal of infectious waste as may be reasonable and necessary to respond
5 to the public health emergency. Such measures may include, but are not limited
6 to, the collection, storage, handling, destruction, treatment, transportation, and
7 disposal of infectious waste.

8 (b) **Control of facilities.** To require any business or facility authorized
9 to collect, store, handle, destroy, treat, transport, and dispose of infectious waste
10 under the laws of Guam, and any landfill business or other such property, to
11 accept infectious waste, or provide services or the use of the business, facility, or
12 property if such action is reasonable and necessary to respond to the public health
13 emergency as a condition of licensure, authorization, or the ability to continue
14 doing business in Guam as such a business or facility. The use of the business,
15 facility, or property may include transferring the management and supervision of
16 such business, facility, or property to the public health authority for a limited or
17 unlimited period of time, but shall not exceed the termination of the declaration of
18 a state of public health emergency.

19 (c) **Use of facilities.** To procure, by condemnation or otherwise, any
20 business or facility authorized to collect, store, handle, destroy, treat, transport,
21 and dispose of infectious waste under the laws of Guam and any landfill business
22 or other such property as may be reasonable and necessary to respond to the
23 public health emergency, with the right to take immediate possession thereof.

24 (d) **Identification.** All bags, boxes, or other containers for infectious

1 waste shall be clearly identified as containing infectious waste, and if known, the
2 type of infectious waste.

3 **Section 19504. Safe disposal of human remains.** The public health authority may
4 exercise, for such period as the state of public health emergency exists, the following
5 powers regarding the safe disposal of human remains.

6 (a) **Adopt measures.** To adopt and enforce measures to provide for the
7 safe disposal of human remains as may be reasonable and necessary to respond
8 to the public health emergency. Such measures may include, but are not limited
9 to, the embalming, burial, cremation, interment, disinterment, transportation, and
10 disposal of human remains.

11 (b) **Possession.** To take possession or control of any human remains.

12 (c) **Disposal.** To order the disposal of any human remains of a person
13 who has died of a contagious disease through burial or cremation within twenty-
14 four (24) hours after death. To the extent possible, religious, cultural, family, and
15 individual beliefs of the deceased person or his or her family shall be considered
16 when disposing of any human remains.

17 (d) **Control of facilities.** To require any business or facility authorized
18 to embalm, bury, cremate, inter, disinter, transport, and dispose of human remains
19 under the laws of Guam to accept any human remains or provide the use of its
20 business or facility if such actions are reasonable and necessary to respond to the
21 public health emergency as a condition of licensure, authorization, or the ability
22 to continue doing business in Guam as such a business or facility. The use of the
23 business or facility may include transferring the management and supervision of
24 such business or facility to the public health authority for a limited or unlimited

1 period of time, but shall not exceed the termination of the declaration of a state of
2 public health emergency.

3 (e) **Use of facilities.** To procure, by condemnation or otherwise, any
4 business or facility authorized to embalm, bury, cremate, inter, disinter, transport,
5 and dispose of human remains under the laws of Guam as may be reasonable and
6 necessary to respond to the public health emergency, with the right to take
7 immediate possession thereof.

8 (f) **Labeling.** Every human remains prior to disposal shall be clearly
9 labeled with all available information to identify the decedent and the
10 circumstances of death. Any human remains of a deceased person with a
11 contagious disease shall have an external, clearly visible tag indicating that the
12 human remains is infected and, if known, the contagious disease.

13 (g) **Identification.** Every person in charge of disposing of any human
14 remains shall maintain a written or electronic record of each human remains and
15 all available information to identify the decedent and the circumstances of death
16 and disposal. If human remains cannot be identified prior to disposal, a qualified
17 person shall, to the extent possible, take fingerprints and photographs of the
18 human remains, obtain identifying dental information, and collect a DNA
19 specimen. All information gathered under this paragraph shall be promptly
20 forwarded to the public health authority.

21 **Section 19505. Control of health care supplies.**

22 (a) **Procurement.** The public health authority may purchase and
23 distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other
24 pharmaceutical agents or medical supplies that it deems advisable in the interest

1 of preparing for or controlling a public health emergency, without any additional
2 legislative authorization.

3 (b) **Rationing.** If a state of public health emergency results in an island
4 wide or threatened shortage of any product under (a), whether or not such product
5 has been purchased by the public health authority, the public health authority may
6 control, restrict, and regulate by rationing and using quotas, prohibitions on
7 shipments, allocation, or other means, the use, sale, dispensing, distribution, or
8 transportation of the relevant product necessary to protect the public health,
9 safety, and welfare of the people of Guam.

10 (c) **Priority.** In making rationing or other supply and distribution
11 decisions, the public health authority may give preference to health care providers,
12 disaster response personnel, and mortuary staff.

13 (d) **Distribution.** During a state of public health emergency, the public
14 health authority may procure, store, or distribute any anti-toxins, serums, vaccines,
15 immunizing agents, antibiotics, and other pharmaceutical agents or medical
16 supplies located within Guam as may be reasonable and necessary to respond to
17 the public health emergency, with the right to take immediate possession thereof.

18 **Section 19506. Compensation.** The government of Guam shall pay just
19 compensation to the owner of any facilities or materials that are lawfully taken or
20 appropriated by a public health authority for its temporary or permanent use under this
21 Article according to the procedures and standards set forth in Section 19805 of this Act.
22 Compensation shall not be provided for facilities or materials that are closed, evacuated,
23 decontaminated, or destroyed when there is reasonable cause to believe that they may
24 endanger the public health pursuant to Section 19501.

1 in uncertainty regarding whether he or she has been exposed to or is infected with
2 a contagious or possibly contagious disease or otherwise poses a danger to public
3 health.

4 **Section 19603. Vaccination and treatment.** During a state of public health
5 emergency the public health authority may exercise the following emergency powers
6 over persons as necessary to address the public health emergency–

7 (a) **Vaccination.** To vaccinate persons as protection against infectious
8 disease and to prevent the spread of contagious or possibly contagious disease.

9 (1) Vaccination may be performed by any qualified person
10 authorized to do so by the public health authority.

11 (2) A vaccine to be administered must not be such as is
12 reasonably likely to lead to serious harm to the affected individual.

13 (3) To prevent the spread of contagious or possibly contagious
14 disease the public health authority may isolate or quarantine, pursuant to
15 Section 19604, persons who are unable or unwilling for reasons of health,
16 religion, or conscience to undergo vaccination pursuant to this Section.

17 (b) **Treatment.** To treat persons exposed to or infected with disease.

18 (1) Treatment may be administered by any qualified person
19 authorized to do so by the public health authority.

20 (2) Treatment must not be such as is reasonably likely to lead to
21 serious harm to the affected individual.

22 (3) To prevent the spread of contagious or possibly contagious
23 disease the public health authority may isolate or quarantine, pursuant to
24 Section 19604, persons who are unable or unwilling for reasons of health,

1 religion, or conscience to undergo treatment pursuant to this Section.

2 **Section 19604. Isolation and quarantine.**

3 (a) **Authorization.** During the public health emergency, the public health
4 authority may isolate (consistent with the definition of “isolation” in Section
5 19103(h)) or quarantine (consistent with the definition of quarantine in Section
6 19103(o)) an individual or groups of individuals. This includes individuals or
7 groups who have not been vaccinated, treated, tested, or examined pursuant to
8 Sections 19602 and 19603. The public health authority may also establish and
9 maintain places of isolation and quarantine, and set rules and make orders. Failure
10 to obey these rules, orders, or provisions shall constitute a misdemeanor.

11 (b) **Conditions and principles.** The public health authority shall adhere
12 to the following conditions and principles when isolating or quarantining
13 individuals or groups of individuals:

14 (1) Isolation and quarantine must be by the least restrictive means
15 necessary to prevent the spread of a contagious or possibly contagious
16 disease to others and may include, but are not limited to, confinement to
17 private homes or other private and public premises.

18 (2) Isolated individuals must be confined separately from
19 quarantined individuals.

20 (3) The health status of isolated and quarantined individuals must
21 be monitored regularly to determine if they require isolation or quarantine.

22 (4) If a quarantined individual subsequently becomes infected or
23 is reasonably believed to have become infected with a contagious or
24 possibly contagious disease he or she must promptly be removed to

1 isolation.

2 (5) Isolated and quarantined individuals must be immediately
3 released when they pose no substantial risk of transmitting a contagious or
4 possibly contagious disease to others.

5 (6) The needs of persons isolated and quarantined shall be
6 addressed in a systematic and competent fashion, including, but not limited
7 to, providing adequate food, clothing, shelter, means of communication
8 with those in isolation or quarantine and outside these settings, medication,
9 and competent medical care.

10 (7) Premises used for isolation and quarantine shall be maintained
11 in a safe and hygienic manner and be designed to minimize the likelihood
12 of further transmission of infection or other harms to persons isolated and
13 quarantined.

14 (8) To the extent possible, cultural and religious beliefs should be
15 considered in addressing the needs of individuals, and establishing and
16 maintaining isolation and quarantine premises.

17 (c) **Cooperation.** Persons subject to isolation or quarantine shall obey
18 the public health authority's rules and orders; and shall not go beyond the isolation
19 or quarantine premises. Failure to obey these provisions shall constitute a
20 misdemeanor.

21 (d) **Entry into isolation or quarantine premises.**

22 (1) **Authorized entry.** The public health authority may authorize
23 physicians, health care workers, or others access to individuals in isolation
24 or quarantine as necessary to meet the needs of isolated or quarantined

1 individuals.

2 (2) **Unauthorized entry.** No person, other than a person
3 authorized by the public health authority, shall enter isolation or quarantine
4 premises. Failure to obey this provision shall constitute a misdemeanor.

5 (3) **Potential isolation or quarantine .** Any person entering an
6 isolation or quarantine premises with or without authorization of the public
7 health authority may be isolated or quarantined pursuant to Section
8 19604(a).

9 **Section 19605. Procedures for isolation and quarantine.** During a public health
10 emergency, the isolation and quarantine of an individual or groups of individuals shall
11 be undertaken in accordance with the following procedures.

12 (a) **Temporary isolation and quarantine without notice.**

13 (1) **Authorization.** The public health authority may temporarily
14 isolate or quarantine an individual or groups of individuals through a written
15 directive if delay in imposing the isolation or quarantine would significantly
16 jeopardize the public health authority's ability to prevent or limit the
17 transmission of a contagious or possibly contagious disease to others.

18 (2) **Content of directive.** The written directive shall specify the
19 following:

20 (i) the identity of the individual(s) or groups of individuals
21 subject to isolation or quarantine;

22 (ii) the premises subject to isolation or quarantine;

23 (iii) the date and time at which isolation or quarantine
24 commences;

- (iv) the suspected contagious disease if known.; and
- (v) a copy of Article 6 and relevant definitions of this Act.

(3) **Copies.** A copy of the written directive shall be given to the individual to be isolated or quarantined or, if the order applies to a group of individuals and it is impractical to provide individual copies, it may be posted in a conspicuous place in the isolation or quarantine premises.

(4) **Petition for continued isolation or quarantine .** Within ten (10) days after issuing the written directive, the public health authority shall file a petition pursuant to Section 19605(b) for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or groups of individuals.

(b) Isolation or quarantine with notice.

(1) **Authorization.** The public health authority may make a written petition to the Superior Court of Guam for an order authorizing the isolation or quarantine of an individual or groups of individuals.

(2) **Content of petition.** A petition under subsection (b)(1) shall specify the following:

- (i) the identity of the individual(s) or groups of individuals subject to isolation or quarantine;
- (ii) the premises subject to isolation or quarantine;
- (iii) the date and time at which isolation or quarantine commences;
- (iv) the suspected contagious disease if known;
- (v) a statement of compliance with the conditions and

1 principles for isolation and quarantine of Section 19604(b); and

2 (vi) a statement of the basis upon which isolation or
3 quarantine is justified in compliance with this Article. The petition
4 shall be accompanied by the sworn affidavit of the public health
5 authority attesting to the facts asserted in the petition, together with
6 any further information that may be relevant and material to the
7 court's consideration.

8 (3) **Notice.** Notice to the individuals or groups of individuals
9 identified in the petition shall be accomplished within twenty-four (24)
10 hours in accordance with the rules of civil procedure.

11 (4) **Hearing.** A hearing must be held on any petition filed
12 pursuant to this subsection within five (5) days of filing of the petition. In
13 extraordinary circumstances and for good cause shown the public health
14 authority may apply to continue the hearing date on a petition filed pursuant
15 to this Section for up to ten (10) days, which continuance the court may
16 grant in its discretion giving due regard to the rights of the affected
17 individuals, the protection of the public's health, the severity of the
18 emergency and the availability of necessary witnesses and evidence.

19 (5) **Order.** The court shall grant the petition if, by a
20 preponderance of the evidence, isolation or quarantine is shown to be
21 reasonably necessary to prevent or limit the transmission of a contagious or
22 possibly contagious disease to others.

23 (i) An order authorizing isolation or quarantine may do so
24 for a period not to exceed thirty (30) days.

1 (ii) The order shall:

2 (a) identify the isolated or quarantined individuals or
3 groups of individuals by name or shared or similar
4 characteristics or circumstances;

5 (b) specify factual findings warranting isolation or
6 quarantine pursuant to this Act;

7 (c) include any conditions necessary to ensure that
8 isolation or quarantine is carried out within the stated
9 purposes and restrictions of this Act; and

10 (d) served on affected individuals or groups of
11 individuals in accordance with the rules of civil procedure.

12 (6) **Continuances.** Prior to the expiration of an order issued
13 pursuant to Section 19605(b)(5), the public health authority may move to
14 continue isolation or quarantine for additional periods not to exceed thirty
15 (30) days each. The court shall consider the motion in accordance with
16 standards set forth in Section 19605(b)(5).

17 (c) **Relief from isolation and quarantine.**

18 (1) **Releases.** An individual or group of individuals isolated or
19 quarantined pursuant to this Act may apply to the Superior Court of Guam
20 for an order to show cause why the individual or group of individuals
21 should be released. The court shall rule on the application to show cause
22 within forty-eight (48) hours of its filing. If the court grants the application,
23 the court shall schedule a hearing on the order to show cause within twenty-
24 four (24) hours from issuance of the order to show cause. The issuance of

1 an order to show cause shall not stay or enjoin an isolation or quarantine
2 order.

3 (2) **Remedies for breach of conditions** . An individual or groups
4 of individuals isolated or quarantined pursuant to this Act may request a
5 hearing in the Superior Court of Guam for remedies regarding breaches to
6 the conditions of isolation or quarantine. A request for a hearing shall not
7 stay or enjoin an isolation or quarantine order.

8 (i) Upon receipt of a request under this subsection alleging
9 extraordinary circumstances justifying the immediate granting of
10 relief, the court shall fix a date for hearing on the matters alleged not
11 more than twenty-four (24) hours from receipt of the request.

12 (ii) Otherwise, upon receipt of a request under this
13 subsection the court shall fix a date for hearing on the matters
14 alleged within five (5) days from receipt of the request.

15 (3) **Extensions** . In any proceedings brought for relief under this
16 subsection, in extraordinary circumstances and for good cause shown the
17 public health authority may move the court to extend the time for a hearing,
18 which extension the court in its discretion may grant giving due regard to
19 the rights of the affected individuals, the protection of the public's health,
20 the severity of the emergency and the availability of necessary witnesses
21 and evidence.

22 (d) **Proceedings**. A record of the proceedings pursuant to this Section
23 shall be made and retained. In the event that, given a state of public health
24 emergency, parties can not personally appear before the court, proceedings may

1 be conducted by their authorized representatives and be held via any means that
2 allows all parties to fully participate.

3 (e) **Court to appoint counsel and consolidate claims.**

4 (1) **Appointment.** The court shall appoint counsel at the expense
5 of the government of Guam to represent individuals or groups of
6 individuals who are or who are about to be isolated or quarantined pursuant
7 to the provisions of this Act and who are not otherwise represented by
8 counsel. Appointments shall be made in accordance with the procedures to
9 be specified in the Public Health Emergency Plan and shall last throughout
10 the duration of the isolation or quarantine of the individual or groups of
11 individuals. The public health authority must provide adequate means of
12 communication between such individuals or groups and their counsel.

13 (2) **Consolidation.** In any proceedings brought pursuant to this
14 Section, to promote the fair and efficient operation of justice and having
15 given due regard to the rights of the affected individuals, the protection of
16 the public's health, the severity of the emergency and the availability of
17 necessary witnesses and evidence, the court may order the consolidation of
18 individual claims into group or claims where:

19 (i) the number of individuals involved or to be affected is
20 so large as to render individual participation impractical;

21 (ii) there are questions of law or fact common to the
22 individual claims or rights to be determined;

23 (iii) the group claims or rights to be determined are typical
24 of the affected individuals' claims or rights; and

1 (iv) the entire group will be adequately represented in the
2 consolidation.

3 **Section 19606. Collection of laboratory specimens; performance of tests.** The
4 public health authority may, for such period as the state of public health emergency
5 exists, collect specimens and perform tests on living persons as provided in Section
6 19602 and also upon deceased persons and any animal (living or deceased), and acquire
7 any previously collected specimens or test results that are reasonable and necessary to
8 respond to the public health emergency.

9 (a) **Marking.** All specimens shall be clearly marked.

10 (b) **Contamination.** Specimen collection, handling, storage, and
11 transport to the testing site shall be performed in a manner that will reasonably
12 preclude specimen contamination or adulteration and provide for the safe
13 collection, storage, handling, and transport of such specimen.

14 (c) **Chain of custody.** Any person authorized to collect specimens or
15 perform tests shall use chain of custody procedures to ensure proper record
16 keeping, handling, labeling, and identification of specimens to be tested. This
17 requirement applies to all specimens, including specimens collected using on-site
18 testing kits.

19 (d) **Criminal investigation.** Recognizing that, during a state of public
20 health emergency, any specimen collected or test performed may be evidence in
21 a criminal investigation, any business, facility, or agency authorized to collect
22 specimens or perform tests shall provide such support as is reasonable and
23 necessary to aid in a relevant criminal investigation.

24 **Section 19607. Access to and disclosure of protected health information.**

1 (a) **Access.** Access to protected health information of persons who have
2 participated in medical testing, treatment, vaccination, isolation, or quarantine
3 programs or efforts by the public health authority during a public health
4 emergency shall be limited to those persons having a legitimate need to acquire
5 or use the information to:

6 (1) provide treatment to the individual who is the subject of the
7 health information,

8 (2) conduct epidemiologic research, or

9 (3) investigate the causes of transmission.

10 (b) **Disclosure.** Protected health information held by the public health
11 authority shall not be disclosed to others without individual written, specific
12 informed consent, except for disclosures made:

13 (1) directly to the individual;

14 (2) to the individual's immediate family members or personal
15 representative;

16 (3) to appropriate federal agencies or authorities pursuant to
17 federal law;

18 (4) pursuant to a court order to avert a clear danger to an
19 individual or the public health; or

20 (5) to identify a deceased individual or determine the manner or
21 cause of death.

22 **Section 19608. Licensing and appointment of health personnel.** The public
23 health authority may exercise, for such period as the state of public health emergency
24 exists, the following emergency powers regarding licensing and appointment of health

1 personnel

2 (a) **Health care providers** . To require on-island health care providers
3 to assist in the performance of vaccination, treatment, examination, or testing of
4 any individual as a condition of licensure, authorization, or the ability to continue
5 to function as a health care provider in Guam.

6 (b) **Health care providers from other jurisdictions.** To appoint and
7 prescribe the duties of such out-of-off-island emergency health care providers as
8 may be reasonable and necessary to respond to the public health emergency.

9 (1) The appointment of off-island emergency health care providers
10 may be for a limited or unlimited time, but shall not exceed the termination
11 of the declaration of a state of public health emergency. The public health
12 authority may terminate the off-island appointments at any time or for any
13 reason provided that any such termination will not jeopardize the health,
14 safety, and welfare of the people of Guam.

15 (2) The public health authority may waive any or all licensing
16 requirements, permits, or fees required by the Code of Guam and applicable
17 orders, rules, or regulations for health care providers from other
18 jurisdictions to practice in Guam.

19 (3) Any off-island emergency health care provider appointed
20 pursuant to this Section shall not be held liable for any civil damages as a
21 result of medical care or treatment related to the response to the public
22 health emergency unless such damages result from providing, or failing to
23 provide, medical care or treatment under circumstances demonstrating a
24 reckless disregard for the consequences so as to affect the life or health of

1 the patient.

2 (c) **Personnel to perform duties of medical examiner or coroner.** To
3 authorize the medical examiner or coroner to appoint and prescribe the duties of
4 such emergency assistant medical examiners or coroners as may be required for
5 the proper performance of the duties of the office.

6 (1) The appointment of emergency assistant medical examiners or
7 coroners may be for a limited or unlimited time, but shall not exceed the
8 termination of the declaration of a state of public health emergency. The
9 medical examiner or coroner may terminate such emergency appointments
10 at any time or for any reason, provided that any such termination will not
11 impede the performance of the duties of the office.

12 (2) The medical examiner or coroner may waive licensing
13 requirements, permits, or fees required by Guam code and applicable
14 orders, rules, or regulations for the performance of these duties.

15 (3) Any emergency assistant medical examiner or coroner
16 appointed pursuant to this Section and acting without malice and within the
17 scope of the prescribed duties shall be immune from civil liability in the
18 performance of such duties.

19
20 **ARTICLE VII**
21 **PUBLIC INFORMATION REGARDING PUBLIC HEALTH EMERGENCY**
22

23 **Section 19701. Dissemination of information.** The public health authority shall
24 inform the people of Guam when a state of public health emergency has been declared
25 or terminated, how to protect themselves during a state of public health emergency, and

1 what actions are being taken to control the emergency.

2 (a) **Means of dissemination.** The public health authority shall provide
3 information by all available and reasonable means calculated to bring the
4 information promptly to the attention of the general public.

5 (b) **Languages.** If the public health authority has reason to believe there
6 are large numbers of people on Guam who lack sufficient skills in English to
7 understand the information, the public health authority shall make reasonable
8 efforts to provide the information in the primary languages of those people as well
9 as in English.

10 (c) **Accessibility.** The provision of information shall be made in a
11 manner accessible to individuals with disabilities.

12 **Section 19702. Access to mental health support personnel.** During and after the
13 declaration of a state of public health emergency, the public health authority shall provide
14 information about and referrals to mental health support personnel to address
15 psychological responses to the public health emergency.

16
17 **ARTICLE VIII**
18 **MISCELLANEOUS**
19

20 **Section 19801. Titles.** For the purposes of this Act, titles and subtitles of Articles,
21 Sections, and Subsections are instructive, but not binding.

22 **Section 19802. Rules and regulations.** The public health authority and other
23 affected agencies are authorized to promulgate and implement such rules and regulations
24 as are reasonable and necessary to implement and effectuate the provisions of this Act.
25 The public health authority and other affected agencies shall have the power to enforce

1 the provisions of this Act through the imposition of fines and penalties, the issuance of
2 orders, and such other remedies as are provided by law, but nothing in this Section shall
3 be construed to limit specific enforcement powers enumerated in this Act.

4 **Section 19803. Financing and expenses.**

5 (a) **Transfer of funds** . I Maga'låhen Guahån may transfer from the
6 General Fund up to One Hundred Thousand Dollars (\$100,000.00) monthly as an
7 emergency appropriation upon the declaration of a public health emergency and
8 upon notification to the United States Centers for Disease Control (CDC), to
9 address, mitigate, or abate any catastrophic disease control situations relating to
10 the spread or outbreak of communicable diseases or for any biological threats to
11 mankind. *I Maga'låhen Guåhan* is allowed to utilize this emergency
12 appropriation up to three (3) consecutive months per emergency notification to
13 CDC and at such time shall be subject to *I Liheslaturan Guåhan*'s appropriation.
14 Notice of any transfer shall be delivered to the Speaker and the Committee of
15 Ways and Means of *I Liheslaturan Guåhan* by *I Maga'låhen Guåhan* within ten
16 (10) days after such transfer.

17 (b) **Conditions** . A transfer of funds by I Maga'låhen Guahån under the
18 provisions of this Section may be made only when one or more of the following
19 conditions exist:

20 (1) No appropriation or other authorization is available to meet the
21 public health emergency.

22 (2) An appropriation is insufficient to meet the public health
23 emergency.

24 (3) Federal monies available for such a public health emergency

1 require the use of local or other public monies.

2 (c) **Expenses.** All expenses incurred by the government of Guam during
3 a state of public health emergency shall be subject to the following limitations:

4 (1) No expense shall be incurred against the monies authorized
5 under this Section, without the general approval of I Maga'låhen Guahån.

6 (2) The aggregate amount of all expenses incurred pursuant to this
7 Section shall not exceed Five Hundred Thousand Dollars (\$600,000.00) for
8 any fiscal year. Any amounts in excess is subject to *I Liheslaturan*
9 *Guåhan's* appropriation

10 **Section 19804. Liability.**

11 (a) **Immunity.** Neither the government of Guam, nor, except in cases of
12 gross negligence or willful misconduct, I Maga'låhen Guahån, the public health
13 authority, or any other government or local official referenced in this Act, is liable
14 for the death of or any injury to persons, or damage to property, as a result of
15 complying with or attempting to comply with this Act or any rule or regulations
16 promulgated pursuant to this Act during a state of public health emergency.

17 (b) **Private liability.**

18 (1) During a state of public health emergency, any person owning
19 or controlling real estate or other premises who voluntarily and without
20 compensation grants a license or privilege, or otherwise permits the
21 designation or use of the whole or any part or parts of such real estate or
22 premises for the purpose of sheltering persons, together with that person's
23 successors in interest, if any, shall not be civilly liable for negligently
24 causing the death of, or injury to, any person on or about such real estate

1 or premises under such license, privilege, or other permission, or for
2 negligently causing loss of, or damage to, the property of such person.

3 (2) During a state of public health emergency, any private person,
4 firm or corporation and employees and agents of such person, firm or
5 corporation in the performance of a contract with, and under the direction
6 of, the government of Guam or its political subdivisions under the
7 provisions of this Act shall not be civilly liable for causing the death of, or
8 injury to, any person or damage to any property except in the event of gross
9 negligence or willful misconduct.

10 (3) During a state of public health emergency, any private person,
11 firm or corporation and employees and agents of such person, firm or
12 corporation, who renders assistance or advice at the request of the
13 government of Guam or its political subdivisions under the provisions of
14 this Act shall not be civilly liable for causing the death of, or injury to, any
15 person or damage to any property except in the event of gross negligence
16 or willful misconduct.

17 (4) The immunities provided in this Subsection shall not apply to
18 any private person, firm, or corporation or employees and agents of such
19 person, firm, or corporation whose act or omission caused in whole or in
20 part the public health emergency and who would otherwise be liable
21 therefor.

22 **Section 19805. Compensation.**

23 (a) **Taking.** Compensation for property shall be made only if private
24 property is lawfully taken or appropriated by a public health authority for its

1 temporary or permanent use during a state of public health emergency declared by
2 I Maga'låhen Guahån pursuant to this Act.

3 (b) **Actions** . Any action against the government of Guam with regard
4 to the payment of compensation shall be brought in the courts of Guam in
5 accordance with existing court laws and rules, or any such rules that may be
6 developed by the courts for use during a state of public health emergency.

7 (c) **Amount**. The amount of compensation shall be calculated in the
8 same manner as compensation due for taking of property pursuant to non-
9 emergency eminent domain procedures, as provided in Chapter 15 of Title 21,
10 Guam Code Annotated, except that the amount of compensation calculated for
11 items obtained under Section 19505 shall be limited to the costs incurred to
12 produce the item.

13 **Section 19806. Severability.** The provisions of this Act are severable. If any
14 provision of this Act or its application to any person or circumstances is held invalid in
15 a federal or local court having jurisdiction, the invalidity will not affect other provisions
16 or applications of this Act that can be given effect without the invalid provision or
17 application.

18 **Section 19807. Saving clause.** This Act does not explicitly preempt other laws
19 or regulations that preserve to a greater degree the powers of I Maga'låhen Guahån or
20 public health authority, provided such laws or regulations are consistent, and do not
21 otherwise restrict or interfere, with the operation or enforcement of the provisions of this
22 Act.

23 **Section 19808. Conflicting laws.**

24 (a) **Federal supremacy.** This Act does not restrict any person from

1 complying with federal law or regulations.

2 (b) **Prior conflicting acts.** In the event of a conflict between this Act
3 and other local laws or regulations concerning public health powers, the provisions
4 of this Act apply.

5 **Section 19809. Effective date.** The provisions of this Act shall take effect upon
6 signature of I Maga'låhen Guahån.”

7 **Section 3. Severability.** If any provision of this Law or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall not
9 affect other provisions or application, and to this end the provisions of this Law
10 severable.