

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
129-33 (LS)	FRANK B. AGUON, JR. Dennis G. Rodriguez, Jr.	AN ACT TO ADD SUBSECTION (q) OF § 3218 OF ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE ENFORCEMENT OF NONCOMPLIANCE WITH THE PARTIAL-BIRTH ABORTION AND ABORTION REPORT.	06/17/15 3:12 p.m.	06/18/15	Committee on Health, Economic Development, Homeland Security, and Senior Citizens			



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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June 18, 2015

MEMORANDUM

To: Rennae Meno

Clerk of the Legislature

Attorney Therese M. Terlaje

Legislative Legal Counsel

From: Senator Thomas C. Ada

Acting Chairperson of the Committee on Rules

Subject: Referral of Bill No. 129-33(LS)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 129-33(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 129-33 (LS)

Introduced by:

FRANK B. AGUON, JR.
D. G. Rodriguez, Jr.



**AN ACT TO ADD SUBSECTION (q) OF § 3218 OF
ARTICLE 2, CHAPTER 3, TITLE 10, GUAM CODE
ANNOTATED, RELATIVE TO THE ENFORCEMENT
OF NONCOMPLIANCE WITH THE PARTIAL-BIRTH
ABORTION AND ABORTION REPORT.**

2015 JUN 17 PM 3:12

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that § 3218 of Article 2, Chapter 3, Title 10, Guam Code Annotated, mandates an
3 individual abortion report for each abortion be completed by the mother's attending
4 physician, and shall be transmitted directly to the Office of Vital Statistics (OVS)
5 of the Department of Public Health and Social Services (DPHSS). However, OVS
6 has been made aware that abortions reports submitted have been noncompliant
7 pursuant to § 3218 of Article 2, Chapter 3, Title 10, Guam Code Annotated.

8 Therefore, it is the intent of *I Liheslatura* to ensure full compliance and
9 enforcement of noncompliance with the Partial-Birth Abortion and Abortion
10 Report.

11 **Section 2.** Subsection (q) of § 3218 of Article 2, Chapter 3, Title 10, Guam
12 Code Annotated, is hereby *add*, to read:

13 **“§ 3218. Partial-Birth Abortion and Abortion Report.** (a) An
14 individual abortion report for each abortion *shall* be completed by the
15 mother's attending physician, and *shall* be transmitted directly to the Office

1 of Vital Statistics of the Department of Public Health and Social Services.
2 The report *shall* be confidential and it *shall* not contain the name of the
3 mother involved. This report *shall* include:

- 4 (1) patient number;
- 5 (2) name and address of the abortion facility or hospital;
- 6 (3) date of the abortion;
- 7 (4) zip code or other residential identification of the
8 pregnant woman;
- 9 (5) age of the pregnant woman;
- 10 (6) ethnic origin of the pregnant woman;
- 11 (7) marital status of the pregnant woman;
- 12 (8) number of previous pregnancies;
- 13 (9) number of years of education of the pregnant woman;
- 14 (10) number of living children;
- 15 (11) number of previous induced abortions;
- 16 (12) date of the last induced abortion;
- 17 (13) date of the last live birth;
- 18 (14) method of contraception used, if any, at the time of
19 conception;
- 20 (15) date of the beginning of the last menstrual period;
- 21 (16) medical condition of the pregnant woman at the time
22 of abortion;
- 23 (17) RH type of the pregnant woman;
- 24 (18) type of abortion procedure used;
- 25 (19) complications, if any;
- 26 (20) type of procedure done after the abortion;
- 27 (21) type of family planning recommended;

1 (22) type of additional counseling given, if any;

2 (23) signature of attending physician; and

3 (24) certification provided for in this Section.

4 (b) An individual complication report for any post-abortion care
5 performed upon a woman *shall* be completed by the physician providing
6 such post-abortion care. This report *shall* include:

7 (1) date of the abortion;

8 (2) name and the address of the medical facility, abortion
9 facility or hospital where the abortion was performed; and

10 (3) nature of the abortion complication diagnosed or treated.

11 (c) All abortion reports *shall* be signed by the attending physician and
12 *shall* be submitted to the Office of Vital Statistics within thirty (30) days
13 from the date of the abortion. All complication reports *shall* be signed by the
14 physician providing the post-abortion care and submitted to the Office of
15 Vital Statistics within thirty (30) days from the date of the post-abortion
16 care.

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

20 (e) The Office of Vital Statistics *shall* be responsible for collecting all
21 abortion reports and complication reports, and collating and evaluating all
22 data gathered therefrom, and *shall* annually publish a statistical report based
23 on such data from abortions performed in the previous calendar year.

24 (f) The Office of Vital Statistics *shall* make available to physicians
25 performing abortions on Guam, forms for both abortion reports and
26 postabortion care reports, as provided in Subsections (a) and (b) of this
27 Section.

1 (g) All information in abortion reports and post-abortion care reports
2 and the reports themselves *shall* be confidential. Information and records
3 may be disclosed only in communications between qualified professional
4 persons in the provision of services or in statistical form for research
5 purposes as required by Subsection (e) of this Section.

6 (h) Any person who releases confidential information in violation of
7 Subsection (g) of this Section *shall* be guilty of a misdemeanor.

8 (i) Any person may bring an action against an individual who has
9 willfully and knowingly released confidential information about such person
10 in violation of Subsection (g) of this Section for the greater of the following
11 amounts:

12 (1) Five Hundred Dollars (\$500); or

13 (2) Three (3) times the amount of actual damages, if any,
14 sustained by the plaintiff, reasonable attorney's fees and the costs of
15 the action. It is not a prerequisite to an action under this Subsection
16 that the plaintiff suffer or be threatened with actual damages.

17 (j) If a physician performs a partial-birth abortion on the woman, the
18 physician *shall* report such determination and the reasons for such
19 determination in writing to the medical care facility in which the abortion is
20 performed for inclusion in the report of the medical care facility to the
21 Office of Vital Statistics and to the Guam Board of Medical Examiners, or if
22 the abortion is not performed in a medical care facility, the physician *shall*
23 report the reasons for such determination in writing to the Office of Vital
24 Statistics and to the Guam Board of Medical Examiners as part of the written
25 report made by the physician to the Office of Vital Statistics and to the
26 Guam Board of Medical Examiners. The physician *shall* retain a copy of the
27 written reports required under this Section for not less than five (5) years.

1 (k) Failure to report under this Section will subject physicians to a fine
2 of no less than Ten Thousand Dollars (\$10,000) but no more than One
3 Hundred Thousand Dollars (\$100,000) per offense.

4 (l) Subsection (k) does not preclude sanctions, or disciplinary action,
5 or any other appropriate action by the Guam Board of Medical Examiners.

6 (m) The Office of Vital Statistics *shall* compile and retain all
7 partialbirth abortion reports it receives under this Section and collate and
8 evaluate all data gathered therefrom, and *shall* annually publish a statistical
9 report based on such data from partial-birth abortions performed in the
10 previous calendar year no later than January 31st of the following calendar
11 year.

12 (n) The Office of Vital Statistics *shall* make available to physicians
13 performing partial-birth abortions on Guam and the Guam Board of Medical
14 Examiners forms for partial-birth abortion reports.

15 (o) All information in partial-birth abortion reports the Office of Vital
16 Statistics receives *shall* be confidential. Information and reports may be
17 disclosed only in communications between qualified professional persons in
18 the provisions of services, or in statistical form for research purposes.

19 (p) Any person who releases confidential information in violation of
20 Subsection (o) of this Section *shall* be guilty of a misdemeanor.

21 (q) In case of noncompliance with the provisions of this Section or
22 with the rules and regulations of the Partial-Birth Abortion and Abortion
23 Report, the Director shall notify the respective licensing Board and the
24 Guam Board of Medical Examiners and shall also notify the Attorney
25 General of such noncompliance. The licensing Board and the Guam Board
26 of Medical Examiners shall notify the abortion provider and shall institute
27 suspension of license for noncompliance reported by the Director of DPHSS.

1 The Attorney General, upon receipt of such notification, shall subject
2 abortion providers to a fine of no less than Ten Thousand Dollars
3 (\$10,000.00) but no more than One Hundred Thousand Dollars
4 (\$100,000.00) per offense, and institute appropriate action or proceeding at
5 law or in equity to restrain, correct such noncompliance. For all cases of
6 noncompliance referred to the Attorney General by the Director of DPHSS,
7 quarterly reports shall be prepared by the Attorney General and submitted to
8 the Director of DPHSS and I Liheslaturan Guåhan summarizing the status
9 of actions taken to correct and comply.”

10 **Section 3. Severability.** *If any provision of this Act or its application*
11 *to any person or circumstance is found to be invalid or contrary to law, such*
12 *invalidity shall not affect other provisions or applications, and to this end the*
13 *provisions of this Act are severable.*