

**10 GCA HEALTH AND SAFETY
CH. 19 EMERGENCY HEALTH POWERS**

**CHAPTER 19
EMERGENCY HEALTH POWERS**

SOURCE: This entire Chapter was enacted by P.L. 25-173 unless separately noted.

- Article 1. Title, Findings, Purposes and Definitions.
- Article 2. Planning for a Public Health Emergency.
- Article 3. Measures to Detect and Track Public Health Emergencies.
- Article 4. Declaring a State of Public Health Emergency.
- Article 5. Special Powers during a State of Public Health Emergency:
Management of Property.
- Article 6. Special Powers during a State of Public Health Emergency:
Protection of Persons.
- Article 7. Public Information Regarding Public Health Emergency.
- Article 8. Miscellaneous.

**ARTICLE 1
TITLE, FINDINGS, PURPOSES AND DEFINITIONS.**

- § 19101. Short Title.
- § 19102. Legislative Findings.
- § 19103. Purposes.
- § 19104. Definitions.

§ 19101. Short Title.

This Chapter may be cited as the 'Islan Guåhan Emergency Health Powers Act.'

§ 19102. Legislative Findings.

[The Guam Legislature] finds that:

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

(b) new and emerging dangers, including emergent and resurgent infectious diseases and incidents of civilian mass casualties, pose serious and immediate threats;

(c) a renewed focus on the prevention, detection, management and containment of public health emergencies is needed;

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(d) emergency health threats, including those caused by bioterrorism, may require the exercise of extraordinary government powers and functions;

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

(f) the exercise of emergency health powers must promote the common good;

(g) emergency health powers must be grounded in a thorough scientific understanding of public health threats and disease transmission;

(h) guided by principles of justice and anti-discrimination, it is the duty of the government of Guam to act with fairness and tolerance towards individuals and groups;

(i) the rights of People to liberty, bodily integrity and privacy must be respected to the fullest extent possible, consistent with maintaining and preserving the public's health and security; and

(j) this Chapter is necessary to protect the health and safety of the citizens of Guam.

§ 19103. Purposes.

The purposes of this Chapter are:

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

(b) to authorize the reporting and collection of data and records, the management of property, the protection of persons, and access to communications;

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

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

(e) to grant the government of Guam and local officials the authority to provide care, treatment and vaccination to persons who are ill, or who have

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been exposed to contagious diseases, and to separate affected individuals from the population at large to interrupt disease transmission;

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

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

§ 19104. Definitions.

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

(b) 'Chain of Custody' is the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens, and providing for accountability at each stage of collecting, handling, testing, storing and transporting the specimens and reporting test results.

(c) 'Contagious Disease' is an infectious disease that can be transmitted from person to person.

(d) 'Health Care Facility' means any non-Federal institution, building, or agency, or portion thereof, whether public or private (for-profit or nonprofit) that is used, operated or designed to provide health services, medical treatment or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to: ambulatory surgical facilities, home health agencies, hospices, hospitals, infirmaries, intermediate care facilities, kidney treatment centers, long term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatments facilities, skilled nursing facilities, and adult day-care centers. This also includes, but is not limited to, the following related property when used for, or in connection with, the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest and health personnel food service facilities;

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and offices and office buildings for persons engaged in health care professions or services.

(e) 'Health Care Provider' is any person or entity who provides health care services, including, but not limited to, hospitals, medical clinics and offices, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.

(f) 'Infectious Disease' is a disease caused by a living organism or other pathogen, including a fungus, bacteria, parasite, protozoan or virus. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.

(g) 'Infectious Waste' is:

(i) 'biological waste,' which includes blood and blood products, excretions, exudates, secretions, suctioning and other body fluids, and waste materials saturated with blood or body fluids;

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

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

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

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

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(i) 'Mental Health Support Personnel' includes, but is not limited to, psychiatrists, psychologists, social workers and volunteer crisis counseling groups.

(j) 'Organized Militia' includes the Department of Military Affairs and the Guam National Guard or any other military force organized under the laws of Guam or through empowerment of the Organic Act of Guam.

(k) 'Protected health information' is any information, whether oral, written, electronic, visual or any other form, that relates to an individual's past, present, or future physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe such information could be utilized, either alone or with other information that is, or should reasonably be known to be, available to predictable recipients of such information, to reveal the identity of that individual.

(l) 'Public health authority' is the Department of Public Health and Social Services; or any local government agency that acts principally to protect or preserve the public's health; or any person directly authorized to act on behalf of the Department of Public Health and Social Services or local public health agency. The determination of the 'Public health authority' shall be determined by I Maga'låhen Guåhan, based upon the circumstances of the public health emergency. The 'public health authority' shall be appointed by I Maga'låhen Guåhan by an Executive Order declaring a public health emergency.

(m) A 'public health emergency' is an occurrence or imminent threat of an illness or health condition that:

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

(i) bioterrorism;

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

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

(iv) a chemical attack or accidental release; or (v) a nuclear attack or accident; and

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

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- (i) a large number of deaths in the affected population;
- (ii) a large number of serious or long-term disabilities in the affected population; or
- (iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

(n) 'Public safety authority' means the Guam Police Department; or any local government agency that acts principally to protect or preserve the public safety, or any person directly authorized to act on behalf of the Guam Police Department or local agency.

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

(p) 'Specimens' include, but are not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues and cultures necessary to perform required tests. (q) 'Tests' include, but are not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the public's health, safety and welfare.

(r) 'Superior Court of Guam' is the court designated by the Public Health Emergency Plan under Article 2 of this Chapter when a public health emergency has been declared.

ARTICLE 2
PLANNING FOR A PUBLIC HEALTH EMERGENCY

§ 19201. Public Health Emergency Planning Commission.

§ 19202. Public Health Emergency Plan.

§ 19201. Public Health Emergency Planning Commission.

I Maga'låhen Guåhan [The Governor] shall appoint a Public Health Emergency Planning Commission ('Commission'), consisting of the government of Guam directors, or their designees, of agencies I Maga'låhen Guåhan [The Governor deems relevant to public health emergency

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preparedness, a representative group of Senators from I Liheslaturan Guahån [the Legislature], members of the Judiciary, and any other persons chosen by I Maga'låhen Guahån the Governor]. I Maga'låhen Guahån [The Governor] shall also designate the chair of the Commission.

§ 19202. Public Health Emergency Plan.

(a) Content. The Commission shall, within six (6) months of its appointment, deliver to I Maga'låhen Guahån [The Governor] a plan for responding to a public health emergency, that includes provisions or guidelines on the following:

(1) notifying and communicating with the population during a state of public health emergency in compliance with this Chapter;

(2) central coordination of resources, manpower and services, including coordination of responses by the government of Guam, military and Federal agencies;

(3) the location, procurement, storage, transportation, maintenance, and distribution of essential materials, including but not limited to medical supplies, drugs, vaccines, food, shelter, clothing and beds;

(4) compliance with the reporting requirements in § 19301;

(5) the continued, effective operation of the Judicial System including, if deemed necessary, the identification and training of personnel to serve as emergency judges regarding matters of isolation and quarantine as described in this Chapter;

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

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

(8) the vaccination of persons, in compliance with the provisions of this Chapter;

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

(10) the safe disposal of infectious wastes and human remains in compliance with the provisions of this Chapter;

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

(12) tracking the source and outcomes of infected persons;

(13) ensuring that each municipality within Guam identifies the following:

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

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

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

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

(14) cultural norms, values, religious principles and traditions that may be relevant; and

(15) other measures necessary to carry out the purposes of this Chapter.

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

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

ARTICLE 3

MEASURES TO DETECT AND TRACK PUBLIC HEALTH EMERGENCIES

§ 19301. Reporting.

§ 19302. Tracking.

§ 19303. Information Sharing.

§ 19301. Reporting.

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§ 19301. Reporting.

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

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

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

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

(c) **Manner of Reporting.** Suspicion of a Class 1 disease as specified by the Director of Public Health and Social Services shall be reported within twenty-four (24) hours of diagnosis to the public health authority. The report shall include as much of the following information as is available: the specific illness or health condition that is the subject of the report; the patient's name, date of birth, sex, race, occupation, and current home and work addresses (including village) and phone numbers; the name and address of the health care provider, coroner, or medical examiner and of the reporting individual, if different; and any other information needed to locate the patient for follow-up. For cases related to animal or insect bites, the suspected locating information of the biting animal or insect, and the name and address of any known owner, shall be reported.

(d) **Animal Diseases.** Every veterinarian, livestock owner, veterinary diagnostic laboratory director, kennels businesses or other person having the care of animals shall report animals having or suspected of having

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any diseases that may be potential causes of a public health emergency. The report shall be reported within twenty-four (24) hours of diagnosis to the public health authority to the public health authority and shall include as much of the following information as is available: the specific illness or health condition that is the subject of the report; the suspected locating information of the animal; the name and address of any known owner and phone numbers; and the name, address and phone number of the reporting individual.

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

(f) Enforcement. Failure of a health care provider or veterinarian to report any illness or health condition identified by the Director of the Department of Public Health and Social Services as a Class 1 disease in the manner and within the time period specified in this Section shall be reported to the authority or agency responsible for licensing that health care provider. The licensing authority shall, at its next regular meeting, hold a hearing to determine what action, if any, should be taken with regard to this report. The penalty for failure to comply with the provisions of this Article may include suspension of license to practice a healing art for up to thirty (30) days for a first offense, and suspension or revocation of license for a second or subsequent offense. The action taken by the licensing authority in any such case shall be reported to the Director of the Department of Public Health and Social Services, published in a paper of public record and posted in an appropriate location at the Guam Memorial Hospital and at a conspicuous location at the site of practice of the health care provider. The public health authority may also enforce the provisions of this Section in accordance with any other laws of Guam, Federal laws applicable to Guam and any other rules and regulations.

(g) Freedom from Liability. No person, health care provider, or health care practice and establishment furnishing any information, data or report in fulfillment of the provisions of this Article shall, by reason of such furnishing, be deemed to have violated any confidential

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relationship, or be held liable in damages, or be held to answer for willful betrayal of a professional confidence within the meaning and intent of relevant sections of the Government Code of Guam or the laws of the United States.

§ 19302. Tracking.

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

(a) Identification of Individuals. Acting on information developed in accordance with § 19301 of this Chapter, or other reliable information, the public health authority shall identify all individuals thought to have been exposed to an illness or health condition that may be a potential cause of a public health emergency.

(b) Interviewing of Individuals. The public health authority shall counsel and interview such individuals where needed to assist in the positive identification of exposed individuals and develop information relating to the source and spread of the illness or health condition. Such information includes the name and address, including municipality, of any person from whom the illness or health condition may have been contracted and to whom the illness or health condition may have spread.

(c) Examination of Facilities or Materials. The public health authority shall, for examination purposes, close, evacuate or decontaminate any facility, or decontaminate or destroy any material when the authority reasonably suspects that such facility or material may endanger the public health.

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

§ 19303. Information Sharing.

(a) Whenever the public safety authority or other government of Guam agency learns of a case of a reportable illness or health condition,

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an unusual cluster, or a suspicious event that may be the cause of a public health emergency, it shall immediately notify the public health authority.

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

(c) Sharing of information on reportable illnesses, health conditions, unusual clusters or suspicious events between public health and safety authorities shall be restricted to the information necessary for the treatment, control, investigation and prevention of a public health emergency.

ARTICLE 4
DECLARING A STATE OF PUBLIC HEALTH EMERGENCY

§ 19401. Declaration.

§ 19402. Content of Declaration.

§ 19403. Effect of Declaration

§ 19404. Enforcement.

§ 19405. Termination of Declaration.

§ 19401. Declaration.

A state of public health emergency may be declared by I Maga'låhen Guåhan [The Governor] upon the occurrence of a 'public health emergency,' as defined in § 19104(m). Prior to such a declaration, I Maga'låhen Guåhan [The Governor] shall consult with the public health authority and may consult with any additional public health or other experts as needed. I Maga'låhen Guåhan [The Governor] may act to declare a public health emergency without consulting with the public health authority or other experts when the situation calls for prompt and timely action.

§ 19402. Content of Declaration.

A state of public health emergency shall be declared by an executive order that specifies:

(a) the nature of the public health emergency;

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- (b) the geographic area(s) applicable to the declaration;
- (c) the conditions that have brought about the public health emergency;
- (d) the duration of the state of the public health emergency, if less than thirty (30) days; and
- (e) the primary public health authority responding to the emergency.

§ 19403. Effect of Declaration.

The declaration of a state of public health emergency shall activate the disaster response and recovery aspects of the government of Guam. Such declaration authorizes the deployment and use of any forces to which the plans apply and the use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or available pursuant to this Chapter.

(a) Emergency Powers. During a state of public health emergency, I Maga'låhen Guåhan [The Governor] may:

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

(2) utilize all available resources of the government of Guam, as reasonably necessary to respond to the public health emergency;

(3) transfer the direction, personnel or functions of the government of Guam departments and agencies in order to perform or facilitate response and recovery programs regarding the public health emergency;

(4) mobilize all or any part of the organized militia into service; an executive order directing the organized militia to report for active duty shall state the purpose for which it is mobilized and the objectives to be accomplished;

(5) provide aid to and seek aid from the Federal Government in accordance with any emergency compact made with the government of Guam; and

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(6) seek aid from the Federal Government in accordance with Federal programs or requirements.

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

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

(2) coordinating public health emergency response between Federal and local authorities;

(3) collaborating with relevant Federal government authorities, elected officials of other states, private organizations or companies;

(4) coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

(5) organizing public information activities regarding public health emergency response operations.

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

§ 19404. Enforcement.

During a state of public health emergency, the public health authority may request assistance in enforcing orders pursuant to this Chapter from the public safety authority. The public safety authority may request assistance from the organized militia in enforcing the orders of the public health authority.

§ 19405. Termination of Declaration.

(a) Executive Order. I Maga'låhen Guåhan [The Governor] shall terminate the declaration of a state of public health emergency by executive order upon finding that the occurrence of an illness or health condition that caused the emergency no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population, or a significant

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risk of substantial future harm to a large number of people in the affected population.

(b) Automatic Termination. Notwithstanding any other provision of this Chapter, the declaration of a state of public health emergency shall be terminated automatically after thirty (30) days, unless renewed by I Maga'låhen Guåhan [The Governor] under the same standards and procedures set forth in this Article. Any such renewal shall also be terminated automatically after thirty (30) days, unless renewed by the I Maga'låhen Guåhan [The Governor] under the same standards and procedures set forth in this Article.

(c) [The Guam Legislature] . By a majority vote, [The Guam Legislature] may terminate the declaration of a state of public health emergency at any time from the date of original declaration upon finding that the occurrence of an illness or health condition that caused the emergency does not or no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population or a significant risk of substantial future harm to a large number of people in the affected population. Such a termination by [The Guam Legislature] shall override any renewal by I Maga'låhen Guåhan [The Governor] .

(d) Content of Termination Order. All orders or legislative actions terminating the declaration of a state of public health emergency shall indicate the nature of the emergency, the area(s) that was threatened and the conditions that make possible the termination of the declaration.

ARTICLE 5
SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH EMERGENCY:
MANAGEMENT OF PROPERTY

- § 19501. Emergency Measures Concerning Facilities and Materials.
- § 19502. Access to and Control of Facilities and Property - Generally.
- § 19503. Safe Disposal of Infectious Waste.
- § 19504. Safe Disposal of Human Remains.
- § 19505. Control of Health Care Supplies.
- § 19506. Compensation.
- § 19507. Destruction of Property.

§ 19501. Emergency Measures Concerning Facilities and Materials.

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The public health authority may exercise, for such period as the state of public health emergency exists, the following powers over facilities or materials:

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

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

§ 19502. Access to and Control of Facilities and Property - Generally.

The public health authority may exercise, for such period as the state of public health emergency exists, the following powers concerning facilities, materials, roads or public areas:

(a) Use of Materials and Facilities. To procure, by condemnation or otherwise, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession thereof. Such materials and facilities include, but are not limited to, communication devices, carriers, real estate, fuels, food and clothing.

(b) Use of Health Care Facilities. To require a health care facility to provide services or the use of its facility if such services or use are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization or the ability to continue doing business on Guam as a health care facility. The use of the health care facility may include transferring the management and supervision of the health care facility to the public health authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency.

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

(d) Control of Roads and Public Areas.

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

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

§ 19503. Safe Disposal of Infectious Waste.

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

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

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

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

(d) Identification. All bags, boxes or other containers for infectious waste shall be clearly identified as containing infectious waste, and if known, the type of infectious waste.

§ 19504. Safe Disposal of Human Remains.

The public health authority may exercise, for such period as the state of public health emergency exists, the following powers regarding the safe disposal of human remains.

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

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

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

(d) **Control of Facilities.** To require any business or facility authorized to embalm, bury, cremate, inter, disinter, transport and dispose of human remains under the laws of Guam to accept any human remains or provide the use of its business or facility if such actions are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization or the ability to continue doing business on Guam as such a business or facility. The use of the business or facility may include transferring the management and supervision of such business or facility to the public health authority for a limited or unlimited period of time, but shall not exceed the termination of the declaration of a state of public health emergency.

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

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

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

§ 19505. Control of Health Care Supplies.

(a) Procurement. The public health authority may purchase and distribute anti-toxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents or medical supplies that it deems advisable in the interest of preparing for, or controlling, a public health emergency, without any additional legislative authorization.

(b) Rationing. If a state of public health emergency results in a Guam-wide or threatened shortage of any product, § 19505(a), under (a), whether or not such product has been purchased by the public health authority, the public health authority may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety and welfare of the People of Guam.

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

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

§ 19506. Compensation.

The government of Guam shall pay just compensation to the owner of any facilities or materials that are lawfully taken or appropriated by a public health authority for its temporary or permanent use under this Article according to the procedures and standards set forth in § 19805 of this Chapter. Compensation shall not be provided for facilities or materials that

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are closed, evacuated, decontaminated or destroyed when there is reasonable cause to believe that they may endanger the public health pursuant to § 19501.

§ 19507. Destruction of Property.

To the extent practicable consistent with the protection of public health, prior to the destruction of any property under this Article, the public health authority shall institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and rules of the courts of Guam, or any such rules that may be developed by the courts for use during a state of public health emergency. Any property acquired by the public health authority through such proceedings shall, after entry of the decree, be disposed of by destruction as the court may direct.

ARTICLE 6

**SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH EMERGENCY:
PROTECTION OF PERSONS**

- § 19601. Protection of Persons.
- § 19602. Medical Examination and Testing.
- § 19603. Vaccination and Treatment.
- § 19604. Isolation and Quarantine.
- § 19605. Procedures for Isolation and Quarantine
- § 19606. Collection of Laboratory Specimens; Performance of Tests.
- § 19607. Access to and Disclosure of Protected Health Information.
- § 19608. Licensing and Appointment of Health Personnel.

§ 19601. Protection of Persons.

During a state of public health emergency, the public health authority shall use every available means to prevent the transmission of infectious disease and to ensure that all cases of contagious disease are subject to proper control and treatment.

19602. Medical Examination and Testing.

During a state of public health emergency, the public health authority may perform physical examinations and/or tests as necessary for the diagnosis or treatment of individuals.

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(a) Medical examinations or tests may be performed by any qualified person authorized to do so by the public health authority.

(b) Medical examinations or tests must not be such as are reasonably likely to lead to serious harm to the affected individual.

(c) The public health authority may isolate or quarantine, pursuant to § 19604, any person whose refusal of medical examination or testing results in uncertainty regarding whether that person has been exposed to or is infected with a contagious or possibly contagious disease, or otherwise poses a danger to public health.

§ 19603. Vaccination and Treatment.

During a state of public health emergency, the public health authority may exercise the following emergency powers over persons as necessary to address the public health emergency.

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

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

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

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

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

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

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

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

§ 19604. Isolation and Quarantine.

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

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

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

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

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

(4) If a quarantined individual subsequently becomes infected, or is reasonably believed to have become infected with a contagious or possibly contagious disease, that person must promptly be removed to isolation.

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

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

(7) Premises used for isolation and quarantine shall be maintained in a safe and hygienic manner, and be designed to minimize the

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likelihood of further transmission of infection or other harms to persons isolated and quarantined.

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

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

(d) Entry into Isolation or Quarantine Premises.

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

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

(3) Potential Isolation or Quarantine. Any person entering an isolation or quarantine premises with or without authorization of the public health authority may be isolated or quarantined pursuant to § 19604(a).

§ 19605. Procedures for Isolation and Quarantine.

During a public health emergency, the isolation and quarantine of an individual or groups of individuals shall be undertaken in accordance with the following procedures.

(a) Temporary Isolation and Quarantine Without Notice.

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

(2) Content of Directive. The written directive shall specify the following:

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- (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; and
- (v) a copy of Article 6 and relevant definitions of this Chapter.

(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 § 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 principles for isolation and quarantine of § 19604(b); and

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

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

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

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

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

(ii) The order shall:

(aa) identify the isolated or quarantined individuals, or groups of individuals, by name or shared or similar characteristics or circumstances;

(bb) specify factual findings warranting isolation or quarantine pursuant to this Chapter;

(cc) include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this Chapter; and

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

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

(c) Relief from Isolation and Quarantine.

(1) Releases. An individual or group of individuals isolated or quarantined pursuant to this Chapter may apply to the Superior Court of Guam for an order to show cause why the individual or group of individuals should be released. The Court shall rule upon the application to show cause within forty-eight (48) hours of its filing. If the court grants the application, the Court shall schedule a hearing on the order to show cause within twenty-four (24) hours from issuance of the order to show cause. The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.

(2) Remedies for Breach of Conditions. An individual or groups of individuals isolated or quarantined pursuant to this Chapter may request a hearing in the Superior Court of Guam for remedies regarding breaches to the conditions of isolation or quarantine. A request for a hearing shall not stay or enjoin an isolation or quarantine order.

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

(ii) Otherwise, upon receipt of a request under this Subsection, the Court shall fix a date for hearing on the matters alleged within five (5) days from receipt of the request.

(3) Extensions. In any proceedings brought for relief under this Subsection, in extraordinary circumstances and for good cause shown the public health authority may move the Court to extend the time for a hearing, which extension the Court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.(d) Proceedings. A record of the proceedings pursuant to this Section shall be made and retained. In the event that, given a state of public health emergency, parties cannot

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personally appear before the Court, proceedings may be conducted by their authorized representatives and be held via any means that allows all parties to fully participate.

(e) Court to Appoint Counsel and Consolidate Claims.

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

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

- (i) the number of individuals involved or to be affected is so large as to render individual participation impractical;
- (ii) there are questions of law or fact common to the individual claims or rights to be determined;
- (iii) the group claims or rights to be determined are typical of the affected individuals' claims or rights; and
- (iv) the entire group will be adequately represented in the consolidation.

§ 19606. Collection of Laboratory Specimens; Performance of Tests.

The public health authority may, for such period as the state of public health emergency exists, collect specimens and perform tests on living persons as provided in § 19602, and also upon deceased persons and any animal (living or deceased), and acquire any previously collected specimens

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or test results that are reasonable and necessary to respond to the public health emergency.

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

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

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

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

§ 19607. Access to and Disclosure of Protected Health Information.

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

- (1) provide treatment to the individual who is the subject of the health information;
- (2) conduct epidemiologic research; or
- (3) investigate the causes of transmission.

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

- (1) directly to the individual;
- (2) to the individual's immediate family members or personal representative;

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(3) to appropriate Federal agencies or authorities pursuant to Federal law;

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

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

§ 19608. Licensing and Appointment of Health Personnel.

The public health authority may exercise, for such period as the state of public health emergency exists, the following emergency powers regarding licensing and appointment of health personnel.

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

(b) Health Care Providers from Other Jurisdictions. To appoint and prescribe the duties of such out-of-off-Guam emergency health care providers as may be reasonable and necessary to respond to the public health emergency.

(1) The appointment of off-Guam emergency health care providers 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 public health authority may terminate the off-Guam 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 Government Code of Guam and applicable orders, rules or regulations for health care providers from other jurisdictions to practice on Guam.

(3) Any off-Guam 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.

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(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 7

PUBLIC INFORMATION REGARDING PUBLIC HEALTH EMERGENCY

§ 19701. Dissemination of Information

§ 19702. Access to Mental Health Support Personnel.

§ 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.

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

§ 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 8
MISCELLANEOUS**

§ 19801. Titles.

§ 19803. Financing and Expenses

§ 19803. Financing and Expenses.

§ 19804. Liability.

§ 19805. Compensation

§ 19806. Severability.

§ 19807. Savings Clause.

§ 19808. Conflicting Laws.

§ 19809. Effective Date

§ 19801. Titles.

For the purposes of this Chapter, titles and subtitles of Articles, Sections, and Subsections are instructive, but not binding. § 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 Chapter. The public health authority and other affected agencies shall have the power to enforce the provisions of this Chapter 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 Chapter.

§ 19803. Financing and Expenses.

(a) Transfer of Funds. I Maga'lâhen Guahån [The Governor] 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

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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'ahen Guåhan [The Governor] is allowed to utilize this emergency appropriation up to three (3) consecutive months per emergency notification to the 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 to the Committee of Ways and Means of [The Guam Legislature] by I Maga'lahaen Guåhan [The Governor] within ten (10) days after such transfer.

(b) Conditions. A transfer of funds by I Maga'lahaen Guåhan [The Governor] under the provisions of this Section may be made only when one (1) 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; or

(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'lahaen Guåhan [The Governor]; and

(2) the aggregate amount of all expenses incurred pursuant to this Section shall not exceed Six Hundred Thousand Dollars (\$600,000.00) for any fiscal year. Any amounts in excess is subject to [The Guam Legislature's] appropriation

§ 19804. Liability.

(a) Immunity. Neither the government of Guam, nor, except in cases of gross negligence or willful misconduct, I Maga'lahaen Guåhan [The Governor], the public health authority or any other government or local official referenced in this Chapter, is liable for the death of or any injury to persons, or damage to property, as a result of complying with or attempting

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to comply with this Chapter, or any rule or regulations promulgated pursuant to this Chapter 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 Chapter 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 renders assistance or advice at the request of the government of Guam or its political subdivisions under the provisions of this Chapter 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.

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

§ 19805. Compensation.

(a) Taking. Compensation for property shall be made only if private property is lawfully taken or appropriated by a public health authority for its temporary or permanent use during a state of public health emergency declared by I Maga'láhen Guáhan [The Governor] pursuant to this Chapter.

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

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

§ 19806. Severability.

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstances is held invalid in a Federal or local court having jurisdiction, the invalidity will not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application.

§ 19807. Savings Clause.

This Chapter does not explicitly preempt other laws or regulations that preserve to a greater degree the powers of I Maga'lahaen Guåhan [The Governor] or public health authority; provided, such laws or regulations are consistent, and do not otherwise restrict or interfere, with the operation or enforcement of the provisions of this Chapter.

§ 19808. Conflicting Laws.

(a) Federal Supremacy. This Chapter does not restrict any person from complying with Federal law or regulations.

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

§ 19809. Effective Date.

The provisions of this Chapter shall take effect upon signature of I Maga'lahaen Guåhan [The Governor].
